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AN

Francis Hargrave.

HISTORICAL ACCOUNT

OF

The Rights of Elections

OF THE SEVERAL

COUNTIES, CITIES, and BOROUGHS,

OF

GREAT BRITAIN:

COLLECTED FROM

PUBLIC RECORDS,

AND THE

JOURNALS of PARLIAMENT,

To the YEAR One Thouſand Seven Hundred and Fifty-four.

By a late MEMBER of PARLIAMENT.

LONDON,
Printed for JOHN NOURSE, at the *Lamb*, oppoſite *Katharine-Street*,
in the *Strand*.
MDCCLV.

MVSEVM
BRITANNICVM

THE Author not being able to get the whole of this Work printed, at the Requeſt of many of his friends, thought proper to publiſh this Volume, ending 1727, as it may be of Uſe in Regard to the determining the preſent conteſted Elections, the Continuation whereof to 1754, with a copious Index and Appendix, will be publiſhed with the utmoſt Speed.

TO THE

RIGHT HONOURABLE

ARTHUR ONSLOW, Eſq;

SPEAKER of the HOUSE of COMMONS,

AND

One of his MAJESTY's moſt honourable PRIVY-COUNCIL.

AS the unanimous voice of five ſucceſſive Parliaments, in calling You to the Chair, hath been juſtified by that DIGNITY, LEARNING, CANDOUR, and CONDESCENSION, and that STRICT regard to the RIGHTS and PRIVILEGES of the Commons of Great Britain, which You have conſtantly ſhewn in that high ſtation; it would have been the greateſt preſumption in me to have publiſhed a Treatiſe of this kind, without firſt addreſſing You for its protection.

I cannot help having ſome diffidence of myſelf on this occaſion; but I know too much of Your good nature to be diſcouraged: Give me leave, therefore, GREAT SIR, thus to expreſs my gratitude for Your former favours, and to deſire Your acceptance of this further public teſtimony, how much I eſteem myſelf,

SIR,

Your moſt obedient, and

most obliged humble ſervant,

Craig's Court,
Nov. 14, 1754.

THOMAS CAREW.

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THE

PREFACE.

IN the end of the year 1738, I had the honour to be choſen a Repreſentative of my Country in Parliament; an honour, for which, I thought, exerting my zeal for the ſupport of the *Religion*, *Laws*, and *Liberties* of England, was the only return I could make: and as in the votes, I was to give, (thinking myſelf accountable to God, and my *Conſcience)* I was always of opinion, that it was my duty to make myſelf maſter of the matters in debate. Amongſt others, the *determining* the *Rights of Elections* (which were frequently conteſted in the Houſe of Commons) became no ſmall part of the *Truſt* I had undertaken. For the better underſtanding of this ſubject, I frequently amuſed myſelf in turning over collections relating thereto; either manuſcript, or in print. Of the former of theſe, the (then unprinted) Journals of the Houſe of Commons afforded a great number; and from theſe I purpoſed to make an Index, that I might eaſily reſort to upon occaſion.

This work I began in the year 1741, when God thought fit to viſit me with an illneſs, which confined me pretty much at home; but, it having pleaſed him in ſome months, (in great meaſure) to remove my complaint, the publick, and other affairs, called for my attention; ſo, that I laid it, (in ſome ſort) aſide; though, I frequently, at leiſure hours, made looſe collections upon the ſubject, which laid the foundation for this work.

In the year 1750 it pleaſed God, again, to viſit me with my former complaints, and (though in a more violent manner than before) I found amuſement neceſſary; I therefore reſumed my former deſign, and in 1753 compleated an *Index*, or *Abridgment*, of all the caſes of conteſted Elections contained in the Journals of the Houſe of Commons; and to theſe, I, afterwards, added ſome minutes from other collections, which I have now brought together; and by *way of Preface*, ſhall make a few obſervations upon them for the benefit of thoſe, who may, hereafter, peruſe them.

First, I have endeavoured to fix the time, when each *County*, *City*, or *Borough*, was *firſt repreſented in Parliament*; for which, I am indebted to the *publick Records*, &c. Mr. *Prynne*'s, Doctor *Brady*'s, Doctor *Willis*'s, and *other* collections.

I was in hopes to have likewiſe ſearched out the *original Right* of *Election*; but in this, I found too great difficulty: however, from Mr. *Prynne*, and Doctor *Brady*, and from the *ancient Returns* upon record, I have met with ſome materials for this purpoſe; and where I have found the *Records* clear and pertinent, I have added them by way of *Appendix*.

Doctor *Willis* has alſo given ſhort hiſtories of the *Originals* of the *Cities* and *Boroughs*; from whoſe *Notitia* I have, with other aſſiſtances, made the ſhort heads, which the Reader will find annexed to each place.

The Journals of the Houſe of Commons in King *Edward* the Sixth's time, and thoſe of Queen *Mary*'s, afford but few *memorandums* of this ſort; and thoſe, that are there, are imperfect; which ſeems to ariſe from a power the Great Seal ſometimes exerciſed, in determining Elections.

The ſubſequent reign of Queen *Elizabeth*, affords the firſt particular accounts of this kind; and even then it will be ſeen, that the *Chancellor* or *Keeper* was, in my opinion, improperly conſulted upon the occaſion.

But, the Journals in that *Queen*'s reign, remaining in the office at the Houſe of Commons, have but few determinations in the beginning of it; though afterwards they encreaſed, and were more particular.

From the year 1580, there are no regular Journals at all in the office; however, this *Chaſm* is ſupplied by Sir *Symond D'Ewes*'s collection; and from that book (in which many of thoſe Memoirs are carefully collected) I have tranſcribed.

The Journals, of King *James* and King *Charles* the Firſt, are little more than minutes of debate, and in ſome parts are confuſed: I have therefore taken the matters *almoſt* in the words of the Journals themſelves; and frequently ſet down the whole debate in many caſes, without which it would be impoſſible to underſtand them. And as there are in ſome years double Journals, I have taken my collections of the caſes from thoſe which ſeemed moſt full.

The Journals of King *Charles* the Firſt, I have collected from (as to caſes of this ſort) until the times of confuſion began; but after the King was forced away from his Parliament, I look upon the proceedings to be illegal; nor, ought they to be quoted as precedents in future times.—

The ÆRA I have fixed, was when Sir *John Hotham* was juſtified, by a vote of the then Houſe of Commons, in refuſing to obey the commands of his Sovereign.

In 1660, GOD being pleaſed to reſtore the Conſtitution, I find the confuſions of Rebellion laid a foundation for many conteſted Elections.——The petitions to the Houſe of Commons, at this time, were, as I apprehend, generally left with the Committee of Privileges; ſo, that the grounds of complaint ſeldom appear; only, as they are ſometimes ſhortly ſet out in the Reports. This makes room for very brief collections from them; but ſuch as they are, I have in many caſes copied them almoſt *verbatim*; as alſo the Reſolutions thereupon; whenever they have been particular, or varied from the Report; otherwiſe, I have only taken notice, that the Houſe has agreed to the Report, or Reſolutions, without repeating the Reſolutions themſelves.

The Petitions, which are ſet out in the Journals, in this, and the ſubſequent reign of King *James* the Second, ſeem, in many caſes, only to be Extracts; and the Reports (very few excepted) do not ſtate the Evidence. I have given the material parts of theſe to my Reader as I found them, and they may be ſo far uſeful as to lay a foundation of a ſearch, if neceſſary, amongſt the papers of the Houſe; where they may, perhaps, meet with the *original Petitions* for their better information.

From the *Revolution*, the Petitions have been ſet out more at large; and the *Reports* are very full: The *firſt* of theſe I have either copied *entirely*, or given the *Subſtance* of them; and from the *latter* made ſuch *Extracts* of the material parts of the Evidence, as will ſhew upon what the Reſolutions were grounded;—And whether they were agreeable with the Evidence.

The *Petitions*, which have not been heard the Seſſions in which they were firſt preſented, and were afterwards preſented again, I have only briefly taken notice of upon the ſecond preſentment; unleſs they differed, materially, from thoſe firſt preſented, which was not ſo much taken notice of in King *William*'s time; but ſince, ſtrict care is taken, that they ſhall not *vary*, nor any *Additions in Subſtance* be made to them.

As to *Elections heard at the Bar*, the Evidence doth not appear in the Journals: I have therefore taken the moſt *material Parts* of the *Proceedings* from the *Journals*; and ſet out the *Reſolutions* as they paſſed without any *Variance*, further than inſtead of *writing the Name* of the *County*, *City*, or *Borough*, I have only wrote——*this* County, *this* City, or *this* Borough, as the caſe is; and alſo ſtated the queſtions as they paſſed, which is ſufficient to anſwer this purpoſe, to aſcertain the facts, and to lead to the Journals themſelves, which are always before the Houſe.

There are ſome *Caſes* contained in this Treatiſe, which did not immediately ariſe upon *Petitions concerning Elections*, but in their *Conſequence* affect the *Right of Election*, or *ſitting in the Houſe of Commons*; ſuch as *Diſqualification* by *Expulſion*, *accepting of Places of Preferment*, and *others* of *the like Nature:* In theſe caſes, I have taken notice of the iſſuing of new Writs. But in the common caſes of *Death*, or *Removal to the Houſe of Peers*, I have not mentioned them. There are alſo other caſes, which have been either *moved in the Houſe*, or have been otherwiſe in a proper manner the *Subject of their Conſideration:* ſuch as the caſe of *Goodwin* and *Forteſcue*, in regard to the Buckinghamſhire Election, in King *James* the Firſt's reign; the famous caſe of the *Aileſbury* Men, in the reign of Queen *Anne*; and ſuch like. Theſe (in ſome ſort concerning either the *Qualification* of the *Elected* or *Elector*, or the *Seat of the Member)* I thought a proper ingredient for this collection; and have therefore ſet forth the principal facts of theſe matters in the accounts of the *Counties*, *Cities*, or *Places* they concern, and added the *Records* and *other Matters* at large in the Appendix.

The Appendix is a collection of *Records*, *Charters*, *Returns*, and *other Matters* mentioned in the Caſes; which will not only be *ſatisfactory to the Curious*, but of *Uſe to the Publick*, by way of aſſiſtance to thoſe who are deſirous to preſerve the *legal Right of Election in this Kingdom.*

This is the nature of the contents of the following ſheets, which my Reader will remember to have been taken from the *printed Journals*; which, I am aſſured, have been correctly copied from the *Originals:* But, as neither theſe *printed Journals*, or *theſe Collections*, are *Evidence of the Facts*, I muſt refer thoſe, who have occaſion to apply to the *Houſe of Commons*, in *Caſes of Elections*, to the *original Journals*, by which their Cauſe is to be determined; to lead to which, theſe *Collections* will be of uſe.

Having thus given my Readers an account of the Contents of the Work, I hope it will not be thought impertinent, by way of Introduction, to take a ſhort view of the *Original of Election to Parliament*; and ſee from *whence*, at *what Time*, and *how*, this *Privilege* aroſe; and the *Methods* made uſe of for theſe purpoſes, as they are verified by Hiſtory and publick Records.

This *Kingdom* was originally *monarchical*, and hath always been governed by a *Sovereign* and *his Councils*, under different denominations:—— And as *Hiſtorians* have differed in regard to the *Members* of theſe Councils, I ſhall endeavour to ſhew what they were *formerly*, and how they differ from the *preſent Conſtitution.*

Some learned Hiſtorians have aſſerted, that the *Conſtitution of King, Lords,* and *Commons,* as now formed, hath been eſtabliſhed from the time of the *Britons.* Mr. *Petyt* and Lord *Coke* have wrote largely on this ſubject; and Mr. *Prynne* and Dr. *Brady* and *others,* have anſwered them: From theſe, and other Hiſtorians, which they have quoted, I ſhall write, and give a brief ſtate of the chief facts; recite ſome of the Records; and leave it upon theſe to my Reader to make a determination.

Mr. *Petyt* writes that the *Freemen* or *Commons* of England, as now called and diſtinguiſhed from the great Lords, were *Pars eſſentialis et conſtituens,* an eſſential and conſtituent Part of the *Wittena-Gemot, Commune Concilium, Baronagium Angliæ* or *Parliament,* in the times of the *Britiſh, Saxon,* and *Norman* Governments. To prove it, he cites part of Pope *Eleutherius*'s Anſwer to a Letter of King *Lucius,* who, as it is fabled, ſent to him for the Roman Laws; and ſays, that the Pope, who could not be ignorant of the Conſtitution and Frame of the *Britiſh* Polity, wrote back, *Habetis penes vos in Regno utramque paginam, ex illis Dei gratia per Concilium Regni veſtri ſume Legem, & per illam, Dei potentia veſtrum Rege Britanniæ Regnum.* What this *Council* was, it doth not appear; nay, whether there *was* any ſuch Council *ſeems doubtful:* For Sir *Henry Spelman* ſays, that King *Lucius*'s Epiſtle is no where to be found, and that the pretended Anſwer to it is a Forgery; ſo that whether we had Parliaments, or not, at that time, doth not appear, nor doth this prove the Aſſertion of the Author. But he goes a little further, by a quotation from *Dion Caſſius,* or *Xiphiline,* out of him, that *Apud hos,* i. e. *Britannos populos magnâ ex parte principatum tenet.* That this may be ſo of the great people, may be true, when the *Britiſh* Monarchy was deſtroyed by the *Roman* power: But *Tacitus* writes, in the Life of *Agricola, Britanni olim Regibus parebant, nunc per principes factionibus et ſtudiis trahantur,* which doth not ſeem to warrant the Author's aſſertion.

Petyt's antient Right of the Commons. Preface 3. 4.

Council. Tom. 1. f. 31. 34. 35.

Xiphilin. è Dione Caſſio 601 impreſſ. Baſiliæ. c. 12.

After this he writes, " *The Saxons, becoming Maſters of the Britiſh Nation, brought with them* " *their Country Laws ana Government,* and that the *Commons* were an *eſſential* and *conſtituent* part " of the *Commune Concilium.*" He firſt cites *Tacitus,* who writes—*De minoribus rebus Principes conſultant, de majoribus omnes, ita tamen ut ea quoque, quorum penes plebem arbitrium eſt, apud Principes prætractentur:* But the Reader will conſider, *Tacitus* writing this of the *German* people and not of the *Saxons,* whoſe names he doth not ſo much as mention. He then, from *Spelman*'s Councils, writes, that King *Ethelbert* ſummoned a Parliament, called *Commune Concilium tam Cleri quam Populi, anno* 605: But this will not clear up this point, it being no proof of a National Parliament; for *Ethelbert* was only King of *Kent,* and this Common Council was only of the Clergy and People, or *Laity* (for ſo the words are to be tranſlated) to celebrate Chriſt's Nativity at *Canterbury.* Nor will his next Inſtance better anſwer his purpoſe, *viz.* " That King " *Ina* aſſembled a great Council or Parliament, wherein he made Eccleſiaſtical Laws concerning " Marriages, &c. and did other things, *ad concordiam publicam promovendam per Commune Concilium* " *& aſſenſum omnium Epiſcoporum, & Principum, Procerum, Comitum & omnium ſapientum ſeniorum* " *& populorum totius Regni.*" But when we come to examine the Original, which is to be found in Sir *Henry Spelman, who ſuſpects,* and *does not approve of it,* and from whom the Author had it, I fear there will be little credit given to it.—It is as follows, *viz.*

Pr. f. 6.

De mor. German. c. 11.

Council. Tom. 1. p. 126.

See Hiſt. of *Eng.* by *Carte,* 1 vol. 208. 221.

See *Spelman*'s Councils. vol. 1. Lamb. f. 148.

Council Tom. 1. p. 219.

Ina, Rex Anglorum, qui electus fuerit in Regem per Angelum, & qui primo obtinuit Monarchiam totius Regni hujus, poſt adventum Anglorum in Britanniam, primus enim Rex fuit coronatus Anglorum et Britonum ſimul manentium in Britannia, poſt adventum Saxonum Germaniæ; cepit enim in uxorem ſuam Gaulam nomine propter quam vocata eſt Wallia illa terra, quæ quondam vocabatur Cambria; Bigamus enim fuit, cepit autem cum ultima uxore ſua Cambriam & Cornubiam, & Coronam bene dictam Britanniæ quæ fuit ultimo Cadwallado Regi Britanniæ: Et univerſi Angli qui tunc temporis extiterunt, uxores ſuas, ceperunt de Britonum genere; Britones uxores ſuas, de illuſtri ſanguine & genere Anglorum hoc eſt de genere Saxonum. HOC ENIM FACTUM FUIT PER COMMUNE CONCILIUM ET ASSENSUM OMNIUM EPISCOPORUM, ET PRINCIPUM, PROCERUM, COMITUM; ET OMNIUM SAPIENTUM, SENIORUM ET POPULORUM TOTIUS REGNI, ET PER PRECEPTUM REGIS INE PREDICTI. *Multi vero Angli ceperunt uxores ſuas, de ſanguine & genere Anglorum Germaniæ, & quidam Angli ceperunt uxores ſuas de ſanguine & genere Scotorum, proceres vero Scotorum, & Scoti fere omnes, ceperunt uxores ſuas de optimo genere & ſanguine Anglorum Germaniæ; & ita fuerunt tunc temporis per univerſum Regnum duo in carne una, & taliter conſtituit rectum conjugium (& delevit fornicationem & immunditiem à Regno) & recta judicia pro ſtabilitate Regni, & confirmatione populorum, benigna ſedulitate, & tali modo effecti fuerunt gens una, & populus unus per univerſum Regnum Britanniæ miſeratione divina.* In Engliſh thus,

Ina, King of the *Engliſh,* who was elected King by an Angel, and who firſt obtained the Monarchy of this whole Kingdom, after the coming of the *Engliſh* into *Britain,* for he was the firſt crowned King of the *Engliſh Britains,* living together in *Britain* after the coming of the *Saxons* of *Germany*; for he married *Gaula* by name, from whom that land was called *Wales,* which was ſometimes called *Cambria*; he was twice married, and had with his laſt Wife, *Wales, Cornwal,* and the bleſſed Crown of *Britain,* which was *Cadwallader*'s, the laſt King of *Britain.* And all the *Engliſh* to a man took their wives from the race of *Britains*; and the *Britains* their wives from the illuſtrious Blood and Stock of the *Engliſh*, that is, of the Stock of the *Saxons*. For this was done by the *Common Council and Aſſent of all the Biſhops, Princes, great Men, Earls, and of all the Wiſemen, Seniors, or Aldermen, and People of the whole Kingdom; and by the Command of King* Ina *aforeſaid*. But many of the *Engliſh* married into the Blood and Race of the *Engliſh* of *Germany*; and ſome *Engliſh* took their wives from the Blood and Stock of the *Scots*; but the *great Men* of the *Scots*, and almoſt all the *Scots* took their wives from the beſt Stock and Blood of the *Engliſh* of *Germany*; and ſo there were at that time through the whole Kingdom, two in one fleſh; and thus he conſtituted true Wedlock (and extirpated Fornication and Uncleanneſs out of the Kingdom) and right Judgments, for the ſtability of the Kingdom, and confirmation of the People, by a kind care and diligence, *and ſo they were made one Nation, and one People through the whole Kingdom of* Britain *by* Divine Mercy.

See Hiſtory of *England*, by *Carte*, 1 vol 278. &c.

The former, in theſe days, will hardly be believed; and the latter is aſſuredly falſe; for *Ina* was King of the *Weſt Saxons only*, as is allowed by ſeveral of our beſt Hiſtorians; therefore could not hold a general Council of the whole Kingdom.

P. 9. fol. 75

There are ſeveral other Inſtances, which he cites to prove his aſſertion, in the times of the *Saxons*: I ſhall only take notice of one of them; which is from the *Britiſh* Antiquities, of a Council ſaid to be held 905, called *Concilium magnum Epiſcoporum, Abbatum, fidelium, Procerum & populorum, in provincia* Gerwiſorum *(in illa parte* Angliæ *quæ in plaga auſtrali ſita eſt fluminis Thameſis)* called by *Plegmund*, Archbiſhop of *Canterbury*, when it was ordained, That, inſtead of the Biſhops of *Sherborne* and *Winton*, there ſhould be five Biſhops created; and there were ſeveral other Laws then made.——But of this, little credit can be taken, when the caſe of the Synod, or Council, comes to be conſidered.—The occaſion of this Synod or Council was a chiding and threatening letter from Pope *Formoſus* to King *Edward*—*Qua de cauſa* (ſaith the Author of the *Britiſh Antiquities*) Edwardus *Rex Synodum prædictam nobilium* Anglorum *congregavit, cui præſidebat Plegmundus*:—which explains the meaning of the title of the Synod, *viz.* That the BISHOPS, ABBOTS, FIDELES, PROCERES ET POPULUS, were all NOBLEMEN; and not the *Commons*, as Mr. *Petyt* infers.——But this is not all, for even the Synod itſelf is doubted, for there never was but one Pope *Formoſus*, who died *anno* 895, ten years before this Synod is ſaid to be called; which ſeems to deſtroy the credit of the letter. And as to the making of the Laws, no Hiſtorian, that I have met with, has wrote of the Laws, or what they were; and if there was no ſuch letter, the proof of the Synod itſelf becomes, at leaſt, doubtful.

Vid. *Monaſt. Ang* vol 1. f. [illegible]. *Britiſh* Antiquit. ut ſupra.

Onuphr. Chr. Pont Rom fol. 27.

That the *Saxon* Kings had their *Wittena-Gemotes*, or *Common Councils* of wiſe Men, many Hiſtorians of credit agree; but whether they were of the ſame nature of our Parliaments, conſiſting of the *King*, *Lords* and *Commons*, ſeems to be very doubtful. However, if we admit all that the Author has ſaid on this ſubject, it will not ſerve the purpoſe of proving that we have had thoſe Parliaments from the *Saxon* times; becauſe the Conſtitution of this Country became greatly altered by the *Conqueſt*; of which I ſhall now proceed to write.

Mr. *Petyt* ſeems aware of this objection; and in order to guard againſt it, firſt raiſes a doubt upon the word *Conqueror*, and quotes an interpretation from Sir *Henry Spelman*, who writes in his *Gloſſary*, *Willielmus Primus* Conqueſtor *dicitur, quia Angliam conquiſivit*, i. e. *acquiſivit* (purchaſed) *non quod ſubegit*.——Though I have great eſteem for the learned Author, I cannot but think him miſtaken here: and as he has given no authority for his explanation, I ſhall chuſe much rather to agree with *Cicero*, who has made uſe of it *coercere*, and that puts an end to this aſſertion.——But Mr. *Petyt* chuſes not altogether to rely on this explanation, but grounds the claim either upon *Inheritance*, or *Deviſe*: to both of which I ſhall give theſe anſwers——As to the former, it is grounded (as the Author of the *Argumentum Antinormanicum* hath it) upon his being Couſin-german to *Edward the Confeſſor*: and how that was, the ſame Author ſtates, *viz.* his Father's Aunt *Emma* was Siſter to *Richard* the Second Duke of *Normandy*, Queen, firſt, to King *Ethelred*, afterwards to *Knute*, and Mother to *Edward the Confeſſor*; by which there ſeems no ground for his being either Couſin-german, or Heir to King *Edward*.—Nay, had that been the caſe, there would have been no occaſion for the *Deviſe*, which he quotes from *Matthew Paris* in theſe words—*Dicitur tamen, quod Beatus* Edwardus, *eo quod hærede caruit, Regnum legavit Willielmo Baſtardo Duci Normanicorum*, and ſays no more: whereas *Matthew Paris* goes on, *Sed robore caruiſſe aſſeritur; quia hoc fecit in lecto lethali, & ſine* BARONAGII *ſui communi aſſenſu*; which laſt words do not only void the *Deviſe*, but ſerve to explain the words of *Malmſbury* upon the ſame occaſion; who writes——*Abſque generali Senatus & Populi conventu & edicto*.

Spelman's Gloſſary, Tit. Conqueſtus.

Camb. Diction.

fol. 206.

I ſhall only add to theſe what *Pictavius* writes concerning this matter. His words are——" Whoever attends to his actions, as drawing his army about *Weſtminſter*-Abby on the day, and " the time of his coronation, his building fortreſſes and caſtles within the city of *London*, and " placing *Norman* garriſons and *French* governors or caſtellanes in the caſtles in the country, and " giving them great eſtates, his carrying the chief of the *Engliſh* nobility with him as hoſtages " into *Normandy* (which was but an honourable impriſonment) and his dictating laws, *cannot but*

" believe he intended to rule as a *Conqueror*, and by the *Sword*, from the very beginning." From all theſe I ſhall conclude (notwithſtanding the explanation of the word *Conqueſt* by Sir *Henry Spelman*, whereby he makes it ſignify *Purchaſe*) that he was (as he has been always called) a *Conqueror*, *ſeized* the Kingdom, and had *all* in his power.

This being the caſe, I am next to examine how he governed, or rather how he fixed his rules of government; and for this purpoſe, I ſhall confine myſelf only to what Mr. *Selden* ſays, from *Hoveden*, on the occaſion.——In the year 1070 (the year wherein he firſt brought the Biſhops and Abbots to the tenure of Barony) *Concilio Baronum ſuorum fecit ſummoneri, per univerſos conſulatus Angliæ, Anglos nobiles et ſapientes et ſua lege eruditos ut eorum et jura et conſuetudines ab ipſis audiret*, and twelve were returned out of every County, who ſhewed what the cuſtoms of the Kingdom were; which, being written by the hands of *Aldred* Archbiſhop of *York*, and *Hugh* Biſhop of *London*, were, with the aſſent of the ſame Barons, for the moſt part, confirmed in that aſſembly, which was the Parliament of that time: and this appears alſo by the ſtiles of theſe Councils or Parliaments in the ſame, and the following Reign.

Tit. hon. 580.

I ſhall mention two inſtances:—In the Charter of that King to the Canons of *Durham* he wrote—*Hæc carta confirmata eſt apud* Weſtmonaſterium *in Concilio meo anno regni* 18, *præſentibus omnibus* EPISCOPIS *et* BARONIBUS *meis*.

Dugdale's Monaſt. fol. 54.

Anno 1096, or 1097—*Cum de ſtatu regni acturus Rex* EPISCOPOS, ABBATES, *et quoſque regni* PROCERES, *in unum præcepti ſui ſanctione egiſſet.*——But in King *Henry* I. time, *Matthew Paris* has given us a very remarkable proof——*Lagam Regis* Edwardi *vobis reddo cum illis emendationibus, quibus pater meus eam emendavit conſilio Baronum ſuorum*; in reſpect, as I apprehend, what was formerly mentioned to be done by the *Conqueror* in his Council, 1070: upon which I ſhall only obſerve, that this King gave them King *Edward*'s Laws amended by the *Conqueror* in his Council of Barons; and takes no notice of the Commons ſummoned to be a part of it; which gives grounds to apprehend, that they only preſented to the Barons what were the Laws, which the Barons altered, or confirmed, as they pleaſed.

Eadmer's Hiſtory, lib. II. fol. 38.
Mat. Paris Ed. Lond. 75
Seldon ut ſupra.

In 1138, *Rex Anglorum Stephanus &c. tenuit Concilium Northamptoniæ, cui præſidebat Turſtinus Eboracenſis* ARCHIEPISCOPUS, EPISCOPI, ABBATES, COMITES, BARONES, NOBILES, *&c.*—*Tempore* Hen. II. *Cum quis itaque infra aſſiſam Domini Regis*, i. e. *infra tempus a Domino Rege de Concilio* PROCERUM *ad hoc conſtitutum*. About making a law for eſtabliſhing the tryal and recognition of *Novel Diſſeiſin*.

See Appendix to *Brady* 56.
Flor. Wigorn. 668.
Glanv. lib 13. c. 32.

Anno 1162—*Apud Clarendunam coram Rege et* MAGNATIBUS.—Anno 1189—*Ricardus Rex Angliæ et Comites, et Barones ſui qui crucem ſuſceperant &c.*

M. Weſt. 248.

Anno 1194—5°. Ric. 1ⁱ. *Richardus Rex celebravit Concilium apud Nottingham, cui interfuerunt Alienora Regina mater ejus, Archiepiſcopi, Epiſcopi, Comites*, &c.

Hoveden, 419.

Anno 1204—*In craſtino Circumciſionis convenerunt ad colloquium apud Oxoniam* REX *et* MAGNATES *Angliæ, ubi conceſſa ſunt Regi auxilia militaria*, &c.

Mat.Paris 209.

Anno 1224—*Convenerunt ad colloquium apud Northampton. Rex cum* ARCHIEPISCOPIS, EPISCOPIS, COMITIBUS, BARONIBUS, *et* ALIIS MULTIS *de regni negotiis tractaturi.*

ibid. 320.

In the 44th of *Henry* III. I find the Cloſe-roll thus entitled—*Anno ab incarnatione Domini* 1259 *regni autem Henrici Regis filii Regis Johannis* 44 *convenientibus apud Weſtmonaſterium in quindenâ* Sancti Michaëlis *ipſo Domino Rege et Magnatibus ſuis in communi concilio et conſeſſu dictorum Regis et Magnatum factæ ſunt proviſiones ſubſcriptæ.*

Ro. Cl. 44 *H.* III. m. 17.

From all theſe there do not appear any proofs of the Commons being ſummoned to theſe Councils or Parliaments; nor do I meet with any ſuch until the 49th of *Henry* III. when *Simon Montfort*, Earl of *Leiceſter*, having the King and Prince of *Wales* in his power, iſſued the following Writs, in the King's name, for calling a Parliament, in which Knights of the Shire were directed to be choſen. The Writ here follows, *viz.*

Rex Vicecomiti Salop et Stafford ſalutem. Cum Prælatos, Magnates, et Nobiles regni noſtri, tam pro negotio liberationis Edwardi *primo-geniti noſtri, et ſecuritate inde facienda, quam pro aliis communitatem regni noſtri tangentibus, nuper vocari fecimus quod eſſent ad nos London in quindena Sancti Hilarii proxime preterita, nobiſcum ſupra bis tractaturi, et Tibi ſicut aliis Vicecomitibus noſtris per Angliam preceperimus quod de utroque comitatu predictorum, ad nos venire faceres ad predictos diem et locum, duos de diſcretioribus, et legatioribus militibus eorundem comitatuum, nobiſcum et cum predictis Magnatibus, ex parte communitate comitatuum illorum ſuper premiſſis tractaturos, et conſilium ſuum impenſuros, ac de partibus predictis juxta mandatum noſtrum, ibidem non venerint, aliqui milites, ſuper quo miramur quamplurimum, et movemur, Tibi precipimus iterate firmiter injungentes, quod dictos milites ad nos venire facias. Ita quod modis omnibus ſint ad nos, a feſto cathedræ Sancti Petri, in quindecim dies, ubi tum fuerimus in Anglia, nobiſcum et cum Magnatibus qui ſunt de conſilio noſtro, ſuper premiſſis negotiis locuturi, et ita te habeas in hoc mandato noſtro exequendo, quod pro defectu tui, ad te minime capere debeamus. Teſte Rege apud* Weſtm. 23 *die Feb.*

Cl. 49. *Hen.* III. m. 9. Dors.

This is the firſt Summons I have met with of Knights of the Shire, which ſeems to ſuit with the preſent form; and it carries great probability, that it is the firſt of the kind, becauſe the firſt

See *Prynne* 4 Regiſt. Pt. 2. p. 29.

Writ *de expenſis militum* (which appears) was for the Knights choſen for this Parliament: and even then it is alſo to be obſerved, that it was called by *Montfort*, who was in fact governor of the Realm; nay, the Parliament itſelf had the denomination of *Montfort*'s Parliament.

See Rot. Pat. 49. *Henry* III. n. 9 Dors.

But, after the defeat of *Montfort*, the King, being then his own maſter, called another Parliament in the ſame year conſiſting only of the Barons, without ſummoning the Commons: nor do they appear to be ſummoned again during his reign.

Bundel of Summons to Paarliament. 18 *Ed.* I.

Edward I. proceeded in the ſame manner without ſummoning the Commons, until his 18th year, when he iſſued the following ſummons to the ſeveral Sheriffs, to ſummon two Knights of the Shire.

Edwardus, Dei gratia, Rex Angliæ, Dominus Hiberniæ, & Dux Aquitaniæ Vicecomiti Weſtmorlandiæ ſalutem. Cum per COMITES, BARONES, *et* QUOSDAM ALIOS *de* PROCERIBUS *regni noſtri, nuper fuiſſemus ſuper quibuſdam* SPECIALITER REQUISITI, *ſuper quibus, tam cum* IPSIS, *quam cum* ALIIS *de* COMITATIBUS *regni illius* COLLOQUIUM *habere volumus et* TRACTATUM, *Tibi precipimus, quod* DUOS *vel* TRES *de diſcretioribus, et ad laborandum potentioribus militibus, de Comitatu predicto ſine dilatione* ELIGI, *et eos ad Nos uſque Weſtmonaſterium venire facias, ita quod ſint ibidem, a die Sancti Johannis Bapt. prox. futur. in tres ſeptimanas ad ultimum, cum plena poteſtate pro ſe et Communitate Comitat. predicti, ad* CONSULENDUM *et* CONSENTIENDUM, *pro ſe et Communitate illa,* HIIS *quæ* COMITES, BARONES, *et* PROCERES *prædicti, tunc duxerint concordanda, et habeas ibi hoc breve. T. meipſo apud Weſtmonaſt.* 14 *die Jun. anno regni noſtri* 18.

On the 8th of *October*, in the 22d of the ſame reign, the following Writ was iſſued to the Sheriff of each County, to elect two Knights of the Shire.

Cl. 22. *Ed.* I. m. 6 Dorſo.

Rex Vic. Northumbr. ſalutem. Quia cum Comitibus, Baronibus, et cæteris Magnatibus de regno noſtro ſuper quibuſdam negotiis arduis nos et idem regnum noſtrum contingentibus, in craſt. Sancti Martini prox. futur. apud Weſtm. colloquium habere volumus et tractatum. Tibi precipimus quod eligi facias duos Milites de diſcretioribus, et ad laborandum potentioribus de Com. prædicto, et eos ad Nos uſque Weſt. venire facias. Ita quod ſint tibi in Craſtino prædicto, cum plenâ poteſtate pro ſe et totâ Communitate, Com. prædicti, ad conſulend. et conſentiend. pro ſe et Communitate illâ, hiis que Comites, Barones, et Proceres prædicti concorditer ordinaverint *in præmiſſis. Et ita quod pro* defectu poteſtatis, *hujuſmodi* idem negotium *infectum non remaneat, et habeas ibi hoc breve. Teſte Rege apud Weſtm.* 8 *die Octobr.*

On the very next day he iſſues another Writ for electing two more Knights for each County, beſides thoſe before mentioned; ſo that each County was repreſented by four Knights.

The Writ is as follows, *viz.*

Ib.

Rex Vic. Northumberl. Salutem. Cum nuper tibi præceperimus quod duos Milites de diſcretioribus et ad laborandum potentioribus ejuſd. Comitat. de conſenſu ejuſdem eligi. Et eos ad nos uſque Weſtm. in Craſt. Sancti Martini prox. futuro, cum plenâ poteſtate pro ſe et totâ Communitate ejuſd. Com. venire faceres, ad conſulend. et conſentiend. pro ſe et Communitate illâ hiis quæ Comites, Barones, *et* Proceres *de regno noſtro in dicto Craſtino ordinabunt, Tibi præcipimus firmiter injungentes quod præter illos duos Milites eligi facias alios* DUOS MILITES legales *et ad laborandum potentes et eos unà cum* DICTIS DUOBUS *Militibus uſque Weſtm. venire facias, ita quod in dicto Craſtino ſint ibidem ad audiend. et faciend. quod eis ibidem plenius* INJUNGEMUS. *Et hoc nullo modo omittas. Et habeas ibi hoc breve. Teſte Rege apud Weſtm.* 9 *die Octobris.*

Theſe may be ſaid to be really the firſt free Writs for electing Knights of the Shire; for tho' *that* of the 49th of *Henry* III. runs in the King's name, it is very apparent, that it was a meaſure of his Miniſter, or rather Governor, and ſuch as the King ſoon ſhewed his diſlike to, by returning to the former method in the very ſame year, as I have already obſerved: nor is there mention made of any Summons for Cities or Boroughs.

Gordon, 249.

In the Parliaments of the 18th and 22d of this King, the Lords and Commons met together to hear the cauſes of calling the Parliament; and when that was declared, they ſeparated to conſider, and debate, a part of the matters given in charge. The Commons then were only the Knights of the Shire; but in the year following the Writs were, not only for electing two Knights of the Shire, but alſo two Citizens for each City, and two Burgeſſes for each Borough, within the reſpective Counties. The Writ here follows.

Cl. 23. *Ed.* I. m. 4. Dorſo.

Rex Vicecomiti Northampton, ſalutem. Quia cum Comitibus, Baronibus, et cæteris Proceribus regni noſtri ſuper remediis contra pericula quæ eidem regno hiis diebus imminent providendum, colloquium habere volumus, et tractatum per quod eis mandavimus quod ſint ad Nos die dominica *proximo poſt feſtum Sancti Martini in hyeme proximo futurum, apud Weſtminſter' ad* tractandum, ordinandum et faciendum, *qualiter ſic hujuſmodi pericula obviandum, tibi præcipimus firmiter injungentes, quod de Comitatu prædicto duos Milites et de qualibet civitate ejuſdem Comitatus duos cives, et de quolibet burgo duos Burgenſes, de* diſcretioribus *et ad* laborandum potentioribus, *ſine dilatione eligi, et eos ad Nos ad prædictos diem et locum venire facias, ita quod dicti Milites plenam et ſufficientem poteſtatem pro ſe et Communitate Comitatus prædicti, et dicti Cives et Burgenſes pro ſe, et Communitate, Civitatum, et Burgorum prædictorum, diviſim, ab ipſis, tunc ibidem habeant ad* faciendum *quod tunc de* communi conſilio *ordinabitur in præmiſſis, ita quod pro defectu hujuſmodi poteſtatis negotium prædictum infectum non remaneat quoquo modo, et habeas ibi nomina* Militum, Civium, Burgenſium, *et hoc breve. Teſte Rege apud Cantuariam tertio die Octobris.*

Beſides, upon all theſe Writs it is further to be obſerved, that the Writ of the 49th of *Henry* III. is only *ad tractand. et conſulend.* but thoſe of the 18th, 22d. and 23d. are *ad conſulend. et conſentiend.* which is very material, the word *conſentiend.* giving the legiſlative power.

But Mr. *Petyt* has wrote, that *Citizens* and *Burgeſſes* were expreſly ſummoned, as part of the Parliament in the 16th year of the reign of King *John:* I ſhall give it the Reader in the Author's own words; and, after making a few obſervations thereupon, leave to him the validity of the aſſertion. They are as follow, *viz.*

" That the great Cities and Boroughs of the Kingdom (not ſo numerous then, as after,
" and now) in the 6th of King *John*, before the granting of his *Magna Charta*, or rather con-
" firming the antient laws in his 17th year at *Runningmead*, did ſend their Proxies and Repre-
" ſentatives, to the *Commune Concilium Regni*, or Parliament." This aſſertion he voucheth from the following Record, *viz.*

Petyt's Right of the Commons, p. 14.

Rex Baronibus, Militibus, & omnibus fidelibus totius Angliæ *ſalutem; ſciatis, quod die Martis prox. ante——ſuſcepimus literas Domini Papæ in partibus Pictaviæ de——Relaxatione interdicti* Angliæ, *quas deſtinavimus venerabili* P. Winton, *Epiſcopo juſtic' noſtro, & vos rogamus attentius tanquam dilectos, & fideles noſtros quorum dilectioni & fidelitati plene confidimus quatenus ſecundum quod idem Epiſcopus vobis diceret* Conſilium & Auxilium *veſtrum ad* honorem *noſtrum & veſtrum, &* ſtatum Regni *noſtri melius communicandum efficaciter ſuper hoc apponatis ut vobis modo ad uberiores teneamur gratiarum Actiones. Et ut dilect. quam hactenus erga nos habuiſtis in hoc merito——noſtrum ſi fieri literas noſtras ſuper hoc tranſmiſſemus, ſed ut negotium illud, quod & nobis & vobis ad commodum cedet & honorem & majori expediretur feſtinatione has literas, &c. T. meipſo apud* Rupellam *ſexto die Martii.*

Rot. Pat. 15 *Johannis* pars 2. m. 2.

Of the above Record, he gives the following account, *viz.* " That the King being in *partibus*
" *tranſmarinis*, writes, *Majori & Baronibus London. Majori & probis hominibus Winton. Exon.*
" *Northampt. Worceſter. Lincoln. Cantab. Ebor. Hunt. Oxon. Briſtol. Glouc. Norwich. Heref.* and
" all the great Boroughs of the *Demeſnes* of the King, giving them account of his proceedings
" and ſucceſſes in his war againſt the *French*; and that the Pope had, by his letters, releaſed the
" *Interdict*, under which the Kingdom then lay; which the King had then ſent to *Peter* Biſhop of
" *Winton*, Chief Juſtice of *England*; and therefore deſired, that they would believe what the
" Biſhop ſhould ſpeak to them, that *Conſilium & Auxilium veſtrum ad honorem noſtrum & veſtrum,*
" *& ſtatum Regni noſtri in melius communicandum efficaciter ſuper hoc apponatis*; and that, *majori*
" *feſtinatione expediretur.*" That he wrote in the ſame manner to *William* Earl *Marſhall*, and to all the Earls, Barons, and *Magnatibus Angliæ*, &c.

Upon this aſſertion, writ, or letter, and the above account thereof I would obſerve, that the Author himſelf admits the writ to be general; that it mentions no time or place for meeting or coming to *Parliament*, or the great Council, the King referring that, as he ſuppoſed, to his Regent, or Chief Juſtice here. And then argues that it could not be intended that the Biſhop of *Wincheſter*, being then Chief Juſtice of *England*, ſhould go from County to County, City to City, Borough to Borough, or, as our Churchwardens do, from Houſe to Houſe, *rogare Conſilium et Auxilium* (the proper buſineſs of a Parliament) to deſire and entreat for their Counſel and Aid, *&c.*

Petyt p. 16

Theſe are almoſt the Author's own words; how far they will ſatisfy the Reader, that this letter or writ was a ſummons of a Parliament, he will determine.

But firſt let it be conſidered, that there were but fourteen Cities and Towns named, beſide the Boroughs of the King's Demeſnes: No writ, or letters, to any Sheriffs of Counties to ſummon Knights of the Shire; nor any authority given them to do any act which was to be *binding to the whole Kingdom.* Theſe certainly are objections to the Author's Aſſertion, and deſerve conſideration. However, it is not to be reſted here; I muſt not omit the account Mr. *Petyt*, from *Selden*, gives of this Parliament called in the 16th year of King *John*, which ſeems not to have been ſummoned in the manner he has ſet forth, though for the very purpoſe contained in the letter, or writ. The Author's words are theſe, *viz.* " In the year before the Charter (which was
" *an.* 16 *Joh.*) the Author of *Eulogium* ſays, that *Convocatum eſt Parliamentum* Londoniis, *præ-*
" *ſidente Archiepiſcopo, cum toto clero & tota ſecta laicali*; wherein, *per Domini Papæ præceptum,*
" *illa obligatio quam Rex Domino Papæ fecerat cum fidelitate & homagio relaxatur omninò*, 7° die
" Julii."

ibid. 19. Titles of Honour, fol. 587. c. Ms.

Upon this it is to be obſerved, that this Parliament never ſat until the 7th of *July*, in the 16th year of King *John:* That the writ mentioned, bears date the 6th and 8th of *March* in the cloſe of his 15th year: This, the Author ſays, may be occaſioned by croſs winds, hindering the letters being brought over. But then it was held before the *Archbiſhop*, and *not* the *Biſhop of Wincheſter*; and it conſiſted of the *whole Clergy* and *Laity*; not a few Cities and Towns: all which make it doubtful, at leaſt, when thoſe Cities, Towns and Boroughs, were ſummoned to meet in Parliament, to make or conſent to laws binding the Publick, no ſuch laws appearing to have been then made. Therefore, it rather ſeems to me to be a letter wrote to thoſe great Perſons, Cities and Towns, to acquaint them with the ſituation of the King's affairs, and to deſire their advice and contribution for his aſſiſtance. But this I leave to my Reader to determine.

Petyt, p. 1 Having thus taken notice of the proofs advanced by the Author to prove his aſſertion, that the *Freemen* or *Commons* of *England* (as now called and diſtinguiſhed from the great Lords) were an eſſential part of the *Parliament* before the 49th of *Henry* III. I beg leave to remark,

See ante. That, as it doth not ſeem to appear by any one Record cited, that ever there was any *Election*, or *Return*, of any *Member*, or *particular Body* of the *Commons* (except thoſe twelve returned out of each County, to inform the Conqueror and his Barons what were the laws of the Land, as hath already been taken notice of;) and that only one inſtance has been offered by the learned Author, of ſummoning *Citizens* and *Burgeſſes*; and *not one* produced of ſummoning *Knights of the Shire*; I am therefore ſtrongly inclined to think, that *Knights of the Shire* were firſt ſummoned in the 49th of *Henry* III. and *Citizens* and *Burgeſſes* in the 23d of *Edward* I.

Thus, I apprehend, the Repreſentative of the people, as now conſtituted, firſt became; and, as at this time, the Parliament firſt conſiſted of King, Lords, Knights, Citizens and Burgeſſes.

To aſcertain this fact; there is one obſervation deſerves regard, which is the Writ for ſummoning the Convocation in the 23d year of *Edward* I. which altered the former methods, *viz.* by ſummoning the whole body of the Clergy by their Repreſentatives.——The Writ is very particular, and is as follows.

Rex venerabili in Chriſto Patri R. eadem gratia Cantuarienſi Archiepiſcopo, totius Angliæ Primati, ſalutem; ſicut lex juſtiſſima provida circumſpectione ſacrorum Principum ſtabilita, hortatur, et ſtatuit, ut quod omnes tangit, ab omnibus approbetur; ſic et innuit, evidenter, ut communibus periculis, per remedia proviſa communiter obvietur; ſane ſatis noſtris, et jam eſt ut credimus per univerſa mundi climata divulgatum, qualiter Rex Franciæ de terra noſtra Vaſconiæ nos fraudulenter, et cauteloſe decepit, eam nobis nequiter detinendo. Nunc vero prædictis fraude, et nequitia, non contentus, ad expugnationem regni noſtri claſſe maxima, et bellatorum copioſa multitudine congregatis, cum quibus regnum noſtrum et regni ejuſdem incolas hoſtiliter jam invaſit, linguam Anglicam ſi conceptæ iniquitatis propoſito deteſtabili poteſtas correſpondeat, (quod Deus avertat) omnino de terra delere proponit. Quia igitur præviſa jacula minus lædunt, et res veſtra maxime ſicut cæterorum regni ejuſdem convivium, agitur, in hac parte vobis mandamus in fide et dilectione quibus nobis tenemini, firmiter injungentes, quod Die Dominica proxima poſt feſtum Sancti Martini in hyeme proximo futurum, apud Weſtminſter perſonaliter interſitis. Præmunientes Priorem et Capitulum Eccleſiæ veſtræ, Archidiaconum totumque Clerum veſtræ Diœceſis, facientes quod iidem Prior et Archidiaconi in propriis perſonis ſuis, et dictum Capitulum per unum, idemque Clerus per duos procuratores idoneos, plenam et ſufficientem poteſtatem ab ipſis Capitulo, et Clero, habentes, una vobiſcum interſint, modis omnibus, tunc ibidem, ad tractandum, ordinandum, et faciendum, nobiſcum, et cum cæteris Prælatis et Proceribus, et aliis incolis regni noſtri, qualiter hujuſmodi periculis et excogitatis malitiis obviandum. Teſte Rege apud Wengeham triceſimo die Septembris.

The reaſon given in this Writ for the ſummoning the body of the Clergy is, becauſe,——*That which concerns all, ſhould be approved by all*; from which it plainly appears, that the King was determined to have a thorough Repreſentative of the Nation; and Doctor *Brady* has grounded the ſummoning the Citizens and Burgeſſes on the ſame maxim. *Brady* of Boroughs, 34.

Having thus laid before my Reader theſe ſeveral Collections from Hiſtory, and Records, in regard to the inſtitution of the National Repreſentative; my Reader will not, I hope, think it impertinent, if I ſhould make a few obſervations upon the laſt general Writ for ſummoning *Knights*, *Citizens*, and *Burgeſſes*.

The Writ directs *two Knights* to be choſen out of each *County*, *two Citizens* out of each *City*, and *two Burgeſſes* out of each *Borough*.——The *Counties* were well known, and had been long aſcertained: But the Sheriffs had it left to their diſcretion, as to the *Cities* and *Boroughs*. ibid. 35. They were the *Dominici Civitates*, and *Burgi Regis*, viz. ſuch as had Charters from the King, and paid a fee-farm-rent in lieu of the cuſtoms, and other advantages and royalties, that belonged to the Crown: But theſe not being named in the Writ, the Sheriffs took great liberties, either by ſummoning ſuch as had *no right*, and omitting others, who *ought* to have been ſummoned: This aroſe from the nature of the inſtitution.

The Repreſentative of the Nation in Parliament was *then* a burden to the people, the *Elected* being *paid* by their *Electors*; nor doth it appear, that the Repreſentatives, at that time, had any ADVANTAGE more than their *Wages*. *Cities* and *Boroughs* were therefore not fond of returning Repreſentatives to Parliament; and it was reckoned A PRIVILEGE TO BE EXEMPTED. This cauſed the Sheriffs to act in a very partial and arbitrary manner, and out of *pique* to return many *poor Boroughs*, who were not able *to pay their Repreſentatives*; and to omit others, who were able, *in order to ſhew favour towards them*. This became a very great grievance; inſomuch, that in the ſecond of *Richard* II. a law was made to hinder theſe arbitrary proceedings: But it proved ineffectual; ſo that ſeveral Boroughs were, by Charter from the Crown, exempted; others were left out, and not taken notice of by the Sheriff; many of which have, ſince the Reformation, been reſtored.

Stat. 5. *Ric.* II. cap. 4.

Upon the whole, it is very clear, that the Commons have obtained the privilege, and are become an equal part of the Legiſlature with the Lords; and, I hope, will never want the ſpirit to ſupport it: but ſhould any one ſtill inſiſt, that there was from the beginning a National Repreſentative of the Commons, who have made laws, and governed this Country, I would refer them to Mr. *Petyt*'s and Doctor *Brady*'s Tracts; wherein they will find the matter diſcuſſed at large, and both agree, that, in the 23d of *Edward* I. King, Lords, and Commons, (*viz.* Knights, Citizens, and Burgeſſes) were the conſtituent parts of the Legiſlature. Let them trace the Hiſtories of this Country, and they will find, that they have ſo continued from that time to the grand Rebellion in 1641:——And paſſing over theſe times to 1660, let them ſee the Declaration of the whole Kingdom——" That, according to the antient and fundamental laws of " this Kingdom, the Government is, and ought to be, by KING, Lords, and Commons." Let them, I ſay, ſeriouſly conſider theſe things; and they will agree, that this form of Government wants no argument to ſupport it: It is as antient as the *Days of Freedom*, and a perpetual monument of *throwing off the Yoke of the Conqueror, aboliſhing the Tyranny of the Barons, and the Redemption of the People from Slavery.*

Petyt's Right of the Commons, and *Brady*'s Anſwer.

Lord's Journal, 1 *May*, 1660.

There yet remains another matter, which ſeems proper for the introduction of this Work, *viz.* the *Original of Election*, of which I ſhall now endeavour to give an account.

The Knights of the Shire were at firſt elected by the Commonalty of the County, which is explained by Lord *Coke*, to be the Freeholders in general; and theſe, by the ſtatute of *Henry* VI. are declared and reſtrained to Freeholders of forty ſhillings yearly.

Inſt. 2. Rot. Parl. 8 *H.* VI. m. 39.

The original method of Election for Cities and Boroughs was either in the Commonalty at large, or reſtrained to particular bodies of men within the ſame, who contributed to the charge: And I apprehend, where the Boroughs were of the King's demeſnes, all ſuch as were the King's Tenants, or paid the King any acknowledgment, were the *Electors*; and where a Diſtrict was made a Borough, generally the Inhabitants at large were liable to the charge; and in them was veſted the *Power of Election.*

In *Boroughs incorporate*, the *Body-corporate* were only *liable*, and had only the *Right of Election:* And I conceive, where it was in the Community at large, and the poorer ſort joined not in the payment of the expences, thoſe, who paid, only became a ſelect body, and have voices in the Election of the Repreſentatives; from whence aroſe the Right of Election by Inhabitants paying ſcot and lot: and from the alienation of the King's demeſnes, the Owners or Poſſeſſors of thoſe Tenements retain the right (their Predeceſſors being the original Burgeſſes) and is what we now call *Burgage-tenure.* As to other Boroughs, which now elect by Inhabitants at large, I conjecture, they were ſuch as always contributed to the wages, as long as the wages were paid; and, though they do not now pay, they found their claim upon the payment of their Anceſtors.

The reſtored Boroughs had no Right of Election ſettled upon their reſtoration, and therefore ſeem to have been left to their antient Rights.——But I muſt obſerve one thing, *viz.* In all determinations, the proved uſage has been looked upon to be the right: And though it has been called PRESCRIPTION, it ſeems to be very erroneouſly ranked under that denomination; for in many caſes, ſeveral different methods of Election have been proved, and the Houſe has taken upon them to determine upon the uſage.

There have alſo been, ſince the Reformation, ſeveral Boroughs, which have privilege of Repreſentation in Parliament granted to them by Charter: And upon the words of theſe Charters the Right of Election depends.

Having given theſe ſhort Memoirs how the Commons *attained*, I hope it will not be improper to add a few words how they have *preſerved* thoſe Rights, or in what manner diſputes concerning Elections were *originally determined*; which will be a juſtification of the contents of this Work.

Petitions, and Conteſts, concerning Elections, began in the time of King *Edward* III. and were originally *to* the King (after *in* the King) in Parliament, becauſe all points of Election were antiently returnable there:——But in the 7th of King *Henry* IV. a ſtatute was made that they ſhould be returned into Chancery; wherefore, upon the common maxims of the *Execution of Writs being to be examined by the power from whence they iſſued*, the Great Seal aſſumed or claimed a juriſdiction in theſe matters, which, through being wrongfully ſubmitted to, in ſome caſes, cauſed many diſputes: But in the 29th of Queen *Elizabeth*, in the caſe of the *Norfolk* Election, the Great Seal ſubmitted.——There were alſo ſeveral caſes of the like nature in the ſame Reign, which are inſerted at large in theſe collections; from whence it will appear, that the Great Seal hath ſubmitted to the claim of the Commons in this reſpect.

See *Lancaſter* County. See *Shaftſbury.* Stat. 7. *Henry* IV.

Commons Journal.

But, ſomewhat further may be neceſſary: though it is ſhewn, that the Great Seal hath no power, the next queſtion will be to examine, how the Commons came to claim it; they being only a part of the Parliament, and the antient precedents being——*that the determination ought to be in Par-*

liament, viz. before the King, and both Houſes.——To this it is anſwered,—the Houſe of Peers (whoſe Writs are returnable in like manner) without conſulting the Commons, have always taken upon them to determine the Rights of Peerage, as a matter of privilege, in which the Commons had no concern:—The Commons therefore, for the ſame reaſon, took upon themſelves to judge of their Elections; and in their repreſentation to King *James* I. upon this ſubject, ſet forth,—*That, though they were but part of a body, as to make new laws, yet, for any matter of privileges of their Houſe, they were, and ever have been, a Court of themſelves of ſufficient power to diſcern and determine without their Lordſhips, as their Lordſhips have always uſed to do for theirs without them.*

See the caſe of *Goodwin* and *Forteſcue.* 1604.

But I will venture to add a word or two more, which, I think, will make this matter ſtill clearer.——By the words of the Writ, the Commons are called *ad tractand. ordinand. &c.*——This, certainly, makes them equally a part of the Legiſlature with the Lords, and veſts them with equal power with the Earls, Barons, and great Men of the Kingdom.

The way, to know what theſe powers are, is, to examine what has been the uſage: And, I apprehend, it will appear, that the Lords, in matters of privilege, have always claimed a ſole right of judging, diſtinct, from the Commons, without any particular power given them by the Writ ſo to do.—The Commons are upon the ſame foundation, and have uſage to warrant their claim; which, in this caſe, ſeems ſufficient, and has always, when conteſted, been ſubmitted to.

The method of proceeding has been various: but the final determination always by the whole Houſe. Committees of Privileges and Elections have been very antient; the firſt Journals taking notice of them: In theſe it has been uſual to examine the Merits, ſtate the Evidence, and lay it before the Houſe for their determination.

Other Elections have alſo been, and ſtill are, heard at the Bar, and determined by the whole Houſe. The Witneſſes are not ſworn: but, if they give a falſe or prevaricating Evidence, they are puniſhed by impriſonment.

But my Reader will obſerve, that my notions of the original manner of Election, though founded in a great meaſure upon conjecture, are very reaſonable; and in ſeveral inſtances have been the meaſure of the following determinations. Some, indeed, have differed in this particular; how far juſtifiable, let the Reader judge from the Evidence, which I have ſet down for that purpoſe. But as the Statute of the ſecond of the preſent King has enacted the laſt determination of the Houſe of Commons to be final: And as conſtructions of the meaning of the words of that determination have, in ſome caſes, already been, and, in future times, others may be, attempted to be explained, I thought it might be of ſome uſe to ſee the Evidence, upon which the Reſolution was made; ſo that every one concerned may inform his judgment, do juſtice to the parties, and act conſcientiouſly on the occaſion.

This may be one ſtep towards having a legal and fair Repreſentative of the Commons in Parliament; which will add *Dignity* and *Weight* to its proceeding. There is alſo another benefit which may ariſe from theſe collections, and which every HONEST, SERIOUS, and CHRISTIAN BRITON, muſt heartily wiſh for. The Publick will ſee, how odious and loathſome BRIBERY and CORRUPTION were in the eyes of our forefathers——They will ſee the juſt indignation ſhewn, in many caſes, by the Houſe of Commons upon complaints of this ſort—They will ſee the conſtruction, which that Houſe formerly put upon the laws againſt TREATING; and how difficult it was to evade the MEANING of laws, to prevent crimes of this kind.

This may, perhaps, terrify Candidates, Agents, and Electors, from engaging in theſe indirect practices; which, if not put a ſtop to, neither the antiquity of Parliaments, nor the greateſt ſolemnity they may be attended with, will be looked upon as a benefit to the Nation, and muſt therefore become a general ſcandal.

I have now ſhewn my Reader my deſign, and upon what it was founded. If, from my labours, good may enſue, or the Publick reap any benefit, I ſhall think myſelf happy in being the inſtrument; and not to myſelf, but TO GOD, GIVE THE GLORY.

AN

HISTORICAL ACCOUNT
Of the RIGHTS of ELECTION
OF THE
COUNTIES, CITIES, and BOROUGHS,
OF
GREAT BRITAIN.

ABINGDON.

An. 3. & 4. Ph. & M. THIS borough is within the county of Berks; was incorporated and enabled to ſend one burgeſs to parliament, by charter of 3d and 4th of Philip and Mary, wherein are theſe words —— *Concedimus præfatis majori, ballivis, et burgenſibus, et ſucceſſoribus ſuis; quod habeant et habebunt poteſtatem, authoritatem, et facultatem eligendi et nominandi unum diſcretum et probum virum dicti burgi fore burgenſem parliamenti,* &c.

The next memoir I meet with is,

27th of April, 1660. Mr. Turner reported from the committee touching the double return for this borough, that the mayor returned Sir John Lenthall, and the bailiffs Sir George Stonehouſe; that but one burgeſs is to be elected; and the opinion of the committee that Sir John Lenthall is duly returned, and ought to ſit in the houſe, till the merits of the double return be determined: whereto the houſe agreed.

23d of May, 1660. Mr. Turner reported from the committee upon the double return for this borough, that, upon examination of the fact, the queſtion appeared to be, whether the word *burgenſes*, mentioned in the charter, extends to the inhabitants within the borough; and that the committee were of opinion, they do extend to the inhabitants; and that, ſubtracting two of the electors, who were aliens, and four and fifty, who received relief in the town, and are ſtanding almſmen there, Sir George Stonehouſe, baronet, had a greater number of voices than Sir John Lenthall, and that therefore the ſaid Sir George Stonehouſe is duly elected, and ought to ſit in the houſe: whereto the houſe agreed; and the return was amended by the clerk of the crown.

Ordered, that the mayor of this borough forthwith ſtand committed to the ſerjeant at arms attending this houſe, till further order, in reſpect of his neglecting to give his attendance for amending the return for this borough according to the direction given by the committee for privileges.

26th. John Mayott, the mayor, on his petition, was diſcharged.

26th of January, 1688. A petition of Sir John Stonehouſe, baronet, complaining of an undue election and return of a burgeſs, to ſerve in this preſent convention, for this borough, was read.

Ordered, that it be referred to the committee of elections and privileges, to examine the matter thereof, and report the ſame to the houſe, with their opinion.

2d of February. Ordered, that leave be given to Sir John Stonehouſe, or ſuch as he ſhall appoint, to have recourſe to all the poll-books, and other books and papers, which are in the hands of the overſeers of the poor of the borough of Abingdon, and all other books relating to the election of a burgeſs to ſerve in this preſent convention for the ſaid borough, and that he have copies of the ſame, if deſired; and that Thomas Medlycott, eſquire, is to have the ſame liberty.

7th of May, 1689. Report was made by colonel Birch, that the queſtion was, whether the petitioner, or Mr. Medlycott, had polled moſt inhabitants, paying ſcot and lot. Mr. Oliver proved, that at the election between Mr. Dunce and —— Stonehouſe, Mr. Stonehouſe had the greater number of ſcot and lot men, and carried it. Mr. Corderoy ſaid, —— Stonehouſe was choſen by ſcot and lot men; and that he knew ſix elections, or more, at which they did as now, and uſed to examine ſcot and lot men afterwards. Mr. Evelyn, who attended for Sir John Stonehouſe, (who was ſick) ſaid, that it was agreed to admit all, on condition of a ſcrutiny afterwards of ſcot and lot men. Mr. Thurſby proved, that Mr. Medlycott had propoſed not to ſcruple at taking the poll, but ſtrike off thoſe, who had not right, afterwards; that Sir John Stonehouſe was ſo barbarouſly uſed, that he could not be at the election; and that Mr. Medlycott was ſurety for one Wyblin, who had knocked Sir John down. Mr. Holly ſaid, he delivered in a liſt of 98, who voted for Sir John Stonehouſe; he was deſired to look over the poll, and ſee who paid ſcot and lot, and theſe 98 did ſo pay; and he took their names out of the church-book. Another witneſs ſaid, it was agreed to go to a quiet poll, and to an inſpection afterwards; and that ſeveral, ſet down for Mr. Medlycott, were named by other people.

The counſel for the ſitting member admitted the right to be in ſcot and lot men; but inſiſted, that, on the ſcrutiny of the Michaelmas rate, Sir John Stonehouſe had 87 only; and Mr. Medlycott 105. Mr. Napp the town-clerk ſaid, he took the poll indifferently, but did not know any thing as to their paying ſcot and lot; that he caſt up the poll, and there was no ſcrutiny then for the bad voices, becauſe, allowing the bad voices, (as they ſaid) Mr. Medlycott would have the majority. Thomas Matthews ſaid, that, upon the ſcrutiny, Sir John Stonehouſe had 87, and Mr. Medlycott had 105, who paid ſcot and lot. Mr. Edmund Medlycott ſaid, he compared the poll-book with the church-book, and took an abſtract of thoſe who paid ſcot and lot, and a poll of thoſe who received alms, and there were for Sir John Stonehouſe 87, and for Mr. Medlycott 105: that 50 of Mr. Medlycott's were queried at the time of the poll, but then there was no ſcrutiny; and abating them, and taking Sir John Stonehouſe's men to be good, Mr. Medlycott had the majority; and that Sir John Stonehouſe, upon a cry of *no Radley charter*, (the meaning whereof he apprehended was, Sir John had got the charter, and carried it to Radley) bid them knock down the man. This was contradicted by Mr. Thurſby and Mr. Evelyn, who ſaid, Sir John did not bid knock down. Mr. Charles Medlycott ſaid, he ſaw one Brown knock down one of Mr. Medlycott's men; and that the man, who carried the pole, was twice knocked down, before he ſtruck a blow. Another witneſs ſaid, that the man who carried Mr. Medlycott's colours, knocked down Sir John Stonehouſe, and that he diſplayed the colours ſo near Sir John, that Sir John was forced to hold up his hand, to ſave himſelf from them.——Upon the whole the committee reſolved, It is their opinion, that Thomas Medlycott is not duly elected a burgeſs, to ſerve in this preſent parliament, for the town of Abingdon in the county of Berks: Reſolved, that Sir John Stonehouſe is duly elected a burgeſs, to ſerve in this preſent parliament, for the ſaid town of Abingdon. To the firſt of theſe reſolutions the houſe agreed, but diſagreed with the latter.

8th of May. And a new writ was ordered for electing a burgeſs for this borough.

3d of June, 1689. A petition of Sir John Stonehouſe, baronet, was read, complaining, that he was duly elected by a majority of votes, but that the mayor had returned John Southby, eſquire: which was referred to the committee to examine, and report with their opinion.

6th of Auguſt. Ordered the report to be received on Saturday morning.

Note, this report was not then made; and on the 20th of this month the houſe adjourned until the 20th of September, and from thence until the 19th of October; and the next day the houſe was, by the chief baron, prorogued until the 23d of the ſame month.

31ſt of October, 1689. The petition of Sir John Stonehouſe was renewed, and referred to the committee, as before.

26th of November. Ordered, that the books and papers delivered in by Sir John Stonehouſe to the committee of privileges, touching the late election for Abingdon, be delivered back again to the ſaid Sir John Stonehouſe, or his agent.

16th of December. Ordered the report to be received on Wedneſday next.

18th. Ordered the report to be received on Monday next.

23d. Ordered the report to be received on Wedneſday fortnight.

8th of January. Report was made, that the poll was taken promiſcuouſly; and, as taken, there were for Sir John Stonehouſe 263, one Harris having polled twice; and 243 for the ſitting member. For the ſitting member, Benjamin Tompkins, and others, proved 24 voters to have received weekly bread of Boſtock's gift; 4 lived in almſhouſes; 3 received bread, or weekly money; 16 to be no houſekeepers; 11 to be ſervants, lodgers, and no houſekeepers; 6 not inhabitants; 1 to have polled twice; and 26 to have lived in parts of houſes; and but 7 of them to have paid ſcot and lot.

For the petitioner were called Michael Rawlins and others, who ſaid, that 4 of thoſe, who are charged to have received bread, are not in the bread-book; that Greenway, who was charged to have lived with his father, was (as his father ſaid) an houſekeeper; that 7 others ſaid to be no houſekeepers, though they lived with their parents, they believed kept their parents, or had ſhops, and that two of them were houſekeepers; and of the ſervants, and lodgers, 5 were houſekeepers: as to the foreigners, Loder had lived in town ſeveral years; and as to the inmates, 1 lived in his own houſe; and of thoſe, who lived in parts of houſes, 14 paid ſcot and lot.——The petitioner's counſel objected to ſeveral voters for the ſitting member: and the ſame witneſſes proved 14 of the ſaid voters to be ſervants or lodgers; 10 to have received weekly relief; 11 to have received ſacrament money, which was monthly; 6 to have received quarterly relief from the hoſpital; 8 others to have been relieved by yearly gift, but not conſtantly; and 6 to have been inmates.——The ſitting member's counſel replied, and called witneſſes, who proved 5 of thoſe, ſaid to be ſervants or lodgers, houſekeepers; 1 of thoſe, charged to have received weekly relief, to have received it but once from the churchwardens: and Tompkins ſaid, that of thoſe charged to have received ſacrament money, he had enquired, and they denied, that they, or their wives, had been relieved by it before the election; and two of the ſaid perſons, ſo charged, affirmed, that neither they, nor their wives, ever received it; but this was diſproved by the maſter of the hoſpital: and of the inmates, three witneſſes proved 5 of them to be houſekeepers, and had diſtinct families, and alſo proved 38 others, who had voted for the petitioner, to have received occaſional relief: upon which the committee reſolved, 1. That all thoſe, who receive alms, according to act of parliament, have no voices in the election of a burgeſs to ſerve in parliament for the borough of Abingdon; 2. That thoſe inhabitants, who receive any conſtant alms, weekly, monthly, quarterly, or yearly, in Abingdon, have no voices in the election of a burgeſs to ſerve in parliament for the borough of Abingdon; 3. That John Southby, eſquire, is not duly elected; and 4. That Sir John Stonehouſe is duly elected.

All theſe reſolutions being read were agreed to by the houſe; and the clerk of the crown was ordered to attend the next morning, and amend the return; but he did not until next day, when it was done accordingly.

12th of December, 1698. A petition of William Hucks, eſquire, was read, ſhewing that the petitioner was duly choſen burgeſs for this borough, to ſerve in this parliament according to the laſt determination of this houſe touching the right of election for Abingdon, yet John Selwood, the mayor, hath falſly returned Simon Harcourt, eſquire; and praying, &c.

Ordered to be referred to the committee to examine and report with their opinion.

5th of February. Ordered the report to be received on Friday.

3d of March. Sir Rowland Gwynn reported, that the poll was, for Mr. Harcourt 252
Mr. Hucks 264

The petitioner inſiſted upon partiality of the mayor; to prove which he called Mr. Tompkins and Mr. Medlycott, who ſaid, the mayor and maſters of the hoſpital went about the town, aſking votes for Mr. Harcourt, and when they excepted againſt votes for Mr. Harcourt, the mayor ſaid, all ſhould be polled for Mr. Harcourt. Anthony Atherton ſaid, the mayor declared, when he refuſed to vote for Mr. Harcourt, if the petitioner had never ſo many votes, he ſhould not ſit in the houſe, for it was thought Mr. Harcourt would be ſpeaker; and alſo, if the petitioner would deſiſt, he (the mayor) would pay him his charges, and often ſaid he would do his endeavour for Mr. Harcourt. That Mr. Tompkins and Mr. Medlycott ſaid on cloſing the poll, the mayor promiſed a ſcrutiny at three in the afternoon, and it was agreed as to the right according to the laſt reſolution of the houſe, viz. as to thoſe who received alms. That upon his attending the mayor at three in the afternoon, he named Mr. Selwood and counſellor Medlycott, and another to examine the books. That Mr. Harcourt excepted to the two firſt, but the mayor next day agreed to Mr. Selwood. That Mr. Harcourt propoſed he would refer it to ſome gentlemen preſent. That the mayor, upon any queſtion by the petitioner's friends, would apply to Mr. Harcourt, and then make his anſwer. That in fact there was no ſcrutiny on behalf of the petitioner (though it did not appear the mayor denied the petitioner to be preſent). That the mayor made the return three weeks or a month after the election: and he ſent exceptions to about 50 of Mr. Harcourt's votes, ſome of which the mayor ſaid were good exceptions.

Mr. Winter proved, that the mayor, on the 18th of Auguſt, ſaid the petitioner was elected, and that was the cauſe he had not made the return.

The counſel for the ſitting member admitted the poll as before, but ſaid they ſhould take off 16, as conſtant almſmen, and 65 others, as inmates, lodgers, boarders, or living in the ſame houſe with others who had voted, and ſome as induced to vote by promiſe of reward; alſo inſiſted on ſeveral irregularities; and called Mr. Rawlins, who proved that Mr. Hucks ſent for him, and told him, that Mr. Selwood had promiſed him and aſked his (Mr. Rawlins's) vote, and told him, if he was choſen, he ſhould be commiſſioner of exciſe, and what he could do, and would make officers of exciſe do, ſhould make the place 500 l. more to him. That he had promiſed to remit 300l. to Mr. Selwood, whether he had the place or not, that he adviſed the petitioner to ſtand at Wallingford, but the petitioner ſaid that he muſt turn out Mr. Harcourt, or he ſhould not have the place. Mr. Kate ſaid, he told the petitioner, he did ill to oppoſe Mr. Harcourt, and he replied, he ſtood for his own intereſt, depending, if he carried it, that he ſhould be commiſſioner of exciſe, and thereupon one Mr. Jennings ſaid, If that be your intention, the country ought to take care whom they chuſe. There were alſo ten convictions of the petitioner before the commiſſioners of exciſe, one of which was upon his own confeſſion.——Caleb Mortimer ſaid, that Mr. Watkyns ſolicited votes for the petitioner, and reported he was to be commiſſioner of exciſe, and promiſed he ſhould have a place there, if he would vote for the petitioner. Richard Eley and others proved, that ſome time before the election, a letter was produced at the newſhouſe at Abingdon, ſubſcribed Charles Medlycott, encouraging an intereſt to be made for the petitioner againſt Mr. Harcourt, becauſe he was a diſaffected perſon, and if he got into the houſe would go nigh to be ſpeaker; and if he was put by, it would be of great ſervice to them; that the lords of the admiralty would protect the watermen and bargemen from being preſſed, and if they deſired it, they ſhould have ſome of Lord Oxford's regiment, or no ſoldiers (if they pleaſed) quartered in the town. Mr. Buſh proved this letter, and ſaid, he brought it from old Mr. Medlycott. That in regard to the ſcrutiny, witneſſes proved, that Mr. Harcourt was willing to have one, and named perſons to examine the books; that he owned he did except to thoſe named for that purpoſe by the petitioner, one of whom was the petitioner's father-in-law, and the other a counſellor, and ſo above thoſe named by Mr. Harcourt. Sic origin. Alſo it was agreed, that all who received weekly, monthly, quarterly or yearly charity, ſhould not be allowed, but ſuch as received caſual charity, ſhould be allowed. That Mr. Harcourt told Mr. Hucks, that, whether he had any of the maſters of the hoſpital or not, he ſhould inſpect the books. That Mr. Harcourt propoſed to leave it to the common council, but that was not agreed to, whereupon Mr. Harcourt's friends retired, and by the churchwardens books ſcrutinized as well as they could, and found Mr. Harcourt had a majority of good votes, of which the mayor was ſatisfied. That next morning they met again, and farther propoſals were made, and Mr. Harcourt accepted Mr. Selwood; but upon inſiſting that the candidates might be preſent, the ſcrutiny went off. That the mayor, the day before the return, declared himſelf well ſatisfied, and that he would return Mr. Harcourt. That neither the petitioner, nor any for him, were preſent, nor could it be ſaid he had notice. That the occaſion of the delay of the return was, that the mayor was near related to the petitioner. That Atherton told him, he had never heard the mayor ſay he would return Mr. Harcourt right or wrong, but as he had ſaid he muſt abide by it. Then Mr. Harcourt's counſel went to diſqualify 16 votes for the petitioner, for having conſtant relief, and all except 3 were admitted ſo to have done, one of whom Mr. Rawlins proved to have received conſtant alms from the hoſpital, and the other two were down for the two laſt years for Blacknal's charity. Then proceeded to diſqualify 65 as inmates, and gave evidence as to 64, 21 of which were admitted ſo to be by the petitioner, and as to the reſt gave their evidence of the allegation; after which the petitioner called witneſſes, who proved one of thoſe objected to for receiving conſtant alms, had been only occaſionally relieved, but had been ſo three times within twelve months; and that the other two did not receive Bucknal's gift till Chriſtmas, though their names were on the lower end of the liſt for the year 1697.

Benjamin Tompkins then was called, and gave evidence, that ſeveral of them lived in houſes of their own, but ſome of them a very ſmall time before the election, and ſome of them in tenements divided ſome time before the election, and alſo that the ſitting member's counſel gave up 40 on the poll, but they called evidence to ſet aſide many others, viz. 7 for receiving conſtant charity, 23 as inmates, many of whom were juſtified by the ſitting member; and upon the whole the committee reſolved, That Simon Harcourt is duly elected, and Mr. Hucks's petition is frivolous, vexatious, groundleſs and ſcandalous: which reſolutions were agreed to by the whole houſe, and reſolved, That the proceedings of William Hucks, eſquire, in preſuming to make uſe of the authority of the government to the borough of Abingdon in order to be elected a burgeſs for the ſaid borough is a ſcandalous reflection upon the government, and tends to ſubvert the freedom of election of members to ſerve in parliament.

Ordered William Hucks, eſquire, to be committed to the cuſtody of the ſerjeant at arms.

2d of November, 1705. A petition of Sir Simon Harcourt, knight, was read, ſhewing, the petitioner was duly elected a burgeſs, to ſerve in this preſent parliament, for this borough, but through the partiality of Mr. Joſeph Spinnage late mayor of the ſaid borough, in admitting many perſons to poll, who had no right, and through divers other indirect practices, a majority of votes was obtained and taken for Grey Neville, eſquire, the mayor denying the petitioner a ſcrutiny of the poll, though he had promiſed it, and to return accordingly: and praying, &c.

Ordered, that it be referred to the committee of privileges and elections, to examine and report the matter with their opinion. There doth not appear any report of this election.

24th of November, 1708. A petition of William Hucks, eſquire, was read, ſhewing, that at the election of a burgeſs, for this parliament, for this borough, the petitioner and Sir Simon Harcourt were candidates; that Sir Simon, by menaces, and other illegal practices of himſelf and his agents, procured ſeveral votes for him, and ſeveral were admitted to vote for him, that had no right; and that Sir Simon had prevailed with John Selwood, mayor of the ſaid borough, to return him, though the petitioner was duly elected by a majority of qualified and uncorrupt voters, and ought to have been returned inſtead of the ſaid Sir Simon Harcourt: and praying, &c.

Ordered, that the merits of the ſaid election and return be heard on the 16th of December next.

By means of other hearings, it was not heard until the 18th of January. The houſe proceeded to the hearing of the merits of the ſaid election, and the counſel on both ſides were called in; and the petition of William Hucks, eſquire, relating to the ſaid election was read: and then the counſel on both ſides were heard, and ſome witneſſes on the part of the ſitting member were examined, touching the right of election for this borough: and the counſel and witneſſes being withdrawn, it was reſolved, That the right of election of a burgeſs, to ſerve in this preſent parliament, for this borough, is in the inhabitants paying ſcot and lot.

Ordered, that the merits of the ſaid election be further conſidered on Thurſday morning next.

20th. The houſe according to order proceeded in the further conſideration of the merits of the ſaid election, and the counſel on both ſides were called in. And the petitioner's counſel were heard, and ſeveral witneſſes for him examined, and then they withdrew. ——And being called in again, in the proceedings of the counſel for the ſitting member, John Holmes (one of the ſerjeants for this borough) being offered as a witneſs, he was objected to. And the counſel being withdrawn, a motion was made, and the queſtion being put, That John Holmes, one of the ſerjeants of Abingdon, be now admitted to give evidence, it paſſed in the negative. And the counſel were called in, and acquainted therewith; and the counſel proceeded, and ſeveral other witneſſes were examined, and then they withdrew: and a motion was made, that the counſel be called in. An amendment was propoſed, that after "in" be added theſe words, "And that they be acquainted, that it is the " opinion of this houſe, that Anthony Addiſon " rector of St. Helen's pariſh in Abingdon, (being " of ſufficient ability to pay pariſh taxes, but excuſed " in reſpect of his function) has a right to vote in " the election of a burgeſs, to ſerve in parliament " for this borough." —— And the queſtion being put, theſe words be added to the queſtion, the houſe, on a diviſion, diſagreed thereto.

Ordered, the counſel be called in: and they came in again, and proceeded, and then withdrew.—— And it was moved to adjourn till to-morrow, but diſagreed to on a diviſion.

And the counſel were called in, and proceeded; and then withdrew. —— And another motion for adjournment, on a diviſion, diſagreed to: and the counſel again called in.

A motion was made, and the queſtion being put, That Sir Simon Harcourt, knight, is duly elected a burgeſs, to ſerve in this preſent parliament for this borough, on a diviſion, it was diſagreed to: and then reſolved, on a diviſion, That William Hucks, eſquire, is duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

1ſt of December, 1710. Ordered a warrant for a new writ in the room of Sir Simon Harcourt, made lord keeper.

18th of October, 1722. A petition of Sir John D'Oily, baronet, was read; ſhewing, that at the election for burgeſſes to ſerve in parliament for this borough, the petitioner, James Jennings, eſquire, and Robert Hucks (then in parts beyond the ſeas by William Hucks his father, who appeared on his behalf) were candidates; the petitioner had the majority of legal voters, and ought to have been returned; but by indirect and corrupt practices made uſe of for procuring the ſaid Mr. Robert Hucks to be elected, and the qualification of the ſaid Mr. Robert Hucks was objected to, and required to be made appear, which hath not been done; notwithſtanding which the ſaid Mr. Hucks is returned, in prejudice to the petitioner: and praying, &c.

A petition of James Jennings, eſquire, was read; ſhewing, that Sir John D'Oily, baronet, Robert Hucks, eſquire, and the petitioner, were candidates at the election of members to ſerve in parliament for this borough: that the petitioner had a majority of votes duly qualified, and ought to have been returned; but by bribery and other corrupt practices, the ſaid Mr. Hucks hath procured himſelf to be returned for this borough: and praying, &c.

Ordered, that the ſaid petitions be referred to the committee of privileges and elections, to examine the matter, and report the ſame with their opinion.

29th of January. Ordered, that Mr. Jennings have leave to withdraw his petition.

10th of January, 1723. The ſame petition of Sir John D'Oily was again preſented; and referred, as before.

3d of March. Ordered, that Sir John D'Oily have leave to withdraw his petition.

AGMONDESHAM.

THIS borough is in the county of Buckingham, 4th Prynn
and returned members to ſerve in parliament Br. Parl.
in the 28th of Edward I. and in the 1ſt and 2d 899.
of Edward II. according to the liſt given by Mr.
Prynn in the 4th part of his Calendar of Parlia- 233 B.
mentary Writs: but, in his Brevia Parliamentaria
Rediviva, he writes, The return of the ſheriff of
Bucks 26 Ed. I. is, *Nulli ſunt cives nec burgenſes in*
com. præd. nec civitas nec burgus, propter quod cives nec
burgenſes coram nobis venire facere non poſſum: but the
very next parliament, 28 Ed. I. he returns, *Bur-*

genſes de Agmondeſham qui ad ultimum parliamentum venerunt; returning both their names, and ſo alſo 1 and 2 Ed. II. after they intermitted until the 21ſt of king James I.

May the 18th, 1621. Sir George Moore reporteth three boroughs deſire burgeſſes in com. Buckingham, viz. Wendover, Amerſham and Har—. Thus it is printed, but by a note it ſeems Har is entered by miſtake for Mar, i. e. Marlow, and this will appear by what follows.

However by the journal it appears upon the queſtion it is wrote, The houſe will be adviſed, and when they bring their charters to the committee of privileges, the king's counſel to be called to it.

May the 4th, 1624. Mr. Glanville reporteth for Amerſham, Wendover, and Marlow; theſe proved to be boroughs, and as ſuch ſent burgeſſes * 1° Ed. I. and from thence 28 Ed. I. and 18 parliaments between. Upon the queſtion, every of theſe to ſend two burgeſſes this parliament, and a warrant from the ſpeaker for new writs accordingly.

* Sic origine.

3d of November, 1669. Information being given, that Sir Ralph Bovey had procured a return of an election to ſerve for the borough of Agmondeſham from one that is not a proper officer,

Ordered, that the matter touching a falſe return of Sir Ralph Bovey to ſerve for the borough of Agmondeſham be referred to the committee of elections to examine and report it, and to ſit to-morrow in the afternoon for that purpoſe; and both Sir Ralph Bovey and Sir William Drake are to forbear ſitting till the matter be determined.

6th. Serjeant Charleton reports from the committee of elections, that they met on Thurſday laſt to conſider of the caſe touching the return of Sir Ralph Bovey, and that Jonathan Ball, who was elected cônſtable for the year enſuing and got himſelf ſworn out of the county, being not to come into his office till January next, had joined in the return when there were two other conſtables then in office, and that the committee were of opinion, that Sir Ralph Bovey was not returned by the proper officer, and that the ſaid Jonathan Ball hath made an undue and falſe return;

Reſolved, &c. that the houſe doth agree with the committee, that Sir Ralph Bovey was not returned by the proper officer;

Ordered, that the ſheriff of Bucks do attend on Monday to take the indenture unduly returned off the file, and do cauſe a new return to be made of the perſon elected to ſerve for the borough of Agmondeſham.

Ordered, that Jonathan Ball be ſent for in cuſtody of the ſerjeant at arms, and brought to the bar of this houſe, upon his miſdemeanour, in making a falſe return for the borough of Agmondeſham.

Nov. the 8th, 1669. The clerk of the crown and under ſheriff of Buckinghamſhire attending, and being called in to the table of the houſe, the writ and return of the indenture of Sir Ralph Bovey to ſerve for the borough of Agmondeſham being produced, the indenture was taken off, and the indenture of return of Sir William Drake affixed.

17th. A petition on behalf of Jonathan Ball now in cuſtody of the ſerjeant at arms for his miſdemeanour read, and the matter being debated, the ſaid Ball being called to the bar, Mr. ſpeaker told him, the houſe had received a report from the committee of privileges and elections of a great fault and miſcarriage in making a falſe return for the borough of Agmondeſham, which had cauſed great trouble to the houſe, but upon his ſubmiſſion, they did diſcharge him, paying his fees, but with this direction, that he ſhould attend the committee of elections on this day ſe'nnight, where the cauſe touching this election is to be heard.

It doth not appear, that any further proceedings were had this ſeſſions, which ended the 11th of December after.

23d of February, 1669. A petition of Sir Ralph Bovey complaining of an undue return of Sir William Drake was read, and referred to the committee of privileges, but not heard.

25th of October, 1680. A petition of Algernon Sidney was read and referred to the committee of privileges.

3d of Nov. 1680. A petition of Sir William Drake was read and referred to the ſame committee.

22d. Ordered to be reported to-morrow morning.

26th. Ordered to be reported on Monday.

10th of December. Ordered to be reported on the morrow.

11th. Mr. Treby reported that the committee had taken the matter into conſideration, and agreed upon two ſeveral reſolves,

Sic origine.

1. That in the borough of Agmondeſham, alias Amerſham, thoſe inhabitants only who pay ſcot and lot have right to give voices in the election of burgeſſes to ſerve in parliament for the ſaid borough,

That Algernon Sidney, eſquire, is not duly elected,

That Sir William Drake is not duly elected.

That the election for the ſaid borough is void: all which upon the queſtion were agreed, and a new writ ordered.

March 24, 1680. A petition of Sir Roger Hill, alſo a petition of Algernon Sidney were read and referred to the committee of privileges.——The parliament being diſſolved ſoon after, they were never heard.

Dec. 12, 1698. A petition of Sir Roger Hill ſetting forth, that the Lord Cheyne and the petitioner were duly elected to ſerve in this preſent parliament for this borough, yet the conſtables, by polling ſome who had no right, and refuſing others who had right, and polling ſome whoſe votes were procured by ill practices, pretended Sir John Garrard had more votes than the petitioner, and have returned him in the petitioner's wrong——read and referred to the committee of privileges.

Alſo a petition of Timothy Wingfield, and other inhabitants, of the like kind, referred to the ſame committee.

Jan. 14. Ordered the report to be received on Monday.

16th. Sir Rowland Gwynn reported, the petitioner's counſel inſiſted, that there had been a majority for Sir John Garrard illegally procured and by bribery. The right of election was admitted to be in the inhabitants houſekeepers and not receiving alms.——Zachary Alnut ſaid, he took the poll for the petitioner by conſent of the conſtables, and there were for Lord Cheyne —— 110
Sir R. Hill —— 69
Sir J. Garrard 78

This agreed with the conſtable's book. In order to prove bribery, John Wincheſter ſaid, he had a vote for this borough; that James Norwood, who ſollicited for Sir John Garrard treated with him to vote for Sir John Garrard; that he told him, he had an old debt owing from Sir William Drake, and if Sir John Garrard would get him his money he would be for him, but not otherwiſe; that Norwood ſaid, he had Sir John Garrard's orders to give him a note for 5 l. and return him a note he had given for ten pounds to Mr. Drake, but he diſapproved of theſe terms; that afterwards Norwood gave him a note for 10 l. the day before the election, and promiſed to get him the note given Mr. Drake, and paid the ten pounds and took up and tore the note; that whilſt the note was counting, Norwood ſaid, You and your father will vote for Sir John Garrard and Lord Cheyne? and deſired him to go home the back way over the pales on the day of election, but owned Norwood uſed to lend him money; that he afterwards went and thanked Sir John Garrard, but Sir John anſwered, he knew nothing of it, and that Sir John Garrard had not ſpoke to him for two years before; that he believes, he received the ten pounds for his and his father's vote: for Sir John Garrard had told him it could not be recovered.

John Maycock ſaid, Norwood aſked him to be for Sir John Garrard, and told him, the beſt way to get money was to be for Sir John; that the morning of the election, he aſked Sir John for his money, and Sir John promiſed him, if he would not be againſt him, he ſhould have it; that he voted for him, and had it (being 4 l. 18 s. 1 d.) paid next morning, and had it not been for this, he had voted for the Lord Cheyne and the petitioner. There were alſo ſome other witneſſes of the ſame kind, and alſo one who ſaid, he was threatned to be turned out of his work, if he did not vote for Sir John Garrard. Two were proved to have had alms, and one voted for the houſe for which another had voted. Two others lived in parts of houſes, one in a workhouſe and overlookt the poor. Alſo as to three who were inhabitants by certificate. The counſel for Sir John Garrard then offered to anſwer what was atteſted by the witneſſes for the petitioner: but the committee were ſatisfied, and reſolved,

That Sir John Garrard was duly elected,

That the petition of Sir Roger Hill is frivolous and vexatious. The houſe agreed in the firſt, but diſagreed to the other reſolution.

March 7, 1700. A petition of the inhabitants was offered to the houſe relating to the election there. Refuſed to be received. N. B. This was on the death of Sir John Garrard.

Jan. 3, 1701. A petition of Sir Roger Hill, alledging he was duly choſen, but the conſtables, who are the proper officers to take the poll, had wrongfully returned John Drake, eſquire. Referred to the committee of privileges——but this was never heard.

Nov. 2, 1705. A petition of Sir Thomas Webſter, baronet, was read, ſhewing, that, at the laſt election of burgeſſes, to ſerve in parliament, for this borough, the candidates were the Lord Cheyne, Sir Samuel Garrard, and the petitioner; that ſeveral indirect practices were uſed for obtaining votes for the other candidates, and the conſtables behaved themſelves with great partiality, during the election; notwithſtanding which, the petitioner had more legal votes, than either of the other candidates, and ought to have been firſt returned; but the conſtables have returned the other two candidates, in wrong to the petitioner: and praying, &c.

Ordered, that it be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

26th. Ordered, the report to be made on Saturday next.

Dec. 2. Mr. Compton (according to order) reported the matter upon the ſaid petition, That the petitioner's counſel declared, they did not queſtion Lord Cheyne's election, and inſiſting the right was in all ſuch houſholders as did not receive alms, whereof a poll was taken, and the numbers were thus, Lord Cheyne 90—Sir Thomas Garrard 84—the petitioner 91. But the counſel for Sir Thomas Garrard inſiſted, the right was only in the houſholders paying ſcot and lot, and the poll in that caſe was—Lord Cheyne 58—Sir Thomas Garrard 54, the petitioner 41.

The petitioner's counſel inſiſted, the inhabitants not paying ſcot and lot, if they did not receive alms, as well as thoſe who did pay, had been polled; and the firſt ſet had commonly come under the denomination of the long poll; the other under the denomination of the ſhort poll.

To prove the right of election, was read report 16th of January, 10 Gul. between Sir Roger Hill and Sir John Garrard, when it was agreed by the counſel, the right was in the inhabitants of the borough, being houſekeepers, not receiving alms.—They then called Penner, who ſaid, he had known the borough from 1674, and paid ſcot and lot, and had been conſtable; and in 1680 all houſholders voted, except ſuch as received alms.—Tench ſaid, he had known the borough 30 years, had been conſtable at two elections, and they always went by the long poll, he was born in the town, and in the 56th year of his age.—Ed. Lery ſaid, he had known the borough 30 years, ſerved conſtable ſeveral times, and made ſeven returns, ſome before and ſome ſince 1680, and always polled ſuch as did not take collection, and ſome of them have ſigned the indenture. William Hobbs, aged near 70, ſaid, he had been conſtable three times, and all, who did not receive alms, voted.—Anderſon ſaid, at this election, they polled thoſe who did not, as well as thoſe who did, pay ſcot and lot.—Alnut ſaid, he took the poll for Sir Thomas Webſter; and they permitted him to take by the long poll, but returned by the ſhort poll.

To anſwer this, Sir Thomas Garrard's counſel read the returns, 7 March, 15 Car. I. 1 November, 21 Car. I. by which the burgeſſes named, *cum multis aliis burgenſibus et electoribus burgi illius de diſcretioribus et magis ſufficientibus*, elected; alſo a report 1680, on a controverted election between Sir William Drake and Mr. Sidney, when it was reſolved, That, in this borough, thoſe inhabitants only, who paid ſcot and lot, had a right to give their votes in the election of burgeſſes, to ſerve in parliament, for the ſaid borough.—Then they called Evans, who ſaid, ſince 1680, no perſons thought themſelves ſafe without a majority of inhabitants paying ſcot and lot, but, before that time, they did look upon it, that the inhabitants at large, who did not receive collection, had a right, and ever ſince they have given the long poll the liberty of voting.—He remembered no conteſted election before 1680, and that it was the conſideration of their poverty excuſed them from paying ſcot and lot.—That there was a workhouſe ſet up in this town, about two years ſince or more, by Sir Thomas Webſter; and ſome ſaid they muſt give their votes for Sir Thomas Webſter, or they ſhould get no work. Whereupon the committee reſolved,

1. That the right of electing burgeſſes, to ſerve in parliament, for this borough, is in the inhabitants paying ſcot and lot only.

As to ill practices, the petitioner's counſel called Barnes, who ſaid, Mr. Drake's ſteward told Johnſon, that rather than he ſhould be for Sir Thomas Webſter, he was ordered to give him 40 s. and ſaw him give money, but cannot tell how much. He alſo ſaid, being under the ſteward's window, he heard him tell Henry Biſhop, rather than he ſhould vote for Sir Thomas Webſter, he had orders to give him 3l. 10s; that the window was ſhut, but he heard this through the window.

In anſwer, Sir Thomas Garrard's counſel called Salter, and others, who ſaid, Barnes had a very ill character, and had no credit; had robbed a fiſh pond, and ſtole a pair of ſtockings. Upon the whole, the committee reſolved,

2. That William Lord Cheyne is duly elected a burgeſs, to ſerve in this preſent parliament, for this borough.

3. That Sir Thomas Garrard, baronet, is duly elected a burgeſs, to ſerve in this preſent parliament, for this borough.

The ſaid three reſolutions, being twice read, were agreed to by the houſe.

AILSBURY.

THIS borough, within the county of Buckingham, was incorporated by Queen Mary in the year 1553, (ſee Appendix) and ſent repreſentatives to parliament the next year. Dr. Willis writes, they were choſen by the bailiff, nine aldermen and twelve burgeſſes, but by neglect of keeping up the community, the corporation became diſſolved:—after which in the 14th and 28th of Queen Elizabeth, the lords of the manor made the returns to parliament, as appears by the indentures in the Appendix, N°. 1 and 2.

Willis's Notitia, Vol. 1. 108.

I find no conteſted election until the year 1685, when, on the 2d of June, a petition of Sir Thomas Lee, baronet, was preſented and referred to the committee of elections, but never heard.

April 28, 1691. A petition of James Herbert, eſquire, alledging he was duly elected by a majority of qualified voters, yet the conſtables, who are the proper officers to return precepts, after many undue practices, have returned Mr. Simon Mayne, contrary to right.

Referred to the committee of privileges. The houſe was ſoon after prorogued.

Oct. 22, 1691. The petition of Mr. Herbert was renewed, and referred to the ſame committee.

Jan. 22. Ordered to be reported on Monday next.

25th. Ordered to be reported on Wedneſday.

27th. Ordered to be reported on the morrow.

28th. Mr. Serjeant Trenchard reported, that the poll was for Mr. Mayne 186
Mr. Herbert 115

The petitioner did not attempt to take from the poll, but alledged that ſome of the voters had been bribed, to prove which were called,

Thomas Sheney, who ſaid, one Mr. Chugh, who was Sir Thomas Lee's man, and one Kinnerſly, Mr. Wharton's man, on the day of the election ſolicited him to vote for Mr. Mayne; that he anſwered them he was engaged to the petitioner, and had drawn three hogſheads of beer on his account, which, if he did not vote for him, he ſhould loſe, whereupon Chugh pulled out a bag and offered to pay for them; but on farther examination ſaid, he could not be poſitive, whether it was Mr. Kinnerſly, or Mr. Acham, who ſolicited him.

John Stratford ſaid, one Wickſtone offered to diſcharge a debt of 5l. 12s. to one Mr. Bennet in London, if he would vote for Mr. Mayne.

Charles Noy ſaid, that Richard Parker, who voted for Mr. Mayne, told him, he would be for him who would give moſt money, and afterwards told him one Prat, who ſolicited for Mr. Mayne, had ſent him two loads of wood, one the day before, the other the day of the election, and aſking Parker if he bought them, he ſaid, he did not, and Richard Kempſter ſaid, Parker told him, if he would not give him any money, he would go to Mr. Mayne's ſide, there he could have enough.

John Parker ſaid, he voted for Mr. Mayne, and that Mr. Harriſon, a clergyman who had concerned himſelf for Mr. Mayne, gave him four half crowns to vote for Mr. Mayne: and that, if it had not been for that money, he had voted for Mr. Herbert; that, afterwards, he went to Mr. Harriſon's houſe to borrow 40 s. but Mr. Harriſon refuſed it: and that what he gave, he gave him freely.

Richard Kinnerſly, being confronted with Sheney, ſaid, that, upon the day of the election, he was at Newmarket.

Acham ſaid, he was with Sheney at the George, but Chugh never offered to pay for any drink; and Thomas Read and Nathanael Birch ſaid, Mr. Chugh aſked Sheney, if he had offered him any money, and Sheney diſowned that he had. Francis Hatton ſaid, Sheney told him, that Chugh had not offered him money, but did offer to pay for his beer. Noy ſaid, Sheney told him, that Chugh and one of Mr. Wharton's men offered to pay for his beer, but he had ſlipt from them.

Mr. Wickſton teſtified, that Stratford had been his ſervant, and owed Mr. Bennet a debt; that, Chriſtmas twelvemonth, Bennet's man came into the country, and threatned to ſue Stratford; that he perſuaded him to accept of a compoſition; and before Sir Thomas Lee's death, he ſent to ſeveral to contribute towards payment of it, but ſince that time had deſiſted, leſt it ſhould be thought to influence the election; that he offered him the bond for 4l. and 3l. but never to vote for Mr. Mayne.

Mr. Barnwel ſaid, about 12 months ſince, Mr. Wickſton aſked him to contribute to Stratford, and he (Mr. Barnwell) told him, if he could make it up, he ſhould have his half piece.

Prat ſaid, he ſold the wood to Richard Parker: and Parker ſaid, he bought it.

Mr. Harriſon ſaid, he never gave, nor offered, John Parker any thing to vote.

Mr. Willis, another clergyman, ſaid, when Parker came to borrow 40 s. of Mr. Harriſon, he was anſwered by Mr. Harriſon, that he would do any thing for any Ailſbury man, but would not be concerned with them in matters of money.

Daniel Pariſh and Mr. Prat ſaid, they had heard John Parker ſwear, and curſe himſelf, if he had any money of Mr. Harriſon, and that he did not know what to ſwear, if he went to London.

Upon this the committee reſolved,

That the agents of Simon Mayne are not guilty of bribery in corruptly procuring votes at the late election of a burgeſs, to ſerve in parliament for this borough.

Reſolved, That Simon Mayne, eſquire, is duly elected; to both which the houſe agreed.

Nov. 25, 1695. A petition of Simon Mayne, eſquire, was read, ſhewing, that at the election for burgeſſes for this borough, Sir Thomas Lee, Mr. Herbert, and the petitioner, were candidates; that the majority of legal voters were for Sir Thomas Lee and the petitioner, and moſt of thoſe who voted for Mr. Herbert do receive alms, or do not pay to church or poor, and therefore are not entitled to vote; yet by many undue practices Mr. Herbert is returned, in wrong of the petitioner: and praying, &c.

Ordered, it be referred to the committee of privileges and elections to examine and report the ſame with their opinion.

Jan. 25. Ordered to be reported on Tueſday next.

28. Colonel Granville reported, that the poll ſtood thus,

For Mr. Herbert —— 178
For the petitioner —— 162

For the petitioner it was inſiſted, that ſeveral unqualified perſons had voted for Mr. Herbert, and ſeveral irregularities practiſed at the election.

The petitioner inſiſted the right of election was in the inhabitants paying ſcot and lot, but could bring no evidence of its being ſo reſtrained. For Mr. Herbert, Higgans and Cotton proved the uſage of the borough for 40 years laſt, was that the houſekeepers not receiving collection uſed to vote, and none who lived in a houſe under 50 s. yearly value paid to church and poor in this borough.

It was proved by three witneſſes, that the candidates agreed that ſuch as had not received collection within twelve months ſhould vote, and the petitioner's counſel admitted this to be the uſage for 40 years laſt paſt. It was proved, that Dickſon took a ſcrutiny the night the poll ended, and made ſeveral exceptions to Mr. Herbert's voters; but one Church, a voter for Mr. Herbert, ſnatched away the paper of exceptions, becauſe Dickſon would not agree it ſhould be ſealed up with the poll.—But Dickſon owned he ſigned the indenture of return.

In order to diſqualify Mr. Herbert's voters, Mills ſaid Haywood lived in the ſame houſe with him, but paid his rent to his mother, whoſe houſe it was; that Mills voted, and the queſtion was which of them had right.

Rolf ſaid, Stocker took a houſe but nine days before the election, at 12 s. yearly rent.

Elizabeth Bailey ſaid, John Hatton lived with Goldſworth; Spencer ſaid, Hatton's was always reckoned a diſtinct tenement, and that he watched and warded.

Edwards was proved to live with his father.—But Spencer ſaid, he was an houſekeeper and watched and warded, that Colſon was no houſekeeper, but Spencer ſaid he was an houſekeeper, and watched and warded.

That Noy was no houſekeeper, but received toll of the market, and was conſtable laſt year.

Hawkes ſaid, Smith was an inmate to Stevens; Delafield ſaid, Stevens was inmate, and Smith the houſekeeper.

Francis Eden no houſekeeper, Delafield ſaid he was.—Higgins was admitted to be no voter, Bigg was a ſervant.—Spencer ſaid, Bigg was an houſekeeper.—Bell, Robinſon, and Collins, were admitted to be no voters.—Saunders was an inmate, as was White, tho' Spencer ſaid, White kept houſe.—Hitchindale was a ſervant to his mother, but it was proved he was aſſeſſor of the aid tax, and was rated to church and poor. Hewington was no inhabitant, for want of notice according to the ſtatute. Payton and Good were allowed not to be voters. Oviat proved five to be in the poor book ſince 1694; but Goldfinch denied Mills, one of them, to be ſo.

To make out irregularities, Mayne ſaid, Wildgooſe came to him about four days before the election, and brought three or four with him, and ſaid, they would be for the petitioner if he was conſidered for loſs of time; he was anſwered, the petitioner could not do that, but might help him in his trade; to which it was replied, if he would not the other ſide would, and on the morning after he told him he had promiſed Mr. Herbert his vote.—That Ball, who promiſed the petitioner, declared he could not, becauſe Sir John Packington had threatned him by letters.

It was proved, Read was perſuaded to vote for Mr. Herbert by Hickman, who paid him 10 s. which Mr. Herbert owed him.—Edwards voted becauſe Mr. Herbert gave him a pig, but Bell proved he had the pig by way of exchange with Sheney.

Bailey ſaid, that Brandon owned he was paid for his time, and was to have 20 s. more to vote for Mr. Herbert; that Kempſter, who was engaged to vote for Mr. Mayne, upon the promiſe of a coat by Mrs. Piddrington, voted for Mr. Herbert. Parry and Bates ſaid, a meſſage was ſent to Dawny, that they would ſatisfy goody Colling for his breaking her arm.—Lindon ſaid, Mr. Herbert gave Dawny a guinea the day after the election. Lewin ſaid, he ſaw Mr. Herbert give Little ſome money, and he voted for Mr. Herbert, and Mr. Mayne proved he promiſed to vote for the petitioner.—Hawkes ſaid, Colſhill owned he voted for Mr. Herbert in order to get a net which one of Lord Caernarvon's ſervants took from him: but this was denied by Mr. Fines, Lord Caernarvon's gentleman. To anſwer the evidence relating to Read, two witneſſes proved they were preſent at the time ſpoke of by Duncombe and Bailey; that they did not hear Read ſay, that he would not vote for Mr. Herbert unleſs the 10 s. were paid, but that Mr. Herbert owed him 10 s. and he would vote for him, whether he paid it or not: but it was ſaid, one of theſe witneſſes acted ſtrongly for Mr. Herbert. Holland and Goldfinch told the people, what drink they drew Mr. Herbert would pay for.

Baldwin ſaid, Whitmill owned he had 5 s. for voting for Mr. Herbert given him by an unknown perſon.—Williams proved, Whitmill owned he had money, but would not ſay the ſum till he came before the parliament; that he owned it to Baldwin, and Wharton: at firſt he ſaid, it was 5 s. for drumming, but afterwards ſaid, he had 5 s. for his vote.

In anſwer, Zach. Whitmill ſaid, he had no other 5 s. but for drumming; that being in beer in Pratt's houſe, Pratt told him, if he would own he voted for bribery he ſhould not want gold or ſilver, and named 20 l. and if he did ſay he had the 5 s. it was in order to get the 20 l. but Williams denied he ſaid any thing about the 20 l. which Wickſon affirmed: but Heydon and Church ſaid, Whitmill, after he came from Mr. Wharton's, ſaid, that Pratt would have hired him to ſay he was bribed, and if he would own it, it ſhould be 20 l. in his way. Sheen ſaid, Noy offered him 40 s. to vote for Mr. Herbert, and he told Oviat of it, which Oviat proved.

Braſsbridge ſaid, Noy told him they were forced to promiſe Mr. Herbert if he did not carry it, it ſhould coſt him nothing.

In anſwer to Sheen's evidence, two witneſſes ſaid Sheen had not a vote, having received collection; but the overſeer ſaid, he had received none ſince Eaſter laſt,—and Goldfinch ſaid, Sheen denied he had any money for his vote.

Lindon ſaid, he went to the poll to vote for the petitioner, and the Marquis of Caermarthen ſhook his fiſt at him and threatned him.

Todd and Pratt, the two conſtables, ſaid, the Marquis threatned to ruin them if they did not return Mr. Herbert.

William Lindon and William Cox proved, that one Goodſon, who was for the petitioner, was made drunk by Mr. Herbert's friends, and hindered from voting for Mr. Herbert.

For Mr. Herbert was called

Charles Noy, who ſaid, there were many perſons of quality at this election, as uſual; and named Lord Caermarthen, Earl of Abingdon, Mr. Wharton, and Colonel Godfrey.

Mr. Church ſaid, that Sir Thomas Lee, and others, being at his houſe on the fair-day, Mr. Sommer was in a paſſion, and he ſaid he was for Sir Thomas Lee, but reſerved his other voice, but Mr. Wharton ſaid they did not want his voice, and bad defiance to any oppoſition, but owned Mr. Wharton told Mr. Sommer, it was not their buſineſs.

Charles Noy and John Higgins ſaid, they were conſtables, choſen by the leet, but removed by the ſeſſions before their year expired, though never ſummoned or petitioned againſt, and two who were ſtrong for Sir Thomas Lee, and the petitioner, appointed. Mr. Burman proved Mr. Dormer in the chair at the ſeſſions.

Charles Noy and Norris Fines ſaid, the ſcrutiny was adjourned from Monday night to nine next day, and then adjourned again; on Tueſday met again, and Mr. Mayne's conſtables withdrew; that the ſix conſtables went on Tueſday, at eleven at night, to Mr. Herbert, and declared they had found him and Sir Thomas Lee elected, and that they would ſign the return to-morrow, and that Lord Caermarthen had left the town about one o'clock.

Mr. Herbert then proceeded to diſqualify ſeveral who voted for the petitioner: Mr. Cowper, no houſekeeper; Edward Finch, the ſame; ſix who received collection; Geoffrey Miles, name in the poor book; Thomas Jackſon, no houſekeeper; Alexander Duncombe, the ſame; Henry Bailey had a bed for his vote; John Pratt and William Symonds live together, and both voted for the petitioner; Edward Brown, no houſekeeper; John Brown had lived there but half a year. It was proved, that Edward Brown was a boarder, and that Bowton, Wray, and Jordan were minors.

The counſel for the petitioner ſaid, they had evidence to anſwer theſe objections: but it was much of the ſame nature as the evidence given by Mr. Herbert to juſtify his votes, and did not much inſiſt on their being heard, nor did the committee think it material, but upon the whole reſolved,

That the right of election of burgeſſes, to ſerve in parliament for this borough, is in all the houſholders of the ſaid borough not receiving alms.

That James Herbert, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for this borough, which was agreed to by the houſe.

Dec. 12, 1698. A petition of Simon Mayne, eſquire, was read, ſhewing, that the major part of legal voters to chuſe parliament men at the laſt election for the ſaid borough would have polled for the petitioner: but the conſtables of the ſaid town (who were the proper officers) refuſed to poll many of them, by which, and many other undue practices, James Herbert, eſquire, got himſelf returned by the ſaid conſtables, who ought to have returned the petitioner: and praying, &c. Alſo

A petition of Richard Cockman, and other inhabitants of the ſaid borough, on behalf of themſelves and others of the ſaid borough, was read, ſhewing, that many of the inhabitants of the ſaid borough, who had a right to chuſe members at the laſt election for parliament, were arbitrarily refuſed by the conſtables to poll for Simon Mayne, eſquire; and many other illegal practices were uſed to chuſe James Herbert, eſquire, who was returned, though Mr. Mayne, of right, ought to have been ſo, by reaſon more qualified voters would have polled for him (if they might) than for Mr. Herbert: and praying, &c.

Ordered, that the ſaid petitions be referred to the committee of privileges and elections, to examine and report the ſame, with their opinion.

16. A petition of Robert Dormer, eſquire, was read, ſhewing, that the petitioner was one of the four candidates at the laſt election of members to ſerve in this preſent parliament for this borough, where, by divers illegal practices in behalf of Sir Thomas Lee, a ſitting member, and Simon Mayne, eſquire, a majority of votes was procured for the ſaid Sir Thomas Lee, who was thereupon returned, to the petitioner's prejudice: and praying, &c.

Ordered, it be referred to the committee of privileges and elections, to examine and report the ſame, with their opinion.

22. A petition of Richard Heywood, and others, inhabitants of the ſaid borough, was read, ſhewing, that, at the laſt election of members to ſerve in this preſent parliament for the ſaid borough, divers illegal practices were uſed on behalf of Sir Thomas Lee, one of the ſitting members, and Simon Mayne, eſquire; by which means a majority of votes were procured for Sir Thomas Lee, who was thereupon returned, in prejudice of the petitioners: and praying, &c.

Ordered, it be referred to the committee of privileges and elections, to examine and report the ſame, with their opinion.

Feb. 2. Ordered, the report to be received on Tueſday.

7. Sir Rowland Gwyn reported, that the right of election was agreed to be in the houſholders not receiving alms, and the poll as follows,

For Sir Thomas Lee	168
Mr. Herbert	158
Mr. Mayne	157
Mr. Dormer	149

The petitioners firſt controverted the right of Bedford charity men, and it appeared, that John Bedford, by his will 9th of Hen. VII. allotted lands about 120 l. yearly for repair of highways, and to be dealt in alms to blind people, crooked, ſick, or poor people; that in the 39th of Eliz. by act of parliament, this truſt is veſted in nine perſons, who are made a corporation to act in this charity according to Mr. Bedford's will, and to have ſucceſſion by the name of the ſurveyors of the highways of Ailſbury; that this charity is diſtributed by the feoffees in ſmall ſums, and commonly continued for their lives: but it is diſcretionary in the feoffees to change the perſons as they think fit, and they are to account every three years to the Biſhop of Lincoln; that three perſons proved, for upwards of 40 years, the perſons who had this charity always voted, nor could they ſay they had ever been refuſed; but that John Haywood ſaid, at the election in King James's time, they were polled with a query, and not allowed upon a ſcrutiny; and that Sir William Egerton and Mr. Anderſon were returned, though, allowing thoſe votes, Sir Thomas Lee and Sir Richard Ingoldſby had a majority of 40 votes, and then inſiſted they had a right to vote.

The committee hereupon reſolved,

That all perſons receiving alms within the borough of Ailſbury, purſuant to the will of Mr. Bedford, are, in reſpect thereof, diſabled to vote in the election of burgeſſes to ſerve in parliament for the ſaid borough.

That the petitioner Mr. Mayne's counſel, who were alſo counſel for Sir Thomas Lee, inſiſted, that 14 perſons offered, and were refuſed to vote for Sir Thomas Lee and Mr. Mayne, being qualified ſo to do, but ſix of them being diſqualified by their receiving Bedford's gift, they gave evidence only as to the others.

Mr. Oviat proved Samuel Stevens an houſholder, and did not receive alms; that he had been twice conſtable and paid window tax, but owned one Smith lived under the ſame roof; that they had but one ſtreet door, but Stevens paid 4 l. and Smith 40 s. that Stevens voted three years ago and lived there twelve years, and Smith only five years; and that Smith voted with a query for Mr. Herbert and Mr. Dormer, but Stevens's vote for Mr. Mayne and Sir Thomas Lee was refuſed.

That Robert Crocket is an houſholder, and his houſe was got ready by Lady-day; that Mr. Goldfinch ſaid, he was not an inhabitant for want of notice: but the evidence inſiſted, he paid for houſe and land above 10 l. a year, and proved he would have voted for Sir Thomas Lee and Mr. Mayne.

That Thomas Braſier was an houſholder, and the part of the houſe he lives in had been divided twelve years; that he took houſe a fortnight before the election, and would have voted for Sir Thomas Lee and Mr. Mayne, but was refuſed. Mr. Oviat ſaid, Braſier paid half a year's rent due on St. Thomas's day, and Richard Hayley living in the ſame part was brought in a chair for Mr. Herbert, and Mr. Pariſh for Mr. Mayne; Edward Pariſh, an houſholder, offered to vote for Sir Thomas Lee and Mr. Mayne; Robert Hitchcock, an houſekeeper, offered to vote for Sir Thomas Lee and Mr. Mayne; William Forbes, an houſekeeper, offered to vote for Sir Thomas Lee and Mr. Mayne; James Gullet, an houſekeeper, offered to vote for Sir Thomas Lee and Mr. Mayne, and Goldſmith refuſed him, unleſs he would tell whom he would vote for; Thomas Williams, an houſekeeper, offered to vote for Sir Thomas Lee and Mr. Mayne; Richard Wright and Thomas Read ſaid, Robert Egleton, when he came to poll firſt, gave his vote for Sir Thomas Lee and Mr. Mayne, but was not ſet down, and, after whiſpering with the conſtable, voted for Mr. Herbert.

They then excepted to four for receiving Bedford's charity, who voted for Mr. Dormer.

Then excepted to Joſeph Gyles, who came in laſt year, and had notice to bring a certification, but had not brought it, but owned he was an houſekeeper on the 21ſt of July; alſo to Charles Noy, who lived in his mother's houſe.

Then they proceeded to ſhew the partiality of the conſtables. Matthew Lee ſaid, he heard Kingham ſay, right or wrong, he would return Mr. Herbert, whom ever elſe they left out.

John Haſell ſaid, he came on the election day to Hawkins's houſe and aſked whom his maſter voted for, and ſaid, he doubted his maſter would fool himſelf for voting for Sir Thomas Lee and Mr. Mayne, and his houſe would go no higher.

The counſel for Mr. Herbert and Mr. Dormer called Robert Egleton, who ſaid, he voted for Mr. Herbert and Mr. Dormer, and for no other; that ſpeaking low, the conſtable told them, he ſo voted, and at Mr. Mayne's requeſt he repeated it again.—Then proceeded to ſhew, that the eight perſons whoſe votes were refuſed for Sir Thomas Lee and Mr. Mayne, had no right, and gave evidence, that Stevens's houſe was never reckoned a dwelling houſe before he lived there, but only part of a farm houſe, but Stevens lived there before the witneſs, and hath been conſtable, and Smith came after and had ſerved no offices; that Smith lived in the front part, and had voted at former elections; that tho' Crocket came at Lady-day and rented 10 l. a year, he had been warned out as not ſettled; that Braſier paid 3 s. 6 d. a week for his board, and Dover his landlord perſuaded him to get a bed and ſome proviſions, and he would have a vote; that he removed three or four days before the election, and is now returned to Dover's; that Pariſh was a ſervant and rented a cellar of beer, and took an houſe before the election and lay at his maſter's before and ſince, and one White, in the ſame circumſtances, was refuſed for Mr. Herbert and Mr. Dormer; that Hitchcock had two houſes, one empty the other let, and refuſed to do watch when warned, and lived with his mother at, and ſince the election; that Forbes and Gullet were two Scotſmen, and had been warned out, but there was a difficulty about their removal; that Thomas Williams lived with Whitchurch, and was refuſed to vote at the former election, by Mr. Mayne's agent, and Whitchurch was polled.

They then attempted to juſtify Gyles and Noy, who were excepted againſt, but admitted, that Gyles was there by certificate but the Chriſtmas before the election; and as to Noy, the evidence ſaid, he had been an houſekeeper ſix or ſeven years, and conſtable for three or four years, rented 50 l. a year, lived in a victualing houſe with his mother, but in a ſeparate apartment, and could not tell to whom the licenſe was granted.——Then demanded to add Edward Taylor, who was refuſed as a minor.—Certificate of baptiſm on the 2d of June 1677. Proved, that he offered to vote for Mr. Dormer and Mr. Herbert.

Then they proceeded to object to five as no houſekeepers, viz. John Ellis, jun. John Sheppard, Robert Holland, Alexander Duncombe, and Matthew Aſhby, and ſhewed 60 voters for Sir Thomas Lee, who had Bedford's charity, as appears from the books.

That Mr. Herbert and Mr. Dormer's counſel inſiſted, that ſeveral others, who were not mentioned in the book of the account of the Bedford charity, and had polled for Sir Thomas Lee and Mr. Mayne, had received Bedford charity, and for that called

Judith Hales, who ſaid, George Welſh, John Ironmonger's wife, Thomas Harris's wife, Thomas Layton's wife, and John Reed, had received the ſame from the woman who uſually paid it for ſeven years paſt; and then proceeded to the article of corruption, and called Peter Wilkins, who owned the bribery of himſelf, and that he ſhould elſe have voted for Mr. Herbert and Mr. Dormer; Samuel Weaver, who owned the ſame, but ſaid, he did not vote for Sir Thomas Lee and Mr. Mayne, becauſe he would not uphold bribery; Richard Weeks, who ſaid, he was offered one guinea to vote for Sir Thomas Lee and Mr. Mayne; and James Brandon ſaid, his brother had half a crown of Mr. Mayne's ſon, and he a promiſe of a licenſe.

Bampton was called as to the carriage of the conſtable, and proved proclamation being made half an hour before the poll cloſed, and that he thought the conſtables impartial.

Heydon ſaid, the conſtables behaved equally, only Mr. Mayne threatned them for not polling ſooner ſome who were for him.

Bampton ſaid, he firſt gave a ſingle vote, and afterwards would have voted for Mr. Dormer, but Mr. Mayne refuſed him.

That the counſel for Sir Thomas Lee and Mr. Mayne firſt anſwered the objections to the five excepted againſt, and called evidence, who ſaid, Ellis had part of an houſe deſcended to him from his father, had watched and warded, and had ſeen him buy his victuals, and make bread in his mother's apartment. That Sheppard is an houſekeeper, and took a houſe at Michaelmas 1697, and rented it till Michaelmas 1698.—That Holland and Duncombe were both houſekeepers at the laſt election, he had received three quarters taxes; that Aſhby's licenſe was produced, and dated 1698, and his leaſe 1697: and that Taylor was no houſekeeper.—Mr. Oviat proved from the books, 51 votes for Mr. Herbert, and 45 for Mr. Dormer had Bedford's charity, but one of them only paid for the making a gown out of the charity ſtock; that as to the five not on the books, Welſh did not receive in 1697; Ironmonger not in town, Harris had not received for eight years, Read and Layton never had it, and proved the names of thoſe who received it were always ſet down in the books. They then ſhewed eight others had received other annual charity.—That as to bribery, they called ſeveral witneſſes, who proved, that Wilkins, who was charged with being bribed, had ſolemnly declared, that he never was bribed, nor did he ever own that he was ſo, but ſaid, that he was obliged to give Sir Thomas Lee and Mr. Mayne a vote: that, upon the whole matter, the committee reſolved,

That James Herbert, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for this borough.

That Sir Thomas Lee, baronet, is not duly elected a burgeſs to ſerve in this preſent parliament for this borough.

That Robert Dormer, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for this borough.

The firſt reſolution, in regard to the right of election, being read a ſecond time, an amendment was propoſed to be made therein, by inſerting, after "Bedford," theſe words, "or any other perſons receiving any other charity annually diſtributed in the ſame town."

And the ſame was, upon the queſtion put thereupon, agreed unto by the houſe.

Reſolved, that the houſe doth agree with the committee in the ſaid reſolution, ſo amended, that all perſons receiving alms within the borough of Ailſbury, purſuant to the will of Mr. Bedford; or any other perſons receiving any other charity, annually diſtributed in the ſame town, are, in reſpect thereof, diſabled to vote in the election of burgeſſes to ſerve in parliament for the ſaid borough.

The ſecond reſolution being read a ſecond time,

Reſolved, that the houſe do agree with the committee in the ſaid reſolution, that James Herbert, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for this borough.

The third reſolution being read a ſecond time, and the queſtion being put, that the houſe do agree with the committee in the ſaid reſolution, that Sir Thomas Lee, baronet, is not duly elected a burgeſs to ſerve in this preſent parliament for this borough,

It was reſolved in the affirmative.

The fourth reſolution being read a ſecond time, and the queſtion being put, that the houſe do agree with the committee in the ſaid reſolution, that Robert Dormer, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for this borough,

It paſſed in the negative.

Ordered, that Mr. ſpeaker do iſſue his warrant to the clerk of the crown to make out a new writ for the electing a burgeſs to ſerve in this preſent parliament for this borough, in the room of Sir Thomas Lee, baronet, who is adjudged not to be duly elected.

March 6, 1698. A petition of Sir Thomas Lee, baronet, was read, ſhewing, that at an election upon the 22d of February laſt of a member to ſerve in this preſent parliament for this borough, the petitioner was duly choſen by the majority of legal voters; but the conſtables arbitrarily refuſing to poll ſuch perſons as had a right and would have been for the petitioner, and admitting others to vote for Robert Dormer, eſquire, who had no right, and by other undue practices, have returned Mr. Dormer, in prejudice to the petitioner: and praying, &c.

Ordered, it be referred to the committee of privileges and elections, to examine and report the ſame, with their opinion.

Jan. 3, 1701. A petition of Simon Mayne, eſquire, was read, ſhewing, that the petitioner was one of the candidates at the laſt election of members to ſerve in this preſent parliament for this borough, where a much greater number of qualified electors offered to vote for the petitioner, but were arbitrarily rejected by the conſtables, who were the proper officers for taking the poll within the ſaid borough; whereby, as by other illegal practices, James Herbert, eſquire, one other of the candidates, was returned in prejudice to the petitioner: and praying, &c.

Ordered, it be referred to the committee of privileges and elections, to examine and report the ſame, with their opinion.

A petition of Richard Cockman, and others, inhabitants of this borough, in behalf of themſelves, and other houſholders in the ſaid borough, was read, ſhewing, that at the election of members to ſerve in this preſent parliament for this borough, the majority of legal voters appeared, and would have polled, for Simon Mayne: but the conſtables of the ſaid borough refuſed to poll them, and have returned James Herbert, eſquire, as one of their repreſentatives, in wrong to Mr. Mayne, and the electors of the ſaid borough: and praying, &c.

Ordered, it be referred to the committee of privileges and elections, to examine and report the ſame, with their opinion.

Oct. 26, 1702. A petition of Richard Cockman, and other inhabitants of this borough, was again read, in ſubſtance the ſame with the former petition.

Ordered, it be referred to the committee of privileges and elections, to examine and report the ſame, with their opinion.

Dec. 8. Ordered, that the inhabitants of the borough of Ailſbury have leave to withdraw their petition touching the election for the ſaid borough.

Jan. 17, 1703. Ordered, ſome members be appointed to ſearch the journals of the houſe of lords as to their proceedings upon a writ of error in a cauſe between Matthew Aſhby and William White, and report the ſame to this houſe.

18. Ordered, that the ſame members do ſearch the offices of the Queen's Bench for the record of the judgment, and all other the proceedings in that cauſe, and report the ſame.

20. Ordered, the report to be made to-morrow morning.

21. Mr. Freeman reported, that the committee had ſearched the lords journal, and found as follows:

December 6, 1703.

The lord chief juſtice brought into the houſe a writ of error, wherein Matthew Aſhby is plaintiff, and William White, and others, defendants.

Dec. 7. Appointed for Tueſday the 14th inſtant.

14. Appointed for Tueſday the 21ſt inſtant.

20. Ordered to be put off till Thurſday next.

22. Ordered to be put off till January 10.

Jan. 4. Put off till the 13th inſtant.

12. Put off till the 14th inſtant.

January 14.

After hearing counſel on the writ of error depending in this houſe, wherein Matthew Aſhby is plaintiff, and William White and others defendants, and debate thereupon, queſtion put, to adjourn till to-morrow, it paſſed in the negative. Queſtion, whether the judgment ſhould be reverſed, it paſſed in the affirmative.

Mr. Brewer reported, that the members appointed to ſearch the offices of the Queen's Bench had ſearched for the judgment and proceedings there in the caſe of Aſhby and White, and obtained a copy of the record of judgment.

The ſaid copy being laid before the houſe, it appeared to be an action brought by Matthew Aſhby againſt William White and others, late conſtables of Ailſbury, for refuſing their votes at the late election of members to ſerve in parliament for the ſaid borough; upon which the ſaid Matthew Aſhby obtained a verdict, but the court of Queen's Bench gave judgment for the defendants. Upon this a writ of error was brought, and the plaintiff obtained judgment in parliament.

Reſolved, this houſe will on Tueſday next reſolve itſelf into a committee of the whole houſe, to conſider the ſaid reports.

Jan. 25, 1703. This day the houſe reſolved itſelf into a committee, to take into conſideration the report of the lords journal touching the proceedings on a writ of error in the caſe between Aſhby, and White and others, &c. when the matter was fully debated, [ſee the debate at large in the ſtate trials, vol. 8. p. 89.] and the committee came to the ſeveral reſolutions, as follow; which were reported by Mr. Freeman on the 26th.

Reſolved, that according to the known laws and uſage of parliament, it is the ſole right of the commons of England in parliament aſſembled (except in caſes otherwiſe provided for by act of parliament) to examine and determine all matters relating to the right of election of their own members.

Reſolved, that, according to the known laws and uſage of parliament, neither the qualification of any elector, nor the right of any perſon elected, is cognizable or determinable elſewhere than before the commons of England in parliament aſſembled, except in ſuch caſes as are ſpecially provided for by act of parliament.

Reſolved, that the examining and determining the qualification or right of any elector or any perſon elected to ſerve in parliament, in any court of law, or elſewhere than before the commons of England in parliament aſſembled, (except in ſuch caſes as are ſpecially provided for by act of parliament) will expoſe all mayors, bailiffs and other officers, who are obliged to take the poll, and make a return thereupon, to multiplicity of actions, vexatious ſuits, and inſupportable expences; and will ſubject them to different and independent juriſdictions, and inconſiſtent determinations in the ſame caſe, without relief.

Reſolved, that Matthew Aſhby, having, in contempt of the juriſdiction of this houſe, commenced and proſecuted an action at common law againſt William White and others, the conſtables of Ailſbury, for not receiving his vote at an election of burgeſſes to ſerve in parliament for the ſaid borough of Ailſbury, is guilty of a breach of the privilege of this houſe.

Reſolved, that whoever ſhall preſume to commence or proſecute any action, indictment or information, at common law, which ſhall bring the right of the electors, or perſons elected to ſerve in parliament, to the determination of any other juriſdiction than that of the houſe of commons, except in caſes ſpecially provided for by act of parliament, ſuch perſon or perſons, and all attornies, ſolicitors, counſellors, and ſerjeants at law, ſoliciting, proſecuting, or pleading, in any ſuch caſe, are guilty of a high breach of the privilege of this houſe.

Theſe reſolutions being read, the four firſt were agreed to by the houſe: but the laſt being read a ſecond time, an amendment was made by leaving out the words "common law" after the word "information," thereby making it general in all caſes; and then it was agreed unto by the houſe.

Ordered, the ſaid reſolutions be fixed up on Weſtminſter-hall gate, ſigned by the clerk.——Hereupon the lords publiſhed the ſtate of the caſe on the writ of error, which ſee in the ſtate trials.

Nov. 21, 1704. A complaint was made to the houſe, that Robert Mead, attorney at law, had proceeded in the cauſe of Aſhby, and White and others, ſince the laſt ſeſſion, and taken the defendants in execution, in breach of the privilege of this houſe.——Ordered, to be heard on Thurſday next. Ordered, Robert Mead then to attend this houſe.

23d. The order for hearing read, but deferred till Tueſday ſe'nnight.

Ordered, Robert Mead do then attend.

A farther complaint was made, that ſeveral new actions had been brought (ſince the reſolutions of laſt ſeſſion of parliament) by John Paty, John Oviatt John Paton, jun. and Henry Baſſe, and proſecuted by the ſaid Robert Mead, in breach of the privilege of this houſe; and was ordered to be heard on Tueſday ſe'nnight, and ſaid John Paty, John Oviat, John Paton, jun, and Henry Baſſe, do then attend, and copies of the original declarations be laid before the houſe.

24th. Ordered, Daniel Horne, a plaintiff in one of the actions complained of to be brought againſt the conſtables of Ailſbury, do attend on Tueſday ſe'nnight.

Dec. 5. The houſe proceeded, and the ſerjeant at arms proved the ſervice of orders on the perſons who were to attend: but Mr. Mead not attending, a witneſs was examined, and proved Mr. Mead's proceedings in the five new actions, and the declarations were delivered in, and one of them read.

The ſeveral plaintiffs in the ſaid actions attended, and were called in and examined; and the houſe reſolved,

That John Paty, of Ailſbury, has been guilty of commencing and proſecuting an action at common law againſt William White and others, the late conſtables of Ailſbury, for not allowing his vote in the election of members to ſerve in parliament, contrary to the declaration, in high contempt of the juriſdiction, and in breach of the known privileges, of this houſe; and reſolved the ſame of the other plaintiffs, and committed every one of them to Newgate.

Reſolved, that Mr. Robert Mead has been guilty of ſoliciting and proſecuting (as attorney at law) divers actions at common law againſt William White and others, late conſtables of Ailſbury, for not allowing divers votes in the election of members to ſerve in parliament, contrary to the declaration, in high contempt of the juriſdiction, and in breach of the privileges of this houſe.——Ordered to be taken into cuſtody of the ſerjeant at arms.

The ſaid perſons continued in Newgate until the 1ſt of February.

Feb. 1. Ordered, the keeper of Newgate do bring to-morrow to this houſe John Paty, John Oviat, John Paton, jun. and Henry Baſſe, committed by this houſe.

Feb. 2. The ſaid perſons were brought and examined, as was the keeper and turnkey, and the ſaid perſons were remanded.

Michaelmas term, 1704. An habeas corpus was moved for in the Queen's Bench by the ſaid perſons in this vacation, and returned in Hilary term, and they were brought up and their caſe argued: but the court, againſt the opinion of Chief Juſtice Holt, remanded them; whereupon John Paty and John Oviat petitioned the Queen for a writ of error, to bring this laſt proceeding of the court of Queen's Bench into parliament.

24th. Thereupon the houſe reſolved,

That an humble addreſs be preſented to her Majeſty, humbly to lay before her Majeſty the undoubted right and privilege of the commons of England in parliament aſſembled, to commit for breach of privilege, and the commitments of this houſe are not examinable in any other court whatſoever; and that no ſuch writ of error was ever brought, nor doth any writ of error lie in this caſe; and that, as this houſe hath expreſſed their duty to her Majeſty in giving diſpatch to all the ſupplies, ſo they have an entire confidence in her Majeſty's goodneſs and juſtice, that ſhe will not give leave for any writ of error in this caſe, which will tend to the overthrowing the undoubted rights and privileges of the commons of England.

Reſolved, that whoever has abetted, promoted, countenanced, or aſſiſted, the proſecution of the ſeveral writs of habeas corpus brought for the priſoners committed by this houſe, and ſince their being remanded have endeavoured the procuring writs of error, are guilty of conſpiring to make a difference between the lords and commons in parliament aſſembled, are diſturbers of the peace of the kingdom, and have endeavoured, as far as in them lay, to overthrow the rights and privileges of the commons of England in parliament aſſembled.

Ordered a committee to enquire what perſons have been concerned in ſoliciting, proſecuting, or pleading, upon the writs of habeas corpus, or writs of error, on behalf of the priſoners committed to Newgate for breach of privilege of this houſe, or what other perſons have abetted or promoted the ſame.

26th. Secretary Hedges reported the Queen's anſwer to the above addreſs.

Her Majeſty is much troubled to find the houſe of commons of opinion, that her granting the writs of error mentioned in their addreſs, is againſt their privileges, of which her Majeſty will be as tender as of her own prerogative; and therefore the houſe of commons may depend, her Majeſty will not do any thing to give them any juſt occaſion of complaint: but this matter relating to the courſe of judicial proceedings being of the higheſt importance, her Majeſty thinks it neceſſary to weigh and conſider very carefully, what may be proper for her to do in a thing of ſo great concern.

Ordered to conſider this meſſage on the morrow morning.

The Earl of Dyſert reported from the committee to examine what perſons have been concerned in ſoliciting, proſecuting, or pleading, upon the writs of habeas corpus, or writs of error, &c. that it appeared to the committee, that Mr. Alexander Denton moved for the habeas corpus, Serjeant Hook moved to ſhorten the day for the return, Mr. Francis Page, Mr. James Montague, Mr. Nicholas Lechmere, and the ſaid Mr. Denton, pleaded on the return of the ſaid writs; that Mr. Montague and Mr. Lechmere attended as counſel at Lord Chief Juſtice Holt's chamber, to conſider what entry to make on remittitur; that the ſerjeant's meſſengers had endeavoured to ſerve Mr. Lee of Clement's Inn, but not meeting him, ſhewed his clerk the original order of ſummons, which he refuſed to read, or receive a copy thereof; that another meſſenger had perſonally ſummoned Mr. Harris, but neither Mr. Lee nor Mr. Harris attended.

Reſolved, Mr. Lee of Clement's Inn having been ſummoned to attend a committee of this houſe, and not attending thereupon, is guilty of a contempt, and breach of privilege, of this houſe:——alſo the like reſolution in regard to Mr. Harris; and ordered both of them to be committed to the cuſtody of the ſerjeant at arms; after which, reſolved,

Mr. F. Page, Mr. Montague, Mr. Denton, and Mr. Lechmere, in pleading on the return of the habeas corpus on behalf of the priſoners committed by this houſe, are guilty of a breach of privilege of this houſe, and ordered them ſeverally to be taken into cuſtody of the ſerjeant at arms. Alſo,

Ordered the ſeveral perſons who were committed to Newgate be removed into the cuſtody of the ſerjeant at arms.

27th. The ſerjeant at arms acquainted the houſe, that he had received the perſons who were committed to Newgate, and had alſo taken Mr. Montague; but that he ſhewed a protection from the houſe of lords, (upon the petition of the ſaid perſons) by which the ſaid Mr. Montague, Mr. Page, Mr. Denton, Mr. Harris, and Mr. Lee, were aſſigned counſel and attornies for the ſaid perſons, and protected by the houſe of lords, and that all officers, ſerjeants at arms, and other perſons, were forbid to meddle with them; that Mr. Lechmere had eſcaped, Mr. Harris was in cuſtody, and that Mr. Page and Mr. Denton were not to be found: whereupon, ordered a committee to ſearch the journals of the houſe of lords, what proceedings have been in this matter in that houſe.

28th. Mr. Bromley reported from the ſaid committee the proceedings in the houſe of lords, viz.

February 26.

Upon reading the petition of the perſons priſoners in Newgate, in relation to ſome proceedings for obtaining the writs of error, and praying, amongſt other things the protection of the houſe, it was ordered to conſider the ſaid petition the next day, and the judges to come prepared to ſpeak to the point, whether a writ of error be a writ of right or a writ of grace; and that the petitioners have notice, that, when they ſend the names of their counſel and agents they deſire to be protected, they ſhall have the protection of the houſe for them.——In purſuance of which order, they ſent the names of

James Montague,
Nicholas Lechmere,
Alexander Denton, } Counſellors at law.
Francis Page,
William Lee,
John Harris, } Attornies at law.

Whereupon the lords ordered the ſaid counſellors and attornies to have the protection and privilege of the houſe in the adviſing, applying for, and proſecuting the ſaid writs of error; and that all keepers of priſons and goalers, and all ſerjeants at arms, and other perſons whatever, be ſtrictly prohibited from arreſting, impriſoning, or otherwiſe detaining or moleſting them, any, or either of them, as they, and every of them, will anſwer the contrary to this houſe In the ſaid report are alſo the two petitions *(in hæc verba)* of the ſaid perſons to the lords, which are printed at large in the State trials, vol. viii. p. 140, 141.

After this report, the ſerjeant acquainted the houſe, that Mr. Denton was taken into cuſtody: after which,

A meſſage was brought from the lords to deſire a conference in the Painted Chamber upon ſome antient fundamental liberties of the kingdom; which was agreed to, and a committee appointed, who went, and being returned,

The Marquis of Hartington reported, the conference was managed by the Earl of Sunderland, who informed them, the conference was deſired in order to keep up a good correſpondence between the two houſes; that, when either houſe has apprehended the proceedings of the other to be liable to exception, a conference has been the uſual antient parliamentary method, in order to lay open and debate the matters, to rectify what has been amiſs, or the houſe, who thought itſelf injured, might be ſatisfied the cauſe of the complaint was groundleſs: for this reaſon, the lords have commanded the houſe to be acquainted, that on conſideration of the petition of Daniel Horne, Henry Baſſe, John Paton, jun. and alſo on the petition of John Paty, and John Oviat, complaining of their being impriſoned for about twelve weeks by ſeveral warrants ſigned by the ſpeaker of the houſe of commons for commencing and proſecuting actions at common law againſt the late conſtables of Ailſbury, for not allowing their votes at an election of members to ſerve in parliament; which actions they were encouraged to bring by reaſon of a judgment given in parliament upon a writ of error brought in the laſt ſeſſions by one Aſhby againſt White; and alſo repreſenting what had been done by them in order to obtain their liberty; and alſo upon conſideration of the houſe of peers on the whole matter; and alſo on conſideration of the votes of the houſe of commons of the 24th inſtant, the houſe of lords had found themſelves obliged to come to ſeveral reſolutions, which they had ordered to be communicated at this conference, viz.

Reſolved, by the lords ſpiritual and temporal, that neither houſe of parliament hath any power, by any vote or declaration, to create to themſelves any new privilege, that is not warranted by the known laws and cuſtoms of parliament.

That every freeman of England, who apprehends himſelf to be injured, has a right to ſeek redreſs by action at law; and that the commencing and proſecuting any action at common law againſt any perſon not entitled to privilege of parliament is no breach of privilege of parliament:

That the houſe of commons, in committing to Newgate Daniel Horne, Henry Baſſe, and John Paton, jun. John Paty and John Oviat, for commencing and proſecuting an action at common law againſt the late conſtables of Ailſbury, for not allowing their votes in elections of members to ſerve in parliament, upon pretence that their doing ſo was contrary to a declaration, a contempt of the juriſdiction, and a breach of the privilege of that houſe, have aſſumed to themſelves alone a legiſlative authority, by pretending to attribute the force of a law to their declaration; have claimed a juriſdiction not warranted by the conſtitution; and have aſſumed a new privilege, to which they can ſhew no title by the law and cuſtom of parliament, and have thereby, as far as in them lay, ſubjected the rights of Engliſhmen, and the freedom of their perſons, to the arbitrary votes of the houſe of commons:

That every Engliſhman, who is impriſoned by any authority whatſoever, has an undoubted right, by his agents or friends, to apply for, and obtain, a writ of habeas corpus, in order to procure his liberty by due courſe of law:

That for the houſe of commons to cenſure or puniſh any perſon for aſſiſting a priſoner to procure a writ of habeas corpus, or by vote or otherwiſe to deter men from ſoliciting, proſecuting, and pleading upon ſuch writ of habeas corpus, in behalf of ſuch priſoner, is an attempt of dangerous conſequence, a breach of the many good ſtatutes provided for the liberty of the ſubject, and of pernicious example, by denying the neceſſary aſſiſtance to the priſoner upon a commitment of the houſe of commons, which has ever been allowed upon all commitments whatſoever:

That a writ of error is not a writ of grace, but of right, and ought not to be denied to the ſubject when duly applied for, though at the requeſt of either houſe of parliament; the denial whereof being an obſtruction of juſtice, and contrary to magna charta.

That the lords in theſe reſolutions have expreſſed the regard and tenderneſs they always had, and will ever maintain for the people of England, and for the liberties of their perſons, and alſo their zeal againſt all innovations to the prejudice of the known courſe of law, whereupon the happineſs of our conſtitution doth depend; and hope, upon recollection, the houſe of commons will be of the ſame opinion in all the particulars reſolved by the lords, and agree with their lordſhips therein.

Ordered to be conſidered on the morrow.

March 1. Conſidered the report of the conference, and ordered the managers to draw up what is proper to be offered at the next conference.

3d. The Earl of Dyſert, from the committee appointed to enquire of the perſons concerned in ſoliciting, proſecuting, and pleading upon the writs of habeas corpus, or writs of error, on the behalf of the priſoners committed to Newgate, for breach of privilege of this houſe; reported, that one Mr. Clifton had been ſummoned to attend the committee, but had not attended; and ſeveral ſummons had been iſſued for Mr. Cæſar, one of the curſitors of London and Middleſex, in order to be examined in regard to the applications for making out writs of error in behalf of John Oviat, &c. and though ſo ſummoned, had not obeyed the ſame.

Reſolved, that Mr. Clifton and Mr. Cæſar, having been ſummoned to attend a committee of the houſe, and not attending thereon, are guilty of a contempt, and of a breach of privilege of the houſe, and ordered the ſaid Mr. Clifton and Mr. Cæſar to be taken into cuſtody of the ſerjeant at arms.

6th. The ſerjeant at arms acquainted the houſe, that a perſon had brought him a writ of habeas corpus, under the great ſeal, for Mr. Montague (in his cuſtody, by order of the houſe) to be brought (as he was informed) before the lord-keeper, and he delivered it in at the table, where it was read; and that he heard another like writ was granted for Mr. Denton, which, whilſt this matter was in debate, was delivered to the houſe; and the houſe was of opinion, that any perſon committed by the houſe of commons was not bailable within the act of habeas corpus, 31 Car. II. but came not then to any reſolution.

Mr. Bromley then reported from the committee appointed to draw up what was proper to be offered to the lords at the next conference, what they had drawn up, which he read in his place, and after delivered it in at the clerks table, where the ſame was read, and, with ſome amendments, agreed unto. See State trials, vol. viii. p. 143.

Reſolved to deſire a conference with the lords upon the ſubject of the laſt conference.

7th. The lords having agreed to the conference, the ſame managers, who managed the laſt conference, attended the ſame; and Mr. Bromley reported, they had delivered to the lords what the houſe had directed; upon which a meſſage was brought to the houſe from the lords, to deſire a free conference tomorrow at one o' clock; to which the houſe agreed to ſend an anſwer by their own meſſengers.

8th. The houſe ſent a meſſage to the lords, that, when the houſe received their meſſage yeſterday, the houſe was juſt riſing; but they now agreed to a free conference whenever their lordſhips ſhould appoint (the ſame then appointed being paſt) and ordered the ſame managers.

Sir Thomas Hanmer carried the meſſage, but reported the lords were up; after which the houſe reaſſumed the conſideration of the matter in regard to the two writs of habeas corpus granted to bring Mr. Montague and Mr. Denton before the lord-keeper.

Reſolved, that no commoner of England, committed by the houſe of commons for breach of privilege, and contempt of the houſe, ought to be by any writ of habeas corpus made to appear in any other place, or before any other judicature during that ſeſſion of parliament, wherein ſuch perſon was committed.

Reſolved, the ſerjeant at arms, attending this houſe, do make no return of, or yield any obedience to, the ſaid writs of habeas corpus; and, for ſuch his refuſal, he ſhall have the protection of the houſe of commons.

Reſolved, that the lord-keeper be acquainted with this reſolution, to the end the ſaid writs of habeas corpus may be ſuperſeded as contrary to law, and the privileges of this houſe.

9th. The clerk of this houſe acquainted the houſe, that he had acquainted the lord-keeper with the reſolution; and then,

Sir Thomas Hanmer reported, he having been at the lords with the meſſage relating to the free conference, the lords agreed to meet the houſe at the free conference this day at two o'clock; and the managers went, and being returned,

Mr. Bromley reported, the managers had met the lords at a free conference, which laſted very long; and that when the managers for the commons took notice of ſome invaſions of the houſe of lords in point of judicature, particularly as to appeals, the lords broke up the conference; whereupon the houſe ordered the managers to draw up what paſſed, and lay the ſame before the houſe with all convenient ſpeed.

13th. Mr. Bromley reported, the managers had drawn up what paſſed at the free conference, which they had directed him to report, which he read in his place, and afterwards delivered in at the clerks table, and it was ordered to be entered in the journals. See the ſame at large in State trials, v. viii. p. 149.

The ſame day the lords drew up a repreſentation of this matter in an addreſs to the Queen [which ſee in ſame vol. of State trials, p. 163—170.] in order to obtain the writ of error; to which the Queen (on the 14th of March) gave the following anſwer.

My Lords,

I ſhould have granted the writ of error deſired in this addreſs, but finding an abſolute neceſſity of putting an immediate end to this ſeſſion, I am ſenſible there could have been no farther proceedings upon that matter.

Ordered by the lords ſpiritual and temporal in parliament aſſembled, that the humble thanks of this houſe be preſented to her majeſty for her moſt gracious anſwer; in which ſhe has expreſſed ſo great a regard to the judgment of this houſe, ſo much compaſſion to the petitioners, and ſuch tenderneſs to the rights of the ſubject.

The ſame day the Queen came to the houſe, and put an end to the ſeſſions, which put an end to this affair.

Nov. 14. 1705. A petition of Simon Harcourt, eſquire, was read, ſhewing, that at the election of burgeſſes, to ſerve in parliament for this borough, the petitioner, Sir John Packington, Sir John Whitwrong, and Simon Mayne, eſquire, were candidates; that the proper officers for managing elections to parliament for the ſaid borough, were William Spenſer, and William Gouldſworth, the legal conſtables, but the precept was delivered to William Lee and Robert Todd, who were not the legal conſtables of the ſaid borough; yet they proceeded to the ſaid election, and by admitting many to poll for Sir John Whitwrong and Mr. Mayne, who had no right, and by reaſon of divers illegal practices, they had a majority on the poll, and were thereupon returned with the precept by the ſaid Lee and Todd, though the petitioner and Sir John Packington were duly elected by a majority of qualified voters, and, as ſuch, were returned by the ſaid conſtables Spenſer and Gouldſworth; but the ſheriff of the county refuſed to receive the ſame: and praying the houſe, &c.

Ordered, that the ſaid petition be referred to the committee of privileges and elections, to examine the matter, and report it with their opinion.

Nov. 27. 1708. A petition of John Eſſington, eſquire, was read, ſhewing, that at the election of burgeſſes to ſerve in this preſent parliament, for this borough, Simon Mayne, eſquire, Sir John Whitwrong, and the petitioner, were candidates; and, upon a poll then taken, Mr. Mayne and the petitioner were duly elected; but there being four conſtables that returned members for the ſaid borough, two of them, viz. William Ray and Joſeph Humphrys, did encourage and admit ſeveral perſons to vote for Sir John that had no right, and ſet down for him thoſe who voted for the petitioner, and refuſed divers good votes for him; and by corrupt practices others were prevailed upon to vote for

Sir John Whitwrong, and Ray and Humphrys have returned Sir John and Mr. Mayne; and the other two conſtables have returned (by indenture) Mr. Mayne and the petitioner, which laſt return the high-ſheriff accepted, and by his under-ſheriff executed a counterpart thereof; yet the ſheriff hath not returned the petitioner: and praying the houſe, &c.

Ordered, that the ſaid petition be heard at the bar of the houſe on the 9th day of April next.

Nov. 26. 1709. Mr. Eſſington preſented the like petition.

Ordered, That it be heard at the bar on the 10th day of December next; and that the ſheriff of the county of Bucks for 1708 do then attend, with the indenture for this borough.

Dec. 1. Ordered, that Mr. Eſſington have leave to withdraw his petition.

Ordered, a new writ for electing a burgeſs to ſerve in this preſent parliament, in the room of Sir John Whitwrong, Bart. made a colonel in the army.

March 3. 1713. A petition of Nathanael Mead and John Deacle, eſquires, was read, ſhewing, that the petitioners, Simon Harcourt and John Eſſington were candidates for this borough; that the petitioners were duly elected, and ought to have been returned; but two conſtables of the borough, in the intereſt of Mr. Harcourt and Mr. Eſſington, did poll for them who had no right, and refuſing others, who had a right, and would have voted for the petitioners; and by bribes have procured ſeveral votes for the ſaid Mr. Harcourt and Mr. Eſſington, in wrong of the petitioners: and praying, &c.

Ordered, that it be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

March 26. 1715. A petition of Simon Harcourt and Philip Herbert, eſquires, was read; ſhewing, that at the election for this borough, the petitioners, with Mr. Serjeant Mead and John Deacle, eſquires, were candidates; that the petitioners were legally choſen; but the ſaid Mr. Serjeant Mead and John Deacle, by the partiality of Robert Todd and William Ray, pretended conſtables, they, by admitting many to poll, who had no right, and by the illegal practices of the ſaid Mr. Serjeant Mead and John Deacle, have procured themſelves to be returned, to the prejudice of the petitioners: and praying, &c.

Ordered, that it be referred to the committee of privileges and elections to examine the matter, and report the ſame, with their opinion.

April 9. Ordered, that Mr. Harcourt and Mr. Herbert have leave to withdraw their petition.

ALDBOROUGH, in Suffolk.

THIS borough is ſituated in the county of Suffolk, and never appears to have been repreſented in parliament until the 13th of Queen Elizabeth, when two burgeſſes were returned to the parliament, which began on the 2d of April 1571, and a few days after the meeting of the parliament, viz. the 6th of April, 1571, I find,

1571. Dewes Journal, 156. Mr. Treaſurer, Mr. Servients, Manwood, Geffrey, and Lovelace; Mr. Bell, Mr. Fletman, and Mr. Monſon, were appointed to confer with Mr. Attorney and Mr. Sollicitor, about the return of this and other burgeſſes, and to meet on the morrow at three o'clock in Mr. Treaſurer's chamber.

ib. 159. 9th. Report was made of the validity of the burgeſſes, and ordered by Mr. Attorney's aſſent, that the burgeſſes ſhall remain according to the returns, for that the validity of the charters of their towns is elſewhere to be examined, if cauſe be.

March 24. 1689. A petition of Sir Edward Turner, knt. was read, ſetting forth, that on the 21ſt of February, the petitioner, Sir Henry Johnſon and William Johnſon were candidates, and the petitioner had a greater number of perſons, who had a right to give their votes, than were polled for the ſaid William Johnſon, and therefore ought to have been returned with Sir Henry Johnſon; but the bailiff of this borough (at the place of election) in prejudice of the petitioner, hath returned the ſaid Sir Henry Johnſon and William Johnſon, praying conſideration. 1689

A petition of the freemen and inhabitants of this borough was read, ſetting forth, that the petitioners, on the 21ſt of February, met in order to make an election for burgeſſes for the ſaid borough, and a poll being demanded, there appeared to be 26 of the freemen and inhabitants for Sir Edward Turner, as appears by the poll, and for Mr. William Johnſon but 14 only, who have the right of election; and thereupon Sir Henry Johnſon and William Johnſon brought in, out of the country, ſeveral gentlemen, farmers and others, not inhabiting within the borough, nor paying ſcot and lot, nor bearing any charge of the corporation, being but lately made free, contrary to the uſage and cuſtom of the borough, by the procurement of one alderman Bence, purpoſely to aſſiſt in that election; by which means the petitioners right of election is deſtroyed, and they debarred of their freedoms therein; and praying, the ſaid Sir Edward Turner may be admitted to ſit in parliament.

Ordered, they be referred to the committee of privileges to examine and report, with their opinion.

October 6. 1690. The petition of Sir Edward Turner was renewed, and referred in like manner; but not that of the inhabitants.

October, 22. 1691. The ſaid petition was again renewed.

Nov. 4. A petition of divers of the inhabitants of this borough, touching the election, was preſented; but there being no petition of the ſaid perſons the laſt ſeſſions, it was not received.

27th. Ordered, the report to be received on Tueſday morning.

Dec. 1. Serjeant Trenchard reported, the queſtion was, whether the right of election was in the freemen reſident within the borough, or in the freemen at large; for it was agreed, if in the former, the petitioner was elected, if in the latter, the ſitting member.

For the petitioner it was inſiſted, that this was a borough by preſcription, and was incorporated 1 Ed. VI. and produced a charter of Ed. VI. and a paper whereby the non-reſident freemen had ſubſcribed not to have advantage of the marſhes, quay and cauſeway belonging to the town. 17

For the ſitting member it was inſiſted, that this is a borough by preſcription; and Thomas Wall, who was produced by the petitioner, having proved the non-reſident freemen had voted in other elections of burgeſſes to ſerve in parliament, the committee reſolved,

That William Johnſon, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for this borough.——The ſaid reſolution being twice read was agreed unto by the houſe.

Nov. 25. 1708. A petition of Michael Hyde and William Shepherd, eſquires, was preſented to the houſe and read, ſetting forth, that the petitioners were 170 were duly choſen burgeſſes for this borough for this preſent parliament; that Sir Henry Johnſon and William Johnſon, by threats and other illegal practices, did deter perſons from voting for the petitioners, and William Robinſon, one of the bailiffs, admitted ſeveral to vote againſt the petitioners who were not qualified, and hath returned Sir Henry Johnſon and William Johnſon to the petitioners wrong.

Ordered to be heard at the bar on the 12th of February next.

Nov. 16. 1709. The ſame petition was renewed, and referred to the committee of privileges.

Dec. 22. Ordered the report to be received on the morrow morning.

23d. Mr. Compton reported, that the counſel for the petitioners inſiſted, that this borough is a borough by preſcription, and firſt incorporated by K. Ed. VI. and that the right of election of burgeſſes to ſerve in parliament is in the burgeſſes and freemen inhabitants within the borough, and receiving no alms; but produced no evidence.

The counſel for the ſitting member inſiſted this borough to be a corporation by preſcription, and that the right of election of burgeſſes to ſerve in parliament is in the bailiffs, capital burgeſſes, and other inferior burgeſſes, and freemen not receiving alms. To prove which,

Edward Wall ſaid, he had lived in Aldborough ſixteen years, and had been at four or five elections, and that the burgeſſes not reſident in the ſaid borough, as well as thoſe reſident, voted without diſtinction or objection, and never heard the uſage in elections for that place was ever otherwiſe; and likewiſe produced a copy of the report upon Sir Edward Turner's petition, wherein it was agreed, if the election was only in the reſident freemen, the petitioner was elected, if in the freemen at large, the ſitting member; and it was reſolved, the ſitting member was duly elected: whereupon the committee reſolved,

1. That the right of electing burgeſſes to ſerve in parliament for the ſaid borough is in the bailiffs, burgeſſes and freemen not receiving alms.

The petitioners counſel being informed of this reſolution, admitted the ſitting members had a majority; whereupon the committee reſolved,

2. That Sir Henry Johnſon, Knt. is duly elected a burgeſs to ſerve in this preſent parliament for this borough.

That William Johnſon, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for this borough.

1715. March, 26, 1715. A petition of John Moleſworth and John Holt, eſquires, was read, ſhewing, that the election came on the 1ſt day of February laſt for this borough, where the petitioners polled 35, by which they have a majority of freemen, who by the intent of their charter have a right to vote, yet the bailiffs permitted a number of people, called honorary freemen and outſetters, to poll for Sir Henry Johnſon, knt. and William Johnſon, eſquire, by which proceedings, with threats, bribery, &c. and by detaining freemen nine days at the ſaid Sir Henry Johnſon's houſe, have procured themſelves to be returned for the ſaid borough, in manifeſt prejudice to the petitioners, and deſtructive to the known rights of the corporation: and praying, &c.

Ordered, that it be referred to the committee of privileges and elections to examine the matter, and report the ſame, with their opinion.

March, 26. 1715. A petition of great numbers of the capital burgeſſes and other freemen of this borough was read, ſhewing, that on the 1ſt of February laſt the election came on, where John Holt and John Moleſworth, eſquires, had a clear majority of the freemen inhabitants, whereupon the petitioners demanded a return for the ſaid Mr. Moleſworth and Mr. Holt; but the bailiffs permitted ſeveral under the title of honorary freemen or outſetters to vote, and have returned Sir Henry Johnſon and William Johnſon, eſquire, pretending they had the majority: and praying, &c.

Ordered, that it be referred to the committee of privileges and elections to examine the matter, and report the ſame, with their opinion.

April 8. Ordered, that the capital burgeſſes of this borough have leave to withdraw their petition.

May 20. Ordered, that it be an inſtruction to the committee of privileges and elections, that they do hear the matter of the election for this borough on the 1ſt day of June next.

June 13. Ordered that the report be received on Thurſday next.

16th. Mr. Hampden reported the matter, as follows:

That the petitioners counſel alledged this is a borough by preſcription, and the right of election is in the bailiffs and burgeſſes reſident in the borough.

That the counſel for the ſitting members alledged it to be a corporation by preſcription, and the right of election is in the bailiffs, burgeſſes and freemen at large.

That a charter of King Ed. VI. was produced, reciting this to be a borough, and thenceforth incorporating the ſame, and the inhabitants in the ſaid borough, by the bailiffs and burgeſſes, with power to make ordinances for the government of the ſame, and any of the King's ſubjects wholly reſident or not wholly reſident there, the preamble of which charter mentions it to be granted *ob ſingularem amorem Regis erga tenentes & inhabitantes burgi.*

4to Jac. A charter of incorporation *de novo*, by the name of baliffs and burgeſſes, creating and conſtituting *primos & modernos ballivos & primos & modernos capitales burgenſes*, with further privileges.

In 1657, an order in the town book, excluding out-burgeſſes and foreigners from commoning in the town marſh, becauſe they did not contribute to any public charge in the corporation.

In 1661, a return by bailiffs, burgeſſes, and commonalty, under the common ſeal.

In 1669, a return by one bailiff and five burgeſſes, under their hands and ſeals.

Sarah Hills ſaid, ſhe was at the election in 1661, and none but inhabitants then voted; but ſhe was not in the town-hall during the whole election: that ſhe knew all the perſons who ſigned the return in 1669 were inhabitants; that ſhe had been at ſeveral elections ſince, where none but inhabitants voted, and formerly no others claimed to vote.

Roſe Becket being called, ſaid, ſhe knew nothing of elections; but ſaid, ſhe had been threatened and abuſed by one Oſborne.

Thomas Richas ſaid, that none but inhabitants burgeſſes voted in 1669, when there was but one candidate: that the town burgeſſes have privileges in the town marſhes, which the out-burgeſſes have not.

John Poſtle ſaid, the out-burgeſſes do not do watch and ward.

That on the ſitting members ſide, William Robinſon ſaid, he had known the borough fifty years, in all his time the freemen at large voted; and he never knew any out-burgeſſes refuſed; he himſelf lived out of the town 20 years, and voted in all elections in that time; the out-burgeſſes ſerve town offices, and are annually called over by the roll, as well as the reſident freemen, upon election of bailiff and burgeſſes, and are fined for non-appearance. He named four out-burgeſſes who voted in 1669, viz. Newport, Gufford, Shepherd and Porter.

Thomas Willis, Edward Wall and John Dawſon, ſpoke to 67, 55 and 18 years, in which time the ſaid out-burgeſſes had always voted without refuſal, and that they are annually called over upon the election of bailiffs and chief burgeſſes, and are fined for non-appearance.

That it appeared by the journals of the houſe, that Dec. 1. 1691, Mr. Johnſon, who was choſen by the freemen at large, was determined to be duly elected; and, on Dec. 23. 1709, it was unanimouſly reſolved, that the right of election is in the bailiffs, burgeſſes and freemen not receiving alms.

The petitioners counſel in reply alledged, that in theſe conteſts there was very little or no evidence to be had againſt members who were then returned.

The committee reſolved, that the right of election of members to ſerve in parliament for this borough is not in the bailiffs, burgeſſes and freemen of the ſaid borough, not receiving alms.

That the right of election of members to ſerve in parliament for this borough is in the bailiffs and burgeſſes reſident within the ſaid borough, and not receiving alms.

That the poll was—for the ſitting members 46, for the petitioners 35.

It was proved, that 19 of the ſitting members votes were non-reſident, and one received alms. The names of the 19 are, Sir Henry Johnſon and William Johnſon, eſquire, John Robinſon and Alexander Bence, eſquires, William Howell, Edward Lark, Kavel Gray, George Lyle, Michael Baldrey, Thomas Meadows, Richard Laſhley, Chriſtopher Staffe, Edward Flower, John Wall, Jonathan Norris, William Sparkes, William Betts, Iſhmael Lincoln, and Alexander Oſborne.

The committee reſolved,

That Sir Henry Johnſon knt. is not duly elected a burgeſs to ſerve in this preſent parliament for this borough.

That William Johnſon, eſquire, is not duly elected a burgeſs to ſerve in this preſent parliament for this borough.

That John Molſeworth, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for this borough.

That John Holt, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for this borough.

The four reſolutions were twice read; and diſagreed to by the houſe.

ALDBOROUGH in YORKSHIRE.

THIS borough never appears to have been repreſented in parliament until the year 1588; nor do I meet with any memoirs of the right or concerning the election until,

Jan. 7. 1673. A petition of James Long, eſquire, was read, complaining of the practice and undue carriage of John Ramſden, eſquire, late high-ſheriff of the county of York, in making a double return for this borough of Sir John Rereſby and Robert Benſon, eſquire, who are neither of them duly elected, in wrong of the petitioner, who was duly elected by the majority of ſuch perſons as have right of election, and his indenture by them ſigned and ſealed and delivered in to the ſaid high ſheriff, who did promiſe, and ought to have returned the ſame.

Ordered to be referred to the committee of privileges, to examine and report the ſtate of the caſe with their opinion.

Jan. 23. Ordered the merits and return be heard together.

The houſe after this ſat until the 24th of February, when the ſeſſion ended, and they met again on the 10th of November following, but ſat only one day, when they were prorogued to the 13th day of April following.

April 17, 1675. A petition of Robert Benſon, eſquire, read, and ordered to be referred to the committee of privileges to take conſideration of . . . . . regularity of the return for this borough, and to report the matter with their opinion.

April 24. Report by Sir Thomas Meeres on the matter of the return, and the ſtate of the evidence thereupon, and two reſolves which he read in his place, and afterwards delivered the ſame at the clerk's table, where they were read and agreed to.

Reſolved, that Mr. Benſon is not well returned as a member to ſit in parliament for this borough.

That Sir John Rereſby is well returned to ſerve as member for this borough.

Feb. 26, 1676. A petition of the burghers was read, and ordered to be referred to the committee of elections, to examine and report it with their opinion.

May 23, 1678. A petition on the behalf of the burghers was read, and exceptions being taken thereto, it was withdrawn.

30th. A petition of the ſeveral burghers of this borough was read, ſetting forth, that Sir John Rereſby had procured himſelf to be returned, although he was not duly elected; and exception being taken to the ſaid petition, that there was an affidavit upon the ſame paper, it was ordered that the affidavit be blotted out, and the petition referred to the committee of privileges, to examine and report with their opinion: but the ſeſſion ending on the 13th of July, it was not heard.

Oct. 26. The ſaid petition was again preſented, and referred in the like manner, but not heard.

March 19, 1678. A petition of Sir Godfrey Copley, baronet, complaining of an undue practice uſed by the high ſheriff of the county of York, in returning Sir John Rereſby to ſerve in the preſent parliament as burgeſs for this borough, in injury of the petitioner, who was duly elected, &c.

Ordered to be referred to the committee to examine and report the ſame, with their opinion.

May 15, 1679. Report by Sir Thomas Meeres, that the committee had taken into conſideration the matter, and it appeared to the committee, that Sir John Rereſby had about 19 of the inhabitants paying ſcot and lot, who voted for him in the ſaid election, and Sir Godfrey Copley had about 24 of the ſaid inhabitants paying ſcot and lot; whereupon the committee reſolved,

That all the inhabitants paying ſcot and lot have only right to vote in electing members to ſerve in parliament for the ſaid borough;

That Sir John Rereſby is not duly elected to ſerve in this preſent parliament for the ſaid borough,

That Sir Godfrey Copley is duly elected to ſerve in this preſent parliament for the ſaid borough.

The houſe agreed in the ſaid reſolutions with the committee, and ordered the clerk of the crown to attend on the morrow, to take off the indenture of Sir John Rereſby, and affix the indenture of Sir Godfrey Copley to the return. 16

16th. The clerk of the crown attended, and amended the return as aforeſaid.

In the year 1689, there was a double return of members to ſerve in parliament for this borough; by one indenture Henry Boyle and John Vandenbendic, eſquires; and by another, Sir Michael Wentworth and Chriſtopher Tancred, eſquire, which were referred to the conſideration of the committee.

May 10, 1690. Ordered to be reported on Thurſday next.

15th. Ordered to be reported on Saturday next.

17th. Mr. Grey reported, that the main queſtion was, whether the right of election was in a ſelect number of burgeſſes holding by burgage tenure in the ſaid borough, or in the inhabitants paying ſcot and lot: if in the ſelect number, then Mr. Boyle and Mr. Vandenbendic were duly elected; if in the inhabitants paying ſcot and lot, then Sir Michael Wentworth and Chriſtopher Tancred were elected.

For the former, produced ſeveral returns, viz.

14 Eliz. by a ſelect number, but the record torn;

1 Jac. by 7 burgeſſes and boroughmen;

21 Jac. by 7 burgeſſes and boroughmen;

3 Car. by 9 burgeſſes and boroughmen;

15 Car. the ſame;

13 Car. II. *per 9 burgenſes, majorem partem burgenſium*;

25 Car. II. *per 16 et multos alios burgenſes*; and John Benſon, eſquire, was elected *per 6 et diverſos alios burgenſes*, and Sir John Rereſby was elected: that theſe two laſt were a double return, and it was reſolved by the houſe for Mr. Benſon.

Michael Hardcaſtle, John Hickman, and Richard Lumley ſaid, the right was in the boroughmen, who were commonly accounted to be 9; and Hardcaſtle ſaid, the 9 borough-holders voted for Mr. Boyle and Mr. Vandenbendic.

That for Sir Michael Wentworth and Mr. Tancred it was inſiſted, the right was in the inhabitants, and though only ſome few might join in the return, yet others might be concerned in the election, and produced ſeveral returns;

1 Car. II. burgeſſes and boroughmen;

Eodem anno, another of the ſame;

13 Car. II. *per 9 burgenſes exiſten. major. partem burgenſium qui election. ill. interfuerint*;

30 Car. II. *per 20 et multos alios burgenſ. exiſten. maj. partem burgenſium qui election. interfuerint*;

31 Car. II. *per 58 et al. burgen. exiſten. majorem partem burgen. præſentium.*

Reſolution, 1679, that the election was in the inhabitants paying ſcot and lot;

A return of 33 Car. II. *per 41 et alios burgenſes ejuſdem burgi*;

1 Jac. II. *per 63 burgenſes et alios ejuſdem burgi exiſten. majorem partem burgenſium præſentium.*

That it was ſaid, that 3 of the 9 that claimed to be borough-holders received alms, and others were very poor.

That as to the merits of the return, it was not much inſiſted on; only it was ſaid, that 7 of the 9 boroughmen had joined in the choice of the bailiff, who returned Sir Michael Wentworth and Mr. Tancred.

Upon the whole the committee reſolved,

1. That the right of electing burgeſſes to ſerve in parliament for this borough is not only in the ſelect number of burgeſſes holding by burgage tenure in the ſaid borough.

2. Reſolved, that the inhabitants of the ſaid borough paying ſcot and lot have a right to vote for electing members of parliament for the ſaid borough.

Reſolved, that Sir Michael Wentworth and Chriſtopher Tancred, eſquire, are duly returned and elected burgeſſes to ſerve in this preſent parliament for the ſaid borough; all which reſolutions were read a ſecond time, and agreed to by the houſe.

Ordered, the clerk of the crown do attend on Monday with the return for this borough, in order to amend the ſame.

19th. The clerk of the crown attended, and amended the return by taking off the file the indenture by which Mr. Boyle and Mr. Vandenbendic are returned.

Nov. 27, 1696. A petition of ſeveral of the inhabitants of this borough was preſented and read, ſetting forth, that the petitioners have duly choſen Arthur Kay, eſquire, to be their repreſentative in this preſent parliament, in the room of Sir Michael Wentworth; but Richard Sutton, bailiff of the borough, had returned Henry Fairfax, eſquire, who, contrary to the act made the laſt ſeſſion, ſpent great ſums of money in treating the electors: and praying the juſtice of the houſe, that Mr. Kay may be admitted as their repreſentative. Alſo,

A petition of Arthur Kay, eſquire, to the ſame purpoſe.

Ordered, the merits of the election be heard at the bar on the 21ſt of December.

Dec. 21, 1696. The houſe proceeded to the hearing of the merits of the ſaid election, and counſel and witneſſes were heard on both ſides.

Reſolved, nemine contradicente, that Henry Fairfax, eſquire, having, contrary to the late act of parliament, expended money in order to his election to ſerve in this preſent parliament for the borough of Aldborough, in the county of York, ſince the vacancy thereof by the death of Sir Michael Wentworth, is diſabled and incapable, upon ſuch election, to ſerve as a burgeſs for the ſaid borough.

The queſtion being put, that Arthur Kay, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for this borough, it paſſed, on a diviſion, in the negative.

Reſolved, the late election for the ſaid borough is a void election.

Ordered, that no motion be made for a warrant for a new writ for electing a burgeſs for this borough until after twelve o'clock in a full houſe.

Jan. 13, 1696. A motion was made for a new writ, and a debate ariſing, the debate was adjourned until Tueſday morning next.

19th. Debate was farther adjourned till Saturday next.

23d. Debate farther adjourned until Wedneſday next.

27th. Debate came on, and a motion was made, and the queſtion put, that the ſpeaker do iſſue his warrant for making out a new writ for electing a burgeſs for this borough in the room of Sir Michael Wentworth deceaſed, it paſſed in the negative.

Reſolved, that no new writ do iſſue this ſeſſion for electing a burgeſs for this borough in the room of the ſaid Sir Michael Wentworth.

Dec. 3, 1697. A motion was made for a new writ in the room of Sir Michael Wentworth.—— Ordered to be conſidered on this day fortnight.

17th. Ordered to conſider of the motion this day fortnight.

30th. A petition of the electors of the antient borough of Aldborough was preſented to the houſe and read, ſhewing, that they lying under the misfortune of being unadviſedly miſled to tranſgreſs the late act of parliament made for preventing diſorders and abuſes in elections, and to their great grief incurring the diſpleaſure of the houſe; of which they are ſo deeply ſenſible, that they reſolve never to ſuffer any irregularities in any future elections for their borough, but ſtrictly and faithfully to obſerve ſo good and beneficial a law; and praying to be received into the favour of the honourable houſe, by being allowed to go to an election to fill up the preſent want of a member in this borough.

Ordered, Mr. ſpeaker do iſſue his warrant for making out a new writ for electing a burgeſs, in the room of Sir M. Wentworth deceaſed.

Dec. 12, 1698. A petition of Cyril Arthington, eſquire, was preſented and read, ſetting forth, that the petitioner and Sir Abſtrupus Danby ſtood candidates to ſerve as a burgeſs in the preſent parliament for this borough, and the petitioner was legally choſen; but Sir Abſtrupus Danby did by divers illegal practices, contrary to the act of parliament to prevent charges in elections, procure ſeveral votes for himſelf; and praying a ſhort day for hearing the merits of the ſaid election.

A petition of Chriſtopher Tancred, eſquire, was read, ſetting forth, that at the laſt election for this borough, the petitioner did offer himſelf to be one of their burgeſſes, and verily believes he ſhould have been choſen, had it not been for moſt notorious bribery and repeated menaces before, at, and ſince the election; which the petitioner doubts not to make out by unqueſtionable teſtimony: and praying the juſtice of the houſe in the premiſes.

Ordered theſe petitions to be referred to the committee of privileges, to examine and report with their opinion.

Nov. 16, 1699. The petition of Mr. Tancred was renewed, and referred as before.

30th. The petition of Mr. Arthington was alſo renewed, and referred in like manner.

Jan. 16. Ordered, that Mr. Arthington have leave to withdraw his petition.

March 1. Ordered, the report from the committee touching this election be made on the morrow.

2d. Report by Sir Rowland Gwynn, that Sir George Cook's election was not conteſted; the poll was for Sir Abſtrupus Danby 30, for the petitioner 10; but the petitioner inſiſted, that the ſitting member's votes were procured by bribery; to prove which William Pentith ſaid, that about three weeks or a month before the election, Sir Abſtrupus Danby came to the borough and ſent for the boroughmen, and him amongſt the reſt, and told them, he had thought on a way to gratify the town, if they would chuſe him parliament man; that he would give two loads of coals to each boroughman, and ſend tickets for the ſame; that he had a ticket from one of Sir Abſtrupus's ſervants, who told him they had been about to deliver tickets to others, and produced his ticket dated 8 June; that tickets were given only to boroughmen, and to them without diſtinction; that it was noiſed about that this would be deemed bribery, whereupon two of Sir Abſtrupus's ſervants deſired his ticket again, but he refuſed; that about a fortnight or ten days before the election, Sir Abſtrupus treated the boroughmen at his houſe, and had his fire and candle, and Mr. Johnſon paid him 2l. 5s. for the ſame, but owned he did not vote for Sir Abſtrupus Danby.

John Elly, Thomas Rawlins and Richard Smithſon ſaid, Sir Abſtrapus Danby was a ſtranger in the town, and all concurred in the ſame evidence in regard to the coals, and Elly's ticket was produced, but none could ſay any coals were delivered; nor did either of theſe vote for Sir Abſtrupus Danby. Rawlins added, that Sir Abſtrupus Danby told them his houſe was on the road as they went for the coals, and if they would call, they ſhould have entertainment as they went by; that Mr. Johnſon, Sir Abſtrupus Danby's Steward, met him afterwards, and pulled out an handful of money, and gave him 5s. but he (Rawlins) told Mr. Johnſon, he could not then reſolve; that about a fortnight before the election he met Sir Abſtrupus Danby, who ſaid, I ſuppoſe my man has given you 5s. and if you will vote for me I will give you 5l.

Richard Smithſon ſaid, he was not preſent when the promiſe was made of the coals to the reſt; but Sir Abſtrupus Danby came to his houſe, and deſired his vote, and told him he ſhould have two load of coals, and a ticket to fetch them by; but Sir Abſtrupus after came to his wife, and deſired it again, and had it; and about ten days before the election Sir Abſtrupus Danby met him, and told him he would make it twice as good, and if he would give him his vote he would give his daughter a George; that Stocſaker an attorney, the Sunday before the election, deſired his vote for Sir Abſtrupus Danby, and in that caſe he would bear all the charges of a law-ſuit, whether won or loſt; and the ſaid Stocſaker pretended to read a letter from his mother and brother-in-law, in which it was ſaid, if he would vote for Sir Abſtrupus Danby it ſhould be better than 100l. to him; that both Rawlins and Smithſon ſaid Stocſaker uſed to be much with Sir Abſtrupus Danby when in town.

William Pentith and Francis Barraby ſaid, Mr. Morris, vicar of this borough, told them he had offered four burgeſſes who he named, but differed in their evidence as to one of them, to Mr. Tankred, if the ſaid Mr. Tankred would give him 40l; Morris telling Pentith, that Mr. Tankred had put him to ſo much charge by a law-ſuit; but Mr. Tankred refuſed to accept the terms, and went away angry with him. Mr. Barraby ſaid, Mr. Morris made the ſame propoſal for Mr. Arthington, who was alſo a candidate, and theſe four perſons being found in Sir Abſtrupus Danby's poll, the petitioners counſel inferred, that money was given for them by Sir Abſtrupus Danby.

Rawlins alſo ſaid, Mr. Womble came to him, and deſired his vote for Sir Abſtrupus Danby, and told him, it would be kindly taken by Lady Wentworth; that he voted for Sir George Cook and Mr. Tankred, and had notice to quit his farm he held of lady Wentworth, as had George Lawton and William Painter, who held two other farms under the ſaid lady Wentworth; but Rawlins could not ſay theſe notices were occaſioned by their voting, only he believed it, becauſe he knew no other reaſon.

Mr. Staveley ſaid, on the 9th of June he delivered each boroughman a ticket for two wainload of coals, with this caution, to fetch them before the diſſolution of the parliament, and that upon delivery of the tickets, no one was aſked or promiſed their votes; that the laſt parliament being in point of time near a diſſolution, and no coals having been delivered, it was thought it might be dangerous to let them continue out, and therefore called for the tickets; all of which, except 6 or 8, were delivered voluntarily, without any promiſe in lieu; and all but two ſigned a note to make no uſe of them, the boroughmen being willing that no prejudice ſhould come to Sir Abſtrupus Danby, or the town by them.

Robert Turton ſaid, the tickets were delivered the 8th of June, no vote aſked, or mention of election, no coals delivered, and the tickets called in before the diſſolution of the parliament.

Mr. Johnſon denied he gave Rawlins any money on account of the election, but 5s. on the 24th of May for ſome medals which Rawlins preſented to Sir Abſtrupus Danby; that Sir Abſtrupus Danby did treat the boroughmen on the 24th of June at Pentith's houſe, and for the uſe of his houſe, linen, hay, fire, &c. he paid 45s. which Pentith then thought indifferent pay; that he did not then mention his vote, or know he had any.——Rawlins was then called upon as to the 5s. He denied he ever gave any medals to Mr. Johnſon, but gave them to one of Rippon, who did not pay him for them, but Mr. Johnſon did; but being aſked again, ſaid, Mr. Johnſon told him, when he gave the 5s. it was not for the medals, yet acknowledged he had no conſideration for them.——Smithſon's character was then objected to, but the evidence being as to particular facts, it was not admitted.

Richard Scruton ſaid, Rawlins at the county election did ſwear he had 40s. per annum, and that he, or his father, never had any freehold. Two other witneſſes ſaid, theſe two witneſſes were men of bad reputation: upon which the committee reſolved,

That Sir Abſtrupus Danby is duly elected a burgeſs for this borough; to which the houſe agreed.

Nov. 18. 1707. Ordered a warrant for a new writ for electing a burgeſs to ſerve in this preſent parliament for this borough, in the room of William Jeſſop, eſquire, who hath accepted of an office of profit from the crown, ſince his being a member of parliament.

March 5. 1713. A petition of Edward Wortley of Wortley, in the county of York, eſquire, and William Jeſſop, eſquire, of Bromhall in the ſaid county, was read, ſhewing, that at the election for this borough, the honourable John Dawney and Paul Foley, eſquires, and the petitioners were candidates; that the ſaid John Dawney and Paul Foley, by bribes, &c. did procure themſelves to be unduly returned, although the petitioners had a majority, and ought to have been returned: and praying, &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

July 15. 1717. Ordered a warrant for making out a new writ for the electing a burgeſs to ſerve in this preſent parliament for this burgh, in the room of William Jeſſop, eſquire, who, ſince his election for the ſaid borough, hath accepted the office of one of the commiſſioners of alienation.

ALLERTON North.

THIS borough is ſituate in the county of York, and ſent burgeſſes to parliament in the 26th of Ed. I. but from that time until 1640 never ſent any.—The firſt memoir I meet with in the journal, is,

Dec. 5. 1640. A motion made for Malton and Allerton, two towns in Yorkſhire, that have anciently ſent burgeſſes to parliament, but for a long time have diſcontinued. It was deſired, that it might be referred to the committee for privileges to certify the ſtate of the matter, upon view and examination of the record.

12th. Ordered, that the towns of Malton and Allerton in the county of York, which formerly (as appeared to the committee upon view of the record) ſent burgeſſes, but for ſome time had diſcontinued, be reſtored and remitted to their antient privileges of ſending burgeſſes to parliament; and that a warrant iſſue forth under Mr. ſpeaker's hand, directed to the clerk of the crown in Chancery, to ſend forth a writ for electing of two burgeſſes to ſerve in this preſent parliament for the ſaid towns.

June 9. 1660. Mr. Prynn reported a liſt of ſome perſons who ſat on the pretended trial of the late King's majeſty; that Francis Laſcells, eſquire, (member for this borough) ſat on the 22d day of January.

Reſolved, that Francis Laſcells, one of the judges who ſat at the trial of the late King's majeſty, be diſcharged from being a member of this houſe.

12th. Ordered, a new writ be iſſued for the electing a burgeſs to ſerve in this parliament for this borough in the room of Francis Laſcells, diſcharged from being a member of this houſe.

Dec. 20, 1705. A petition of Thomas Harriſon, eſquire, was read, ſhewing, that the petitioner was duly elected a member, to ſerve in this preſent parliament, for this borough, in the room of Robert Dormer, eſquire; but by bribery, and other corrupt practices, Roger Gale, eſquire, hath procured himſelf to be returned: and praying, &c,

Ordered, that it be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

ANDOVER.

THIS borough is ſituated in the county of Hants, and ſent burgeſſes to all King Edward the Iſt's parliaments, and alſo to the firſt parliament of King Edward the IId; and in the 2d year of the ſame Edward the IId, the ſheriff of Hants makes this return: *Pro burgenſibus libertatum epiſcopi Winton villæ Southampton, Portſmouth, Inſulæ Vectis, Chriſti Eccleſiæ, Andivre, &c. breve iſtud retornatum fuit ballivis eorundem, qui nullum inde mihi dederunt reſponſum.* In the 4th year—*Pro pluribus burgenſibes eligend. pro parliamento prædicto breve iſtud returnat. fuit ballivis libertatum villæ Southampton, epiſcopatus Winton. Andivre, &c. qui nullum inde mihi dederunt reſponſum.* From that time until the 27th of Eliz. intermitted. Brev. Par. red. 295.

It doth not appear in what manner this borough was reſtored, nor do the journals of the houſe of commons afford any memoirs thereof, nor any thing relating to the election, until April 30, 1641. Ordered, that the petition of Sir William Waller preferred to this houſe concerning the election of a burgeſs for this borough, and the whole matter of that election, be referred to the conſideration of the committee for Sir Lewis Dive.

Nov. 6, 1678. A petition of John Deane, eſquire, was read, complaining of an undue return of Charles Weſt, eſquire, for this borough, in injury of the petitioner, who was duly elected, and ought to have been returned.

Ordered it to be referred to the committee, to examine the matter, and report with their opinion.

The parliament was diſſolved ſoon after, ſo it was never heard.

March 28, 1679. A petition of John Pollen, eſquire, was read, complaining, that William Withers, eſquire, combining with the bailiff of this borough, did by ſeveral illegal and unwarrantable practices procure himſelf to be returned to ſerve in this preſent parliament as one of the burgeſſes of the ſaid borough, in injury of the petitioner, who was duly elected, and ought to have been returned.

Reſolved, it be referred to the committee of privileges to examine, and report the ſame with their opinion.——This petition was never heard.

March 24, 1680. A petition of Francis Paulet and Sir Robert Henley, touching the election, was read, and referred to the committee; but never heard.

Jan. 22, 1688. A petition of Sir Robert Henley, knight, and John Venables, eſquire, on behalf of themſelves and the body of the burgeſſes of this borough, complaining of an undue return of burgeſſes to ſerve in this preſent convention.

Ordered it be referred to the committee of privileges to examine, and report the matter, with their opinion.

April 1, 1689. Colonel Birch reported from the committee, that the queſtion was, whether the election lay in the bailiff and ſelect number of burgeſſes only, or in the populace; and the petitioners inſiſted, that it was an antient borough, which uſed to ſend members to parliament, which have been choſen by the populace.

Read two precepts with their returns, viz. 33 and 34 Ed. I. but it did not appear by whom they were choſen; alſo,

Two indentures of return in 30 and 39 Eliz. ſaid to be with conſent of the corporation and commonalty of the town; alſo

A writ for electing a burgeſs in the room of Sir Henry Rainsford then lately deceaſed, with the return of the ſame in 1641, which return had been amended, and Sir William Waller's name put in the place of Sir Henry Vernon; and produced witneſſes, who proved Sir William Waller was choſen by the populace. There was alſo a petition in the Oxford parliament againſt Mr. Weſt and Mr. Collins upon the right of the populace, which was never heard.

That in the Weſtminſter parliament, two years before, the choice was by the ſelect number; that in the laſt parliament the town had a deſign to aſſert their right: but the town clerk threatned to proſecute them for a riot, if they did.

For the ſitting members it was inſiſted, that this was a corporation by preſcription, and had members choſen always by a ſelect number; that the records in Ed. I. time did not ſhew by whom they were choſen.

They produced an antient book, whereby it appeared, ſeveral courts had been held by the maneloquiums of an order made *per ſeneſchallum & 24 per wardinos*, 37 Hen. VI. Read charter wherein it is recited, they had been a corporation immemorial.

Alſo indentures of returns 28 Eliz. 1, 18 and 21 Jac. 15 Car. I. under the common ſeal.

Three witneſſes ſaid, they had known ſeveral elections, and all they remembered had been by the ſelect number; and the counſel for the petitioners agreeing, that it was a corporation by preſcription, and the uſage being proved, that the burgeſſes had been choſen by the bailiff and a ſelect number; upon this the committee reſolved,

That the right of election of burgeſſes to ſerve in parliament for this borough is in the bailiff and a ſelect number;

That Francis Paulet and John Pollen are duly elected: to both of which the houſe agreed.

Feb. 13, 1700. The houſe being informed, that Samuel Shepherd, eſquire, a member of this houſe, had been guilty of bribery at ſeveral corporations, in order to procure members to be choſen into this parliament; and he being heard, and inſiſting upon his innocence,

Reſolved, the charge be heard at the bar of this houſe on Tueſday three weeks, and that the names of the places, where the ſaid Mr. Shepherd is charged to be guilty of bribery, be delivered to him in writing.

15th. The charge was delivered, that Mr. Shepherd by himſelf and agents had endeavoured to corrupt the elections for the boroughs of Newport, Andover, &c. by giving of great ſums of money to obtain their votes.

March 3. Ordered Mr. Shepherd be heard by his counſel the 11th inſtant;

That Mr. Allen and Mr. Glover do then attend;

10th. Ordered, that the hearing of Mr. Shepherd be adjourned until Friday, and the ſeveral perſons do then attend;

That Mr. Guy and the mayor of Andover do alſo then attend;

That the clerk of the innholders company do then attend;

12th. Ordered, that Samuel Shepherd ſen. Samuel Shepherd jun. Francis Shepherd, and Joſeph Martin, eſquires, do attend the houſe in their places to-morrow morning.

13th. They attended and were examined. See Bramber.

14th. The houſe proceeded in the hearing of the charge againſt Samuel Shepherd, ſen. and examined witneſſes in regard to the borough of Wotton Baſſet, and ordered to proceed on the morrow.

15th. The houſe proceeded in regard to ſeveral boroughs: and to proceed on Monday.

17th. The houſe proceeded in the charge againſt Mr. Shepherd in regard to the corrupting this borough; and after hearing counſel and witneſſes, it was reſolved,

That the electors of the borough of Andover in the county of Southampton have endeavoured corruptly to ſet to ſale the election of a burgeſs to ſerve in this preſent parliament for the ſaid borough.

Reſolved, that the lending money upon any ſecurity to a corporation which ſends members to parliament, and remitting the intereſt of the ſame money with intent to influence the election of ſuch corporation is an unlawful and dangerous practice.

To proceed again on the morrow morning.

18th. The houſe proceeded in the ſaid matter: and ordered, that Mr. Julius Samborn, bailiff of this borough, having been concerned in corruptly expoſing to ſale the election of a burgeſs for this borough, be taken into cuſtody of the ſerjeant at arms.

Ordered, that Mr. Wimbleton having been alſo concerned in like manner, be taken into cuſtody of the ſerjeant at arms.

Ordered, that Mr. Wareham, having been concerned in like manner, be taken into cuſtody of the ſerjeant at arms.

Ordered, that Francis Shepherd, eſquire, do attend in his place to-morrow to anſwer touching the matter charged upon him in relation to the election for the ſaid borough.

19. Mr. Francis Shepherd attending expreſſed himſelf to this effect, that, if he had done any thing, whereby to fall under the diſpleaſure of this houſe, he was ſorry for it, and deſired a favourable conſtruction; that it doth not appear any way by the evidence, that he is any way guilty of bribery to corrupt the electors or any other perſon; that he did not think of ſtanding till it was offered to him, and he hoped the houſe would not think him guilty of

bribery, and ſubmitted himſelf entirely to the houſe.

Ordered, that Francis Shepherd, eſquire, be diſcharged from being a member of the houſe. See Newport, &c.

April 23, 1701. A petition of Julius Samborn in cuſtody of the ſerjeant at arms, alſo of Joſeph Wimbleton, and of Edward Wareham, acknowledging their offences, begging pardon, and deſiring to be diſcharged.

Ordered, they be brought to the bar on the morrow morning, in order to be diſcharged.

24th. They were brought to the bar, reprimanded on their knees, and diſcharged.

Jan. 3, 1701. A petition of Sir John Cope, knight, was preſented and read, ſetting forth, that at the late election for this borough John Smith, eſquire, the petitioner and Francis Shepherd, eſquire, were candidates, and Mr. Smith and the petitioner had a majority of the burgeſſes, freeholders and inhabitants, who have an undoubted right to vote, and ought to have been returned; but Gabriel Goldney perceiving the petitioner had a majority of the freeholders and inhabitants from Mr. Shepherd, declared the right was in the bailiff and burgeſſes only, and that Mr. Shepherd had the majority of ſuch, and hath returned him with Mr. Smith, in prejudice of the petitioner; that ſeveral of the burgeſſes were disfranchiſed without any cauſe ſhewn, and thereby and by many other illegal and undue practices, Mr. Shepherd obtained a majority of the ſelect number—praying conſideration, &c.

Ordered to be referred to the committee to examine and report: but was never heard.

Oct. 26, 1702. A petition of Sir John Cope and Francis Conway was read, ſetting forth, they were duly elected to ſerve in this preſent parliament for this borough; but the bailiff, being prevailed on by indirect and illegal practices, had returned John Smith and Francis Shepherd, in prejudice of the petitioners.

Ordered to be referred to the committee of privileges to examine, and report with their opinion.

Jan. 28, 1702. Mr. Bromley reported, that the counſel for the petitioner offering no evidence to make good the allegations of the petition were ordered to withdraw: and the committee, having heard the reſolution of the 1ſt of April, 1689, reſolved,

That the right of election of burgeſſes to ſerve in parliament for this borough is in the bailiff and ſelect number of burgeſſes only;

That John Smith, eſquire, is duly elected a burgeſs to ſerve in parliament for this borough;

That Francis Shepherd, eſquire, is duly elected a burgeſs to ſerve in parliament for this borough: to all which the houſe agreed.

Nov. 29, 1710. Ordered a warrant for making out a new writ, for the electing a burgeſs for the ſaid borough in the room of the right honourable Sir John Smith, who ſince his being elected a burgeſs for the ſaid borough, has been by her Majeſty appointed one of the tellers of the Exchequer.

March 6, 1713. A petition of Thomas Pit, eſquire, was read, ſhewing, that at the election for this borough, William Guidot, eſquire, Sir Ambroſe Crawley, and the petitioner, were candidates; that Sir Ambroſe Crawley and his agents were guilty of bribery, and by that means procured himſelf to be returned, in wrong of the petitioner: and praying to be relieved, &c.

Ordered, that the matter be heard at the bar of the houſe on Thurſday come three weeks.

18th. Ordered, Mr. Pit have leave to withdraw the ſaid petition.

ANGLESEA.

THIS is one of the twelve Welſh counties impowered to ſend a knight of the ſhire to parliament by the ſtatute of 27th of Henry VIII. (which ſee in the Appendix.) The firſt return was in the 33d of that king. There doth not appear to have been any conteſted election for this county until the preſent century; of which I have the following memoirs. But, before I enter upon them, I am to take notice, that the principality of Wales returned repreſentatives to the Engliſh parliament as early as the 15th of Ed. II. 12 out of each province of North and South Wales, as appears by the writs in the Appendix; but whether they were choſen by the particular counties or provinces is uncertain; nor were there after any farther returns till K. Hen. VIIIth's time aforeſaid.

Stat. 27 Hen. VI. 226.

Pryn's 4 reg. p. 59.

Oct. 19. 1722. A petition of Owen Meyrick of Bodorgan in this county, eſquire, was read; ſhewing, that at the laſt election of a knight of the ſhire to ſerve in parliament for this county, the honourable Richard lord Bulkley and the petitioner were candidates; that the major part of the freeholders of the ſaid county polled for the petitioner; that the ſaid lord Bulkley, deſpairing of having a majority of legal votes, did greatly increaſe the number of freeholders by executing illegal conveyances, and making colluſive eſtates of ſeveral houſes or hereditaments, of about 45s. per annum, to ſeveral of his ſervants and other perſons, to enable them to vote for the ſaid lord Bulkley; the ſaid lord Bulkley and his friends did uſe menacing words to deter ſeveral freeholders from polling for the petitioner; that by theſe and other undue practices, the lord Bulkley procured himſelf to be returned for the ſaid county, in prejudice of the petitioner: and praying, &c.

Ordered, that it be referred to the committee of privileges and elections to examine the matter, and report the ſame with their opinion.

Nov. 13. 1724. The ſame petition was again read, and referred as before.

March 8. Ordered, that the report be received on Saturday.

13th. Mr. Gybbon reported the matter concerning the ſaid petition, as follows.

That the committee had examined the matter of the ſaid petition. The poll was for lord Bulkley 217, for the petitioner 148. That the petitioner objected to 111 of the ſaid late lord Bulkley's voters, 62 as not qualified by their eſtates to vote, and 41 as influenced by bribery or menaces: that on the firſt head they called William Lewis, eſquire, who ſaid, he knew all or the far greater part of the voters for this county, and had made it his buſineſs to ſpeak with and enquire concerning them; and gave evidence of their declarations and confeſſions, as follows; viz. That five had only leaſe for years; that 21 had freeholds by purchaſe within twelvemonths before the election, or by conveyances, executed within that time by lord Bulkley, or others, to qualify them to vote; that 11 had no freehold; that two voted for lands of which the mortgagees were in poſſeſſion; that another was only mortgagee for years; and 15 perſons freeholds were under 40 s. per annum; that two were not rated; that three others were rated under 40 s. per annum; and the rates were produced.

Richard Thomas ſaid, that two others confeſſed to him, they had no freehold.

That on the head of bribery and corrupt practices William Lewis, eſquire, ſaid, that 44 other voters had owned to him, that they voted for lord Bulkley for the following reaſons, viz. 6 for money given by his lordſhip, 2 for money given by his lordſhip's direction; 28 for gifts, or promiſes of rewards by his lordſhip of timber for repairs, fewel, marl, or the like; another for the remittance of rent by his landlord, a friend of the ſaid lord Bulkley, 5 others becauſe of threats by his lordſhip, another becauſe of threats by his agent.

Mr. Hugh Lewis ſaid, another was guilty of corrupt practices in the election.

Thomas Evans being examined, gave evidence, that 5 others had owned they voted for lord Bulkley becauſe of gifts or promiſes of rewards by his lordſhip of the like nature, as before.

The counſel on the other ſide inſiſted, that Mr. Lewis's evidence was not ſufficient to diſqualify ſo many voters, who generally had ſworn to their freeholds at the election; and called William Lewis of Tryſelwyn, who ſaid, that 5 of thoſe objected to had ſufficient freeholds at the time of the election, and for ſeveral years before.

William Owen, eſquire, and Hugh Price ſaid the like as to 13 others objected to on the ſame head; and two others were taxed at the value of 40 s. yearly.

William Lewis of Tryſelwyn ſaid, as to bribery, that ſix of thoſe voters were men of conſiderable eſtates, and 40 others men of ſubſtance, honeſt men, and whoſe characters and circumſtances freed them from ſuſpicion of bribery, and were all tenants to lord Bellew, and as ſuch, had always voted in his intereſt, or were now induced thereto by his friends.——Whereupon the committee reſolved,

That the right honourable Richard, late lord Bulkley, viſcount Caſhell in the kingdom of Ireland, was duly elected a knight of the ſhire to ſerve in this preſent parliament for this county.

The ſaid reſolution being twice read, was agreed to by the houſe.

April 21. 1725. A petition of Thomas Lloyd of Llamden in this county, eſquire, was preſented and read; ſhewing, that at the laſt election of knight of the ſhire for this county, Hugh Williams, eſquire, and the petitioner were candidates, where John Owen, eſquire, the high-ſheriff, and Mr. Williams and his agents, abuſed and intimidated ſeveral of the freeholders, who came to vote for the petitioner, and locked up others from voting for him; and the ſaid ſheriff refuſed to poll ſeveral perſons who tendered their votes for the petitioner, and refuſed to adminiſter the oaths appointed to be taken by the freeholders; and the ſaid ſheriff admitted ſeveral perſons to poll for Mr. Williams, who had no right; and by many undue practices and bribery the ſaid Mr. Williams hath procured himſelf to be returned; though the petitioner was duly elected: and praying, &c.

Ordered, that it be referred to the committee of privileges and elections to examine the matter, and report the ſame with their opinion.

APULBY.

THIS was a borough and a mayor town, and ſent members 23 Ed. I. and has continued to do till this time.

The memoirs I meet with here follow.

Dewes journ. 430.

Feb. 11. 1588. Mr. Treaſurer from the committee of privileges reported in the return for this borough, it appeareth that the indenture returned being razed in the ſentence of election, Lawrence Liſter and Thomas Muſgrave are named burgeſſes, and in the ſentence for giving them authority being likewiſe razed, Robert Warcup and Anthony Felton are named with the former hand; they do think it convenient upon the inſufficiency and uncertainty thereof, a new writ be granted for the chuſing of new burgeſſes for this borough, and the ſaid former return to be utterly diſallowed.

Feb. 14. 1700. A petition of Sir John Walter, bart. was preſented and read, ſetting forth, the petitioner was duly choſen a burgeſs to ſerve in this preſent parliament for this borough, and ought to have been returned, but the mayor of the ſaid borough hath returned Wharton Dunch, eſquire, to the petitioner's prejudice: praying conſideration, &c.

Ordered, that it be referred to the committee of privileges to examine, and report with their opinion: but never heard.

Jan. 3. 1701. A petition of James Graham, eſquire, was preſented and read, ſetting forth, the ſaid petitioner ſtood a candidate at the election of burgeſſes to ſerve in parliament for this borough, and upon a poll ſeveral legal voters for the petitioner were rejected, and ſeveral perſons who had no right to vote were admitted to poll for Wharton Dunch, eſquire, though objected againſt by the petitioner, and upon a juſt ſcrutiny the petitioner had a great majority of Mr. Dunch, and yet the mayor of the ſaid borough has returned Mr. Dunch as duly elected: and praying the conſideration of the houſe.

Ordered it to be referred to the conſideration of the committee of privileges and elections to examine, and report with their opinion.

13th. A petition of ſeveral burghers of Apulby in behalf of themſelves and divers other burghers was preſented to the houſe and read, ſetting forth, that at the election, and after teſte of writ for members to ſerve in this preſent parliament for this borough, ſeveral unlawful practices were uſed to gain votes for Gervaſe Pierpont and James Graham, eſquires, whereby they gained a majority, but the petitioners conceive Wharton Dunch and Richard Brathwaite, eſquires, were duly choſen their repreſentatives: and praying conſideration.

Ordered, it be referred to the committee of privileges to examine, and report with their opinion.

Dec. 5. 1710. A petition of Sir Charles Keymes, baronet, was read, ſhewing, that at the late election of members to ſerve in this preſent parliament for this borough, the mayor polled ſeveral perſons for Thomas Lutwych, eſquire, who had no right, and refuſed ſeveral legal votes for the petitioner, who had a majority, and ought to have been returned inſtead of Mr. Lutwych, who was guilty of bribery and other undue practices, in procuring votes to the prejudice of the petitioner, and is an invaſion on the rights and privileges of the ſaid corporation: and praying, &c.

Ordered, that it be referred to the committee of privileges and elections to examine the matter, and report it with their opinion. No report on this petition.

March 3. 1713. A petition of William Harvey, junior, eſquire, was read, ſhewing, that Sir Richard Sanford, bart. Thomas Lutwych, eſquire, and the petitioner were candidates at the election for this borough; that the ſaid Sir Richard Sanford and agents were guilty of bribery, by which undue practice he procured himſelf to be elected, in wrong of the petitioner, who had a majority, and ought to have been returned with the ſaid Thomas Lutwych: and praying, &c.

Ordered, that it be referred to the committee of privileges and elections to examine the matter, and report it with their opinion.

Alſo a petition of Robert Holmes, Edward Thornbarrow, John Atkinſon, and ſeveral other free burghers of this borough, in behalf of themſelves and ſeveral other free burghers of the ſaid borough, was read, ſhewing, that on the 27th day of Auguſt, being the day appointed by the mayor for the electing burgeſſes for the borough, ſeveral of the petitioners at that time offered their votes for Sir Richard Sanford, baronet, and Joſeph Pennington, eſquire, but were refuſed by the mayor, although they had an undoubted right to vote; and others allowed, that had no right; and Thomas Lutwych, eſquire, by bribery, &c. procured himſelf to be returned: and praying, &c.

Ordered, that it be referred to the committee of privileges and elections to examine the matter, and report it with their opinion.

May 16. 1723. A petition of Trevor, lord viſcount Hilſborough, in the kingdom of Ireland, was read; ſhewing, that a writ having been iſſued, purſuant to the order of the houſe, for electing a burgeſs to ſerve for this borough, in the room of Sir Richard Sanford, bart. deceaſed, the petitioner and James Lowther, eſquire, were candidates; that William Nevenſon, mayor of the ſaid borough, took upon himſelf to admit ſeveral perſons to vote for the ſaid Mr. Lowther, who had no right; and refuſed the votes of a great number of perſons, who had a right, and offered to vote for the petitioner; that by the means aforeſaid, and by many other corrupt and illegal practices, made uſe of for and on the behalf of the ſaid Mr. Lowther, the ſaid Mr. Lowther hath procured himſelf to be elected and returned, in prejudice to the petitioner: and praying, &c.

Ordered, that it be referred to the committee of privileges and elections to examine the matter, and report the ſame with their opinion.

Jan. 10. The ſame petition was again read, and referred as before.

Nov. 13. 1724. The ſame petition was again read, and referred in like manner.

Feb. 2. 1725. The ſame petition was again read, and referred as before.

9th. Ordered, that leave be given to withdraw the ſaid petition.

ARUNDEL.

THIS is a borough ſituated in the county of Suſſex, and hath ſent burgeſſes from the time of King Ed. I. I meet with no memoirs concerning the election till 1623.

March 24, 1623. Mr. Glanville reported from the committee of privileges the cauſe of this borough. In a petition exhibited by the inhabitants at large, complaining, that whereas two burgeſſes, Sir Henry Spiller and Sir George Chaworth, they ſaid, that Sir Henry Spiller was well choſen, but not the other. Counſel heard for him. The caſe was thus: the electors, the mayor, the principal burgeſſes, and all the inhabitants houſeholders whether or not free (a good warning) agreed that theſe two ſhould be propounded, and one Mr. Mills; of the electors 35 for Mr. Mills and 37 for Chaworth, but this was a private enumeration. But after four more came in before the election was done. They gave voice for Mills, ſo they conceived they came in due time. The mayor, two brethren and ſteward continued there, after the reſt of the company were gone to get more company, till 6 at night. They then got more voices for Sir George Chaworth. Of opinion that Sir George Chaworth was not well elected, and that a warrant ought to be made to the mayor to return Mr. Mills inſtead of Sir George Chaworth, as in the caſe of Chippenham. Appeared that this mayor had put the town to a great deal of charge, and moved and agreed at committee, there was a due and general warning. Debate.

Sir George Chaworth, being heard, ſaid, he was confident of the juſtice of his cauſe. At committee had meaſure of juſtice, according to the meaſure of time. Caſe untruly put. As the caſe was opened, they did right. When he came to ſpeak that was for him, he ſpake againſt him. Had no warrant from him to ſay it. Mayor and burgeſſes met, and after the writ read 3 for Mills and 5 for him, ſo written down. The election continues, and about 12, one numbers them, finds his number the greater, publiſhed it to the mayor. True, he ſat ſtill, becauſe all the burgeſſes were not come in; four more came in for Mr. Mills, at the ſame time the regiſter ſaid to the mayor, that all were not preſent. No limitation to a borough for any time for the election. Came after 17 more for Mr. Mills, and 27 for him, and had oath to prove this. Will be objected, that no witneſs of his part there can prove the conſent for the continuance till 5 o'clock. Leaves his cauſe to the juſt conſideration of the houſe. Withdrew. Debate.

Reſolved upon the queſtion, that the mayor, burgeſſes and inhabitants of Arundel, ought to have voice in the election of burgeſſes.

That Sir George Chaworth is not well elected;

That Mr. Mills is duly elected, and ſhould have been returned.

Reſolved, that the mayor now being in town, ſhall be commanded to return Mr. Mills; if he be not in town, a warrant to go to him for it.

Reſolved, that Mr. Alford, Mr. Bowyer and Mr. Lewkner, ſhall ſet down the charges.

Jan. 31. 1693. A petition of John Cook was preſented and read, ſetting forth, that on the 20th inſtant he was choſen a member to ſerve in this preſent parliament for this borough, in the room of William Morley, eſquire, deceaſed; yet the mayor of the ſaid town, who committed divers irregularities, hath returned the honourable the lord Walden as duly elected: and praying relief.

Ordered to be referred to the committee of privileges, to examine and report the matter, with their opinion.

Feb. 19. Ordered to be reported on the morrow.

20th. Ordered to be reported on Thurſday.

22d. Reported by Mr. Bowyer. For the petitioner it was alledged, that the poll was equal, 76 each; the mayor having the caſting vote, gave it for the ſitting member; but the petitioner excepted againſt 21 voters.

In order to juſtify this, it was inſiſted, that the right of election was in houſekeepers who paid ſcot and lot; and they were examined by the poor's books.

Thomas Peckham ſaid, he had lived in town 33 years, and had known all the elections for parliament men and mayors; that there was a poll in Mr. Garraway's election, and they then polled in this manner; and the poor's book was produced for that purpoſe.

Mr. Morley teſtified the ſame for 41 years.

Dr. Morris and Mr. Oliver ſaid the ſame, one for 48, and the other for 34 years.

Thomas Peckham, ſen. ſaid, quakers had votes, if rated; gave in the poll, and ſaid it was compared with the mayor's, only differed in the 5 laſt but one, who were not in the mayor's poll, but ſaid, they voted as ſet down.

Thomas Peckham, jun. ſaid, he had the poor's book in his hand when the poll began, but upon excepting to one, the mayor polled who was not in the book; and that the book was taken away, and the mayor ſaid, he would poll whom he pleaſed, though not in the book: ſaid, there were four who were not rated at all, and two who were in the rate, but paid nothing, and all ſix were ſet down as receiving alms, viz. Biſhop, Knight, Roſe, Stoner, Carpenter and Gibbs; that Hills, Keen and Young were not rated, alſo Booker, who was a vagrant and begged; that Maſters was not rated, and warned out as one like to be chargeable to the pariſh; that Haywood, the Duke of Norfolk's bailiff, was not rated; Symons not rated, and lived in Hampſhire; Michener not rated; Liſle, a dragoon, not rated; alſo William Chriſtopher, H. Special and Pellet, who lived with his father, and Richard Ford, who was a boarder.

John Heſten ſaid, Smith was not rated, and Martin not charged, having only a cypher to his name; he confirmed Peckham's evidence as to the 15 perſons; and ſaid, he demanded a copy of the poor's book, but could not have it.

Ketteridge ſaid, the mayor was ſo the year before, and that it was unuſal to hold two years; but it was becauſe there was no court held at the time for election, viz. Tueſday after Michaelmas: but this was before Mr. Morley died.

Humphrey Duke ſaid, the dragoons quartered in town were drawn up on the day of election; and the reaſon given for it was, that it was at the deſire of the Duke of Norfolk.

Garraway ſaid, the petitioner loſt 20 votes by the dragoons, and the duke's ſervants threatned the people, if they did not vote for lord Walden, and particularly he and Mr. Morley were threatned to cut down an ancient tree, which grew by his (Mr. Morley's) houſe, if he voted for the petitioner; and Mr. Morley ſo voting, it was cut down, and diſtributed amongſt lord Walden's voters: but ſaid, the tree grew upon the waſte, which he believed belonged to the duke.

Bartholomew, the conſtable, ſaid, the dragoons had their guns loaded with powder and ball by order of the quartermaſter. The day after the election James Gold ſaid, they were threatned to raiſe their rents if they would not vote for lord Walden.

Hobbs and Ockenden ſaid, the mayor threatned them, and alſo Thomas Cotton, if they would not vote for lord Walden.

Alcock proved the taking away the poor's book, and that the duke of Norfolk was at the poll.

For lord Walden,

The authentical poll was produced, whereby the ſitting member had five votes more than the petitioner.

Taylor ſaid, a meſſenger came to the duke of Norfolk, whilſt he was dreſſing, and deſired (as from the petitioner) that the dragoons might be drawn out to aſſiſt the conſtables, but knows not the meſſenger.

Robert Noeſmitt ſaid, he being at the duke's, heard of ſuch a meſſage.

Moor ſaid, the dragoons were peaceable, and did not obſtruct the election, but were drawn up at the lower end of the town; that the petitioner had above 40 horſe, and above 100 foot in town before, and no ſoldiers by, when the precept was read.

Joſeph Fugar the mayor ſaid, he had known the town 23 years, had been at all elections ſince; all inhabitants who were houſekeepers, and did not receive alms, though not rated, were admitted to vote, and it was ſo at Mr. Morley's, at that when he was choſen mayor, without regard to the poor's book; that all theſe excepted to by the petitioner were good votes, except Pellet, who was no houſekeeper; that Liſle, the dragoon, was an houſekeeper, and Haywood, though he lived in the caſtle, was within the borough.

Humphreys ſaid, the right of election was as the mayor had ſaid, and ſo at Mr. Garraway's election, and at the election of the mayor three times; had known the town 20 years; that this was the faireſt election he ever ſaw; that the dragoons were no trouble, and the petitioner had 60 horſe when he came to town, beſides foot.

Pankhurſt teſtified the ſame; as did Ruſſel, Wilſon and Cook, for ſeveral years.

Robert Collins ſaid the ſame, and inſtanced in the convention parliament: he alſo ſaid, Knight only received alms when ſick; that Biſhop did not receive conſtantly, nor Roſe, nor Gibbs, who did once pawn his bed, but had not had charity lately, nor Stoner; that Hill and Keen were houſekeepers at the time of election; and the mayor proved William Chriſtopher to be ſo alſo.

Gibbs alſo denied his receiving alms but once, when the town was viſited with the ſmall pox; and that he voted at Mr. Morley's election, though not rated.

Then ſix voters for the petitioner were excepted againſt.

Moor ſaid, Richmond was no houſekeeper, and Vaux the ſame; Joſhua and John Painter, father and ſon, lived together and both voted for the petitioner; the ſame as to Slyder and Eaſton, and Lewis no inhabitant.

Collins ſaid, Collis rented only part of an houſe, and was not rated. Humphreys teſtified the ſame for all of theſe, but Slyder. Rogers ſaid, he had 5 l. offered him by captain Chele, to be ſent to him when he would, if he would vote for the petitioner; that the petitioner was preſent when this was offered; but he did not accept of it, and voted for lord Walden.

George Randal ſaid, he was threatned to be laid in Eaſtgate for 4 or 5s. if he did not vote for the petitioner; and that Daffield owned he had 2 s. for voting for the petitioner.

Thomas Penycod ſaid, a kinſman offered him 5l. to vote for the petitioner, and offered his brother 5s. to be out of the town at the election, that he might not vote for the ſitting member.

Fuller ſaid, Bartholomew offered to reſtore him two guineas taken away half a year before, if he would vote for the petitioner.

Gibbs ſaid, he was threatned to be impreſſed if he did not vote for the petitioner. After this,

A witneſs was called for the petitioner, who ſaid, at Mr. Butler's election this mayor refuſed a voter, becauſe he was not rated.

After the counſel were withdrawn, Mr. Butler, the other member, ſaid, he had known two elections, at both of which none but thoſe rated had voted. Upon the whole the committee reſolved, That the right of election for this borough is only in the inhabitants paying ſcot and lot;

That the Lord Walden is not duly elected a burgeſs to ſerve in this preſent parliament for this borough.

That John Cook is duly elected a burgeſs to ſerve in this parliament for this borough.

The firſt queſtion on a diviſion agreed to. The ſecond agreed to without diviſion. The third queſtion agreed on a diviſion.

Ordered the clerk of the crown attend to-morrow in order to amend the return.

Motion to ſend for the mayor in cuſtody denied.

24th. The clerk of the crown attended, and amended the return.

Feb. 14, 1700. A petition of Chriſtopher Knight, eſquire, was preſented to the houſe and read, ſetting forth, that at the late election for this borough, the petitioner, John Cook and Edmund Dummer, eſquires, were candidates; that Mr. Cook was duly choſen, and ſo was the petitioner; but Mr. Dummer by bribery and other indirect practices was returned: and praying relief.

Ordered to be referred to the committee of privileges and elections to examine, and report with their opinion.

March 29, 1709. A petition of Edmund Dummer, eſquire, was preſented and read, ſetting forth, that at the laſt election for this borough Lord Shannon was elected a burgeſs for this borough, and being afterwards made deputy governor of Dover Caſtle, a new writ was iſſued for electing a burgeſs for this borough, at which election, Lord Shannon and the petitioner were candidates; that George Moor mayor of Arundel, John Dean a commiſſioner of the taxes, Thomas Peckham and ſeveral others were agents for Lord Shannon, who by bribery, threats and other indirect practices procured votes for the Lord Shannon, and deterred ſeveral from voting for the petitioner, yet he had a majority of twelve legal votes upon the mayor's own poll, and the petitioner ought to have been returned, but the mayor hath returned Lord Shannon upon the promiſe of ſome perſons to ſave the ſaid mayor harmleſs, to the prejudice of the petitioner and rights of the borough.

Ordered to be heard at the bar on the 10th of May: but the ſeſſion ended before that time.

Nov. 25, 1709. The petition of Edmund Dummer, eſquire, was renewed, and referred to the committee of privileges to examine and report.

Dec. 12. Mr. Compton reported from the committee of privileges and elections, purſuant to the inſtruction given the committee for examining, whether the petitions preſented this ſeſſion be the ſame as thoſe preſented the laſt ſeſſion, the matter as it appeared to them upon the petition of Edmund Dummer, eſquire, complaining of an undue election for this borough,

That the committee do find both the petitions agree, that George Moor mayor of the ſaid borough, and John Dean a commiſſioner of the taxes, were agents for the ſitting member: but the petition preſented the laſt ſeſſion alledges, that ſome perſons undertook to ſave the mayor harmleſs, and the petition preſented this ſeſſion alledges that the ſaid perſons undertook to ſave the ſaid Dean harmleſs.

Ordered, that in regard there is a material difference between the petition preſented this ſeſſion and the petition of the laſt ſeſſion, the committee be diſcharged from proceeding any farther on the petition preſented this ſeſſion.

April 16, 1717. Ordered a warrant for a new writ for electing a burgeſs to ſerve for this borough in the room of Thomas Micklethwaite, eſquire, made a commiſſioner of the treaſury.

March 20. Ordered a warrant for a new writ for electing a burgeſs for this borough in the room of Thomas Micklethwaite made general of the ordnance.

ASHBURTON.

THIS borough is ſituated in the county of Devonſhire, and returned burgeſſes 26 Ed. I. and then intermitted till 8 Henry IV. but then ceaſed until 1640, when it was reſtored.

4 Prynn's Reg. Parl. Br. 905 Willis Not. 359.

Nov. 26, 1640. Mr. Maynard reported from the committee for privileges, that in the 26th of Edward I. Aſperton ſent burgeſſes to parliament. It farther appeared, as a concurrent proof, that this town did pay the charge of borough towns, 10ths and not 15ths; and it was the opinion of the committee it ought to be reſtored.

Upon this report it was reſolved, that this borough ſhould be reſtored to its antient right and privilege of ſending burgeſſes to parliament, and that a warrant do iſſue under the ſpeaker's hand to the clerk of the crown to make out a new writ accordingly.

May 31, 1678. A petition of Thomas Reynel, eſquire, was preſented and read, complaining of an undue election and return of Rawlin Mallcot and William Stawel as burgeſſes for this borough, in injury of the petitioner, who was duly elected and ought to have been returned.

Ordered to be referred to the committee of privileges and elections to examine, and report the matter with their opinion. Never heard.

March 19, 1678. A petition of Richard Duke, eſquire, complaining of an undue return of William Stawel, eſquire, to ſerve in this preſent parliament as burgeſs for this borough, in injury of the petitioner, who was duly elected.

Ordered to be referred to the committee of privileges to examine, and report the matter with their opinion. Never heard.

March 24, 1680. A petition of Richard Duke, eſquire, touching the election for this borough was read, and referred to the committee of privileges and elections to examine, and report with their opinion.

Feb. 4, 1707. A petition of ſeveral freeholders of this borough was read, ſhewing, that at the election of a burgeſs to ſerve in this parliament, in the room of Gilbert Yard, eſquire, deceaſed, Roger Tuckfield and Andrew Quick, eſquires, were candidates for this borough, and the petitioners and ſeveral others, as freeholders of this borough, had a right to vote at the ſaid election, and requeſted they might give their voices, but Thomas Sainthill the portreeve of the ſaid borough refuſed to admit of their votes, whereby they loſt their liberty in the ſaid election: and praying, &c.——Alſo

A petition of Andrew Quick, eſquire, was read, ſhewing, that the petitioner and Roger Tuckfield, eſquire, were candidates at the laſt election of a burgeſs to ſerve in this parliament for this borough, in the room of Gilbert Yard, eſquire, deceaſed, and the petitioner was duly choſen by a majority of legal voters that appeared and requeſted that their votes might be admitted; but the portreeve (who behaved himſelf very partially for Mr. Tuckfield, in prejudice to the petitioner) refuſed to admit of their votes, and hath returned Mr. Tuckfield, in prejudice

dice of the petitioner and the ſaid electors: and praying, &c.

Ordered, the ſaid petitions be referred to the committee of privileges to examine, and report with their opinion.

18th. Ordered, that the merits of the election for this borough be heard at the bar of the houſe on tomorrow ſe'nnight.

26th. The houſe proceeded to hear the merits of the ſaid election, and the counſel being called in and witneſſes examined on both ſides touching the right of election of the voters for burgeſſes to ſerve in parliament for this borough.

And the copies of ſeveral indentures of former returns for the ſaid borough were produced, proved and read, viz. 8 April, 9 March, 29; 18 Sept. 31; 26 February, 31; 28 February, 33 Car. II.; 20 March, 1 Jac. II.; 11 March, 2 Will. and Mar.; 27 July, 10 Will.; 13 Jan. 12 Will.; and then the counſel withdrew.

And a motion being made, and the queſtion being propoſed, that the right of election of members to ſerve in parliament for this borough is in the freeholders having lands or tenements holden of the ſaid borough only, an amendment was propoſed to be made thereunto by leaving out the word "only"; which being oppoſed by divers members, the balloting was demanded, and the queſtion being put, that the word "only" ſtand part of the queſtion, the balloting was propoſed according to the orders of the houſe for that purpoſe.

And Sir Godfrey Copley and Mr. Henley were appointed by Mr. ſpeaker to attend the box, and the clerk and clerk aſſiſtant went with the box and balls, and the ſaid two members with them, round the ſeveral benches of the houſe, and the members ſitting in their places took the balls and put them into the box; after which the box was carried to the clerk's table, and after counting the balls at the table, by the clerks in the preſence of the ſaid two members, who ſtood one at each end of the table, the two members went to the bar, and came up to the table as uſual on other occaſions of reporting, and reported to Mr. ſpeaker, that the yeas were 189, and the no's 148, whereupon Mr. ſpeaker declared the numbers, and that the yeas had it. Then the main queſtion was put, and the houſe reſolved,

That the right of election of members to ſerve in parliament for this borough, is in the freeholders holding lands or tenements of the ſaid borough, only.

Whereupon the counſel for the petitioners ſaid, they would give the houſe no farther trouble.

Reſolved, that Roger Tuckfield, eſquire, is duly elected a burgeſs to ſerve in parliament for this borough.

Nov. 24, 1708. A petition of Richard Reynel, eſquire, was read, ſhewing, that at the late election of burgeſſes to ſerve in parliament for this borough, Roger Tuckfield, Robert Ball, eſquires, and the petitioner, were candidates, and the petitioner had a majority of legal voters; but Mr. Cliff, (an agent for the other candidates) who took upon him to judge of the poll, and Thomas Sainthill, portreeve of the ſaid borough, being governed by the ſaid Mr. Cliff, refuſed to poll ſeveral voters that deſired to poll for the petitioner, who had a right; and by ſeveral indirect practices, divers votes were obtained for Mr. Tuckfield and Mr. Ball, and the ſaid Sainthill hath returned them in prejudice of the petitioner and violation of the rights of the borough; and praying, &c.

Ordered, that it be heard at the bar on the 29th day of January next.

Feb. 19, 1708. The houſe proceeded to the hearing the merits of the election for this borough.

And the counſel on both ſides were called in, and the petition of Richard Reynel, eſquire, relating to the ſaid election, was read; and the counſel for the petitioner were heard, and ſeveral witneſſes for him were alſo examined.—And the counſel and witneſſes being withdrawn,

Ordered, that the farther conſideration of the merits of the ſaid election be adjourned till Tueſday morning next.

22d. The houſe proceeded to the farther hearing the merits of the election for this borough. And the counſel on both ſides were called in and heard, and ſeveral witneſſes examined for the ſitting members. And then the counſel and witneſſes being withdrawn,

Reſolved, nem. con. that Roger Tuckfield, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for this borough.

That Robert Ball, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for this borough.

Dec. 1, 1710. A petition of Richard Reynel and George Courtenay, eſquires, was read, ſhewing, that at the laſt election of burgeſſes to ſerve in parliament for this borough, the petitioners, Roger Tuckfield and Richard Lloyd, eſquires, were candidates, where Mr. Lloyd and Mr. Tuckfield, by threats, treats, bribery, and other undue practices, prevailed upon ſeveral electors to poll for them, and thereby procured themſelves to be returned by the portreeve of the ſaid borough, who behaved himſelf very partially in their favour, in prejudice of the petitioners, who had a majority of legal electors that voted and would have voted for them; but the portreeve refuſed to poll divers of them: and praying the conſideration of the houſe, and ſuch ſpeedy relief, as ſhall be thought meet.

Ordered, that it be referred to the committee of privileges and elections to examine the matter, and report the ſame with their opinion.

A petition of Richard Reynel, eſquire, was read, ſhewing, that the petitioner, Roger Tuckfield, Colonel Lloyd and George Courtenay were candidates at the election of burgeſſes for this borough; that to procure an undue election and return, divers indirect practices were uſed by Mr. Tuckfield and Mr. Lloyd, and their agents; that the petitioner had a majority of legal electors, yet Peter Fabian, the portreeve, has not returned him, to his prejudice: and praying, &c.

Ordered, that it be referred to the committee of privileges and elections to examine the matter, and report the ſame with their opinion.

A petition of Henry Sopor, Aaron Whitchair, Richard Adams, Richard Hoſham, Philip Eales, Hugh Small, James Border, Robert Gray, Shadrac Wootton, William Ford, Henry Call, William Gill, and William Denis, in behalf of themſelves and ſeveral other electors of this borough, was read, ſhewing, that George Courtenay and Richard Reynel, eſquires, were duly elected . . . . members to ſerve in this preſent parliament for this borough, and as ſuch ought to have been returned; but the portreeve refuſed ſo to do, and miſbehaved himſelf in the execution of his office, refuſing to poll thoſe who had a right and demanded to poll for Mr. Courtenay and Mr. Reynel, but hath returned Roger Tuckfield and Richard Lloyd, eſquires, (Mr. Lloyd being altogether a ſtranger to the ſaid borough, till the day of election) who, by bribes, threats, and other unlawful practices, prevailed on divers electors to vote for them, who otherwiſe would have voted againſt them; all which proceedings are contrary to the laws made in ſuch caſes, and are in prejudice of the petitioners rights: and praying, &c.

Ordered that it be referred to the committee of privileges and elections to examine the matter, and report the ſame with their opinion.

March 10. Ordered, that it be reported on Monday next.

12th. Ordered, that the report be received on Saturday next.

17th. Mr. Freeman reported the matter upon the ſaid petitions, viz. that the right of election was admitted to be in the freeholders having lands or tenements holden of the borough, only.

The poll was 81 for Mr. Tuckfield, 80 for Mr. Lloyd, 69 for Mr. Reynel, 64 for Mr. Courtenay.

That the petitioners counſel alledged, that there are in the pariſh of Aſhburton two manors, called Halſhanger and Halwell, which are holden of the manor of Aſhburton; and that there are divers freehold lands and tenements lying within the borough, called Halſhanger and Halwell lands, that belong to the borough, and pay a —— borough rent; and that all the freeholders of theſe lands have a right to vote: and called John Denham, who ſaid, he had known the borough 30 years; was in 1684, and ſeveral years after, ſteward of it, and hath been at 13 or 14 elections: that the freeholders of the lands, called Halſhanger and Halwell, always voted without any objection till 1707, and ſeveral of them have voted at one and the ſame election: that the lands lie intermixed in the villa, are within the diſtrict of the borough, and pay rent to the borough: that the names of the free tenants of theſe lands are in the borough rolls without any diſtinction; they do ſuit and ſervice, and ſerve offices at Aſhburton, and none but tenants of burgage tenements ſerve offices there: that the preſent portreeve voted for Halwell lands.

That copies of a return to parliament in the year 1661, and of nine other ſubſequent returns, were produced: and it was proved by George Fabian, John Furze, and John Robins, that ſeveral of the perſons, who ſigned the ſaid returns, voted at one and the ſame election for the lands called Halſhanger and Halwell lands; and that the tenants of the ſaid lands always voted, till three or four years ago: that theſe lands pay a rent of 40 or 50s. to the borough; and the tenants apportion the rent among themſelves, and ſeverally pay their parts of it.

Peter Cook and James Furze ſaid, that 22 perſons, viz. William Riſden, James Border, William Gill, James Gortley, Henry Call, Edward Blachallar, John Searl, Richard Breetier, Peter Gale, Hugh Small, Thomas Border, William Jane, John Witherden, Thomas Balkewell, Peter Woodley, William Ford, Richard Ford, John Caunters, Jonathan Stodely, Richard Nickols, Thomas Balkwell of Forbrian, and Peter Woodley junior, offered their votes for the petitioners: that they all pay, or are ſubject to pay, a borough rent, but were rejected as tenants of Halſhanger and Halwell lands.

Richard Knowling ſaid, that William and Richard Ford's votes have been allowed at former elections, and that 34 years ago their fathers voted for the ſame lands.

That the ſitting member's counſel inſiſted, that this borough is an antient demeſne of the crown: that the manors of Halwell and Halſhanger pay a burgage rent, and are as one burgage tenement, and only one vote ought to be admitted for them; and to prove this, they produced a copy out of Domeſday-book, wherein Aſhburton is entered *terra regis*: and called

John Hoppin, Thomas Sainthill, and others, who ſaid, Halſhanger manor pays a rent of 42s. yearly to Aſhburton, and when Mr. Woodley was lord of the manor he paid that rent in one entire ſum, and voted in elections: that they believe the tenants of Halſhanger and Halwell manors have no right to vote, and ſeveral antient men told them ſo: that ſome of theſe tenants offered to vote for the ſitting members, but were refuſed: that theſe tenants do ſervice at Halſhanger and Halwell courts, and not in the borough; but that there are lands in the borough, that do belong to the borough, and are called Halſhanger and Halwell lands. And the committee reſolved,

That the freeholders of the lands and tenements called Halſhanger and Halwell lands, lying within this borough, and ſubject to pay a borough rent, have right to vote for members to ſerve in parliament for the ſaid borough.

That the petitioners alledged, they could add ſeveral others to the poll, and diſqualify ſeveral of the ſitting members voters, if there were occaſion.

But the ſitting members declared, they would not inſiſt upon their election.

And the committee reſolved,

That Roger Tuckfield, eſquire, is not duly elected a burgeſs to ſerve in this preſent parliament for this borough.

That Richard Lloyd, eſquire, is not duly elected a burgeſs to ſerve in this preſent parliament for this borough.

That Richard Reynel, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for this borough.

That George Courtenay, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for this borough.

Which reſolutions being twice read, were agreed unto by the houſe: and ordered the return to be amended.

March 4, 1713. A petition of Andrew Quick and Richard Fownes, eſquires, was read, ſhewing, that at the election for this borough, Roger Tuckfield and Richard Reynel, and the petitioners, were candidates: that ſeveral, who had no right, were admitted to vote for Mr. Tuckfield and Mr. Reynel; and others, who had a right, and would have voted for the petitioners, were refuſed; by which illegal proceedings the ſaid Mr. Tuckfield and Mr. Reynel have procured themſelves to be returned, in wrong of the petitioners, who were duly elected, and ought to have been returned: and praying, &c.

Ordered, that it be referred to the committee of privileges and elections to examine the matter, and report the ſame with their opinion.

BANBURY.

THIS borough was incorporated by Queen Mary, and then had the privilege of ſending one repreſentative to parliament.

See the extract of the charter in the App.

The memoirs I meet with concerning the elections are,

March 25, 1681. A petition of Thomas Wiſe, eſquire, touching the election for this borough, was preſented and read.

Ordered to be referred to the committee of privileges to examine, and report with their opinion.

March 31, 1690. A petition of Nathanael Wheatley and others, in behalf of themſelves and others the freemen of this borough and pariſh, was read, ſetting forth, that on the 24th of February laſt, the mayor gave notice of the election; at which time the petitioners, to the number of 140, did give their votes for John Hawles, eſquire; but the mayor refuſed to admit them, whereupon they demanded a poll, but were denied it: that then they executed an indenture of return of the ſaid John Hawles; but the mayor refuſed to accept of it, and made a return under their common ſeal of Sir Robert Daſhwood, though elected but by 10 of the aldermen and capital burgeſſes, to the great wrong of the petitioners and freemen of the ſaid borough: and praying redreſs of the houſe in the premiſſes, and that the indenture ſo returned by the mayor may be taken off from the precept, and the indenture executed by the petitioners affixed thereto.

Ordered to be referred to the conſideration of the committee of privileges to examine, and report with their opinion.

Oct. 16. The ſame petition renewed, and referred as before.

Oct. 31, 1691. A petition of John Auſtin and others on behalf of themſelves and the freemen and burgeſſes of this borough was read, ſetting forth, that at the election of a burgeſs, the petitioners, to the number of 84, voted for John Hawles, eſquire, and demanded a poll of the mayor, which he refuſing, they executed an indenture and demanded him to return the ſame, which he refuſed, but inſtead thereof returned an indenture executed by himſelf and 11 others, who were all who voted for Sir Robert Daſhwood, in prejudice to the petitioners: praying redreſs, and the mayor's return to be taken from, and theirs affixed to, the precepts.

Ordered to be referred to the committee to examine, and report with their opinion.

Dec. 23. Ordered to be reported on Tueſday morning next.

29th. Serjeant Trenchard reported, the queſtion was concerning the right of election, whether in the mayor, aldermen and capital burgeſſes, or in the burgeſſes at large: if in the former, the ſitting member is elected; if in the latter, Mr. Hawles is elected.

The queſtion ſeemed to ariſe from ſome doubtful words in the charter 1 Mary, and in ſeveral returns to parliament. The charter grants the town to be a free borough by the name of the bailiff, aldermen and burgeſſes of the borough and pariſh; and that they, the bailiff, 12 aldermen and 12 burgeſſes ſhall be one body corporate and community, and provides in caſe of death or removal of an alderman, one of the capital burgeſſes ſhall be choſen, and the ſerjeant at mace ſhall be choſen by the bailiff, aldermen and capital burgeſſes; and the charter names the bailiff, 12 for aldermen and 12 for capital burgeſſes. Then afterwards the profits of the markets and fairs are granted to the bailiff, aldermen and burgeſſes, and privilege of ſending one burgeſs to parliament is granted to the bailiff, aldermen and burgeſſes and their ſucceſſors, without the word *capital*, which is left out in the charter: upon which the doubt aroſe, whether this borough ſhould chuſe in their corporate capacity by the ſelect number, or by the burgeſſes at large.

For the petitioners were read the following returns, viz. 5th of Eliz. the bailiff and whole community elected.——Return under the common ſeal;

14th of Elizabeth, the ſame;

28th of Elizabeth, the bailiff, aldermen and whole commonalty elected, and the return under the common ſeal;

30th of Elizabeth, imperfect, the bailiff, ſome aldermen, and burgeſſes by name, and commonalty elected; and the return under the common ſeal;

16th of Charles I. the mayor, aldermen and burgeſſes elected, and the return under the common ſeal;

13th of Charles II. the mayor, aldermen and capital burgeſſes.

Called John Auſtin, who produced the indenture, mentioned in the petition, and proved its being ſigned by thoſe whoſe names were ſet to it, and that they demanded to be polled, but were refuſed by the mayor, who told them the precept was directed to the mayor, aldermen and capital burgeſſes; and alſo ſaid, ſome of the burgeſſes offered to vote for the ſitting member, but he would not accept them.

For the ſitting member were read returns.

29th of Elizabeth, the bailiff, aldermen and burgeſſes of borough and pariſh elected, and the return under the common ſeal; 43d of Elizabeth the ſame.

31ſt of Charles II. the mayor, aldermen and capital burgeſſes elected, and the return under the common ſeal.

Samuel Tatcham, aged about 74, ſaid, he was a freeman, but had no vote; that he remembered Mr. Fynes's election in King Charles the Iſt's time, and the mayor, aldermen and capital burgeſſes only voted, and no other claimed; alſo at Sir John Holman's in 1661, no freeman voted, but they ſince claimed.

Sims remembered this laſt mentioned election, and only the mayor, aldermen and capital burgeſſes voted: upon which the committee reſolved,

1. That the right of election of a burgeſs to ſerve in parliament for this borough is in the mayor, aldermen and capital burgeſſes only;

2. That Sir Robert Daſhwood knt. and bart. is duly elected a burgeſs to ſerve in this preſent parliament for this borough; to both of which the houſe agreed.

Feb. 10, 1698. Ordered, that Mr. Iſaacſon, a member of this houſe, attend in his place immediately; and being come was heard in his place.

Ordered, that Sir John Bolles, Sir John Leveſon Gower, Sir Robert Napier and Mr. Hammond, do go immediately to the ſtamp office, and bring with them the laſt commiſſion for managing the firſt duties, and the commiſſion for managing the additional duties upon ſtamped vellom, parchment and paper, and inſpect the books, what perſons have acted ſince the additional duties were granted, and report the ſame to the houſe.

Mr. Iſaacſon being withdrawn into the ſpeaker's chamber, a queſtion being propoſed, that James Iſaacſon, eſquire (having, ſince his being elected to ſerve in this parliament, been concerned and acted as a commiſſioner in managing the duties upon vellom, paper and parchment, contrary to the act made in the 5th and 6th years of his Majeſty's reign for granting ſeveral duties upon ſalt, beer and ale, and other liquors) be expelled this houſe.

The ſerjeant was directed to go into the ſpeaker's chamber, and acquaint Mr. Iſaacſon, that if he had any thing more to offer to the houſe, they were ready to hear what he had to ſay: whereupon he came down, and was heard in his place, and then withdrew.

Then the aforeſaid queſtion was put, and agreed to:

Ordered, Mr. Speaker do iſſue his warrant for making a new writ for electing a burgeſs for this bo-

borough, in the room of Mr. Iſaacſon expelled this houſe.

In the year 1700, there were two returns made, viz. Charles North and John Dormer, eſquires, which were laid before the committee of privileges; and,

March 11, 1700. Ordered, the report be received on Thurſday.

13th. Sir Rowland Gwynn reported, that, upon inſpection of the record, they find Charles North, eſquire, is returned by one indenture, and John Dormer, eſquire, by another;

That in this borough at preſent, and at the time of the election, and for about two years, there have been two contending mayors; and the queſtion was, which of the two was the proper officer to make the return.

The fact was agreed to by both parties, that Mr. Thorp was mayor, and died before his year was up, viz on the 25th of Feb. 1698; and the queſtion in diſpute was, who was his lawful ſucceſſor.

That the corporation, by charter, conſiſts of 12 aldermen, 6 capital burgeſſes and 30 aſſiſtants; and the mayor is to be choſen out of the aldermen, viz. upon an annual choice of a mayor, the aldermen, capital burgeſſes and aſſiſtants, have a right to vote; but if a mayor die within the year, then his ſucceſſor for the remaining part of the year to be choſen by the aldermen and burgeſſes only.

Mr. North's return being next to the writ, his counſel began to maintain his return, which was by John Weſt ſen. whoſe ſucceſſion to Mr. Thorp was thus: after Mr. Thorp's death, Mr. Welſhman was choſen mayor for the ſucceeding part of the year: to him ſucceeded John Weſt jun; and to him the ſaid John Weſt ſen. To make out his title, they proceeded to ſhew who had the right of election. The mayor produced the charter of the 6th of King James, which directs the mayor, aldermen, capital burgeſſes, chamberlain and aſſiſtants, or the major part of them, from time to time, and at all times hereafter, have and ſhall have authority and power, annually on the firſt Monday in September, of chooſing and naming, and they ſhall and may chooſe and name one of the aldermen of the ſaid borough to be mayor of the ſaid borough, to continue for one whole year from Michaelmas-day following, and that before he be admitted to take his office, he ſhall be ſworn before the former mayor, his deputy, or the ſenior alderman, and the other aldermen and capital burgeſſes, or as many as ſhall be preſent upon every Michaelmas-day next after ſuch election; and in caſe the mayor ſhall die within the year, or for a juſt cauſe be removed, that then, and as often as it ſhall ſo happen, it ſhall and may be lawful for the ſurviving aldermen and capital burgeſſes of the ſaid borough for the time being, or the major part of them, to elect one of the aldermen into the office of mayor in the room and ſtead of the mayor ſo dying, or removed, according to the direction of theſe preſents; and the perſon ſo elected mayor ſhall continue for the remainder of the year, being ſworn in manner before directed; and in caſe he ſhall not make a deputy, the ſenior alderman preſent ſhall in his place and ſtead ſo do all and every act and thing which the mayor could or might do. —The charter alſo grants a court of record weekly throughout the year, before the mayor or ſufficient deputy and one of the aldermen, and recorder for the time being, or his ſufficient deputy, and two capital burgeſſes of the ſaid borough for the time being, or any three of them, whereof the mayor or his deputy to be one. Alſo read ſeveral by-laws made (amongſt other things) for regulating the election of mayors, by which it is provided, that at the choice of every mayor, the mayor for the time being, his deputy or ſenior alderman, ſhall call unto him the next ſenior or junior alderman, and ſenior and junior burgeſs, who ſhall ſeparate themſelves from the reſt of the company, and go into the little chamber, and by moſt of their voices ſhall agree upon one of the aldermen to ſucceed to the mayor for the year following; which alderman ſo agreed upon ſhall depart into the minor chamber, and there remain till he be called; whereupon the mayor for the time being, and all the aldermen and burgeſſes, chamberlain and aſſiſtants ſhall proceed by voices to allow or diſallow the ſaid choice, as follows, viz. Every one of them ſhall openly vote affirmatively or negatively to be taken by the ſaid chamberlain or town clerk, and if the majority ſhall diſlike of the alderman propoſed, then the mayor, two aldermen and two burgeſſes ſhall proceed to name another alderman to be tried in like manner, and ſo continuing the like courſe until one ſhall be agreed on to be one of the aldermen to ſtand in election to be mayor for one whole year from Michaelmas following; which being done, the like courſe ſhall be taken for naming one other alderman, one of which ſhall be elected mayor for the year following; and then they ſhall all vote, which of the two ſhall be mayor for the year following, according to the letters patent on the penalty of 20 s.

This being the method of election, the counſel proceeded to ſhew Mr. Weſt ſen. rightful mayor.

Mr. Styles ſen. town clerk ſaid, Mr. Thorp died on the 25th of February was two years, that the ſenior alderman (who has power on the death of the mayor to act) ſummoned the aldermen and burgeſſes to meet the ſame day; that ten of them came, and Mr. Reynolds was for going to election that night, but after it was agreed to meet next night at 5 o'clock, and it was then ordered, that all who had right to elect ſhould be ſummoned, and accordingly eight met at the elder alderman's Mr. Wheatley's in their gowns, and then went to the town-hall and rung the bell to give notice; that ſome were out of the way, and ſome would not come; that, after ſtaying ſome time, they went to election; had five nominators, according to the by-laws, and elected Mr. Welchman, who was ſworn by the ſenior alderman. The eight voted for him, and nine kept away; but however he thought the major part appearing could elect, and upon ſearching the books had found 16 or 17 inſtances of mayors elected without the majority of all who had right to elect; that on the firſt Monday in September following, they ſent the like ſummons, and ſwore John Weſt jun.; and, on the firſt Monday in the next September following, John Weſt ſen. was choſen in like manner, who returned Mr. North, and theſe have ſucceſſively had the enſigns of mayoralty. He alſo ſaid, he never knew the aldermen and burgeſſes after ſummoned and met depart without making an election, and the reaſon why Mr. Welſhman was choſen on the Sunday, was to hold the court the next day, which is to be held by the mayor, and though a ſenior alderman doth act in court as deputy mayor, he never knew him ſo to do on the mayor's death.

Mr. Wilford ſerjeant at mace ſaid, on the day Mr. Thorp died, 10 or 11 met at his houſe, and ſome propoſed to elect immediately, but ſome of the ſeniors thought it would be better next day, but agreed it muſt be then, becauſe of the court to be holden on Monday, and ſome ſaid they would take notice of it: however he went to all their houſes and ſummoned them, and did the ſame on the two meſſieurs Weſt's elections.

The counſel for Mr. Dormer inſiſted, that in a corporation aggregate every act ought to be by a majority of the whole, and that by-laws could not alter the charter, which directs it ſhall be by the majority of the corporation, and Mr. Reynolds and Mr. Samuel Weſt were ſo elected, and that it is not pretended, thoſe, under whom Mr. North claims, were ſo; that the ſenior and junior aldermen were always underſtood to be of ſuch as appeared; that Welſhman's election was heard before the counſel, and a new election directed by them.

Mr. Styles jun. who acted as town clerk under mayors Samuel Weſt and Mr. Clark, ſaid, after Mr. Thorp's death, Mr. Reynolds was elected for the remainder of the year, nine appearing, and ſworn before the recorder: on the firſt Monday in September following, Mr. Samuel Weſt was elected, 26 preſent, and was continued laſt September by 11 aldermen and burgeſſes and 18 aſſiſtants, but the ſenior alderman was not preſent; Samuel Weſt had his officers, kept courts, and had the books and ſeal of the corporation; and that upon the death of a mayor, he never knew them make uſe of nominators.

John Stokes ſaid, he had known ſeveral elections, at which the ſenior alderman had not appeared. Upon the whole the committee reſolved,

That Charles North, eſquire, is duly returned a burgeſs to ſerve in this preſent parliament for this borough: to which the houſe agreed.

Nov. 3, 1705. A petition of Toby Chauncey, eſquire, was read, ſhewing, that at the laſt election of a burgeſs to ſerve in this preſent parliament for this borough, Charles North, eſquire, and the petitioner were candidates; that the freemen there, having an undoubted right to vote at ſuch elections, demanded a poll for the petitioner, which the mayor refuſed; and immediately his officers, and others, in a tumultuous manner, did diſturb them, as they were giving their votes; notwithſtanding this, the petitioner had a majority; yet the mayor hath returned Mr. North, in wrong of the petitioner.

Ordered, that it be referred to the committee of privileges and elections to examine the matter, and report it with their opinion.

Oct. 25, 1722. A petition of Sir William Codrington, baronet, was read, ſhewing, that at the election of a burgeſs to ſerve in parliament for this borough, the petitioner and Monoux Cope, eſquire, were candidates. That bribery and other indirect practices were made uſe of in oppoſition to the petitioner's intereſt, in order to procure a majority of the electors for the ſaid Mr. Cope. Notwithſtanding the petitioner had a majority of legal votes, yet the ſaid Mr. Cope hath procured himſelf to be returned: and praying, &c.

Ordered, as before, that it be referred to the committee of privileges and elections to examine the matter, and report it with their opinion.

Jan. 16. Ordered, leave to withdraw the ſaid petition.

BARNSTAPLE.

THIS borough is ſituated in the county of Devon. It was firſt incorporated by King Henry the firſt; afterwards King John gave it a mayor; and Queen Mary ordained two aldermen and a common council. All its privileges have been ratified by King James the firſt.

It hath been repreſented in parliament from the 28th of King Edward the firſt to this time. The members are choſen in the county court, as appears by the return of the ſheriff, 26 Hen. VI. (which ſee in the county). The memoirs I meet with of its elections are theſe.

Aug. 6, 1641. Reſolved, that Mr. Perd is well elected, and ought to ſerve as a burgeſs for the town of Barnſtaple;

That the election of Mr. Ferris to ſerve for the town of Barnſtaple is void, and that Mr. ſpeaker ſhall iſſue forth his warrant directed to the clerk of the crown in Chancery for a new writ for electing of another to ſerve for the ſaid town, in the room and ſtead of the ſaid Mr. Ferris, whoſe election is ſo judged void as aforeſaid.

It doth not appear when this election was complained of, nor by whom.

Oct. 25, 1680. A petition of Richard Lee, eſquire, was read.

Ordered, it be referred to the committee of privileges to examine, and report with their opinion.

Dec. 24, 1680. Mr. Treby reported from the committee of elections, and privileges, to whom the matter of the election for the borough of Barnſtaple was referred, that the committee had agreed upon two reſolves, viz.

That Arthur Acland, eſquire, is not duly elected a burgeſs to ſerve in this preſent parliament for the ſaid borough.

That Richard Lee, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for the ſaid borough.

Which reſolutions were read a ſecond time and agreed to by the houſe.

May 24, 1685. A petition of John Rolls, eſquire, touching the election for this borough, was read.

Ordered, that it be referred to the committee of privileges to examine, and report with their opinion.

BATH.

THIS city is in the county of Somerſet, and has been a city from the time of King William the Conqueror, or his ſucceſſor Rufus. It has returned members to parliament from the 26th of Edward I. and ſo continued to do till this time. The antient method of election was by the mayor and three citizens being ſent from thence to the county court, who in the name of the community, and by aſſent of the community, returned their repreſentatives.

Prynn, Brev. Br. Parl. p. 409. Prynn, Parl. Bre. Rediviva, p. 257.

The laſt charter of incorporation is 32 Eliz. ſince which time the memoirs I find of their elections are as follow.

Feb. 18, 1625. Mr. Gay informeth the houſe, that he is returned a burgeſs for the ſaid city, and beſides one of the principal men of the city hath murthered himſelf and his wife, and that the mayor is the only coroner; therefore deſireth leave to go home.

Referred to the committee of privileges, whether a new writ ſhall iſſue, and leave to go home.

The firſt conteſted election I meet with was immediately after the reſtoration, when the freemen laid claim to a right of election, and two returns were made, one by the mayor and aldermen, of Alexander Popham, eſquire, and William Prynn, eſquire, and the other by the aldermen only: upon which, May 16, 1661. Serjeant Charleton reported from the committee of privileges the double return for the city of Bath; that Alexander Popham, eſquire, and William Prynn were returned as citizens to ſerve for the ſaid city of Bath by the mayor and aldermen only in one indenture, and Sir Charles Berkley and Sir Thomas Bridges by the aldermen only in another indenture, and the opinion of the ſaid committee thereupon, that the ſaid Mr. Popham and Mr. Prynn ought to ſit till the merits of the cauſe touching the ſaid double return be returned.

Reſolved, the houſe do agree with the ſaid committee, and that the ſaid Mr. Popham and Mr. Prynn do ſit in the houſe till the merits of the cauſe touching the ſaid election be determined.

Ordered, the petition of Sir Charles Berkley, knight, comptroller of his Majeſty's houſehold, and Sir Thomas Bridges, knight, now preſented, be referred to the committee of privileges and elections.

ee Pryn. P. R. t ante 18, et eq.

This petition was never reported, though Mr. Prynn writes it was heard, and the right of election made out to be in the corporation, the queſtion then being, whether all the freemen and citizens had and ought to have voice in the election of citizens to ſerve in parliament, or only the mayor, aldermen and common council.

Oct. 27, 1675. A petition of Harry Bridges, eſquire, was read, complaining of an undue return of Sir George Speake to ſerve for the city, in wrong of the petitioner, who was duly elected by the freemen of the ſaid city, who have the right of election.

Reſolved, it be referred to the committee of privileges to examine, and report with their opinion.

This petition was never heard.

Nov. 2, 1705. A petition of George Daſhwood and Richard Houblin, eſquires, was read; ſhewing, that the petitioners, and William Blathwait and Alexander Popham, eſquires, were candidates at the election of citizens, to ſerve in this preſent parliament, for this city; that Mr. Blathwait and Mr. Popham, by ſeveral indirect practices, did procure themſelves to be returned as duly elected, though the petitioners had a majority of the legal votes: and praying the conſideration of the houſe.

Ordered, to be referred to the committee of privileges and elections to examine, and report the matter with their opinion.

Dec. 4, 1706. This petition was again preſented, read, and referred as before.

Jan. 25. Ordered, that the report be received on Monday next.

27th. Mr. Compton reported from the ſaid committee the matter of the ſaid election.—That the queſtion was upon the right of election.—That the petitioners counſel inſiſted, that the right of election was in the mayor, aldermen, and all the freemen paying ſcot and lot.

That the counſel for the ſitting members inſiſted, the right of election was in the mayor, aldermen and common council, or capital citizens, only.

To prove the right in the freemen at large, the petitioners counſel produced the copies of many returns, from the Tower, viz. 1 Hen. V, between the ſheriff of the one part, and John Savage and three others named; and it is therein expreſſed, *Quod prædictus Johannes Savage et omnes alii cives prædict. nominati ex aſſenſu totius communitatis civitatis prædictæ eligerunt.*—2 Hen. V, between the ſheriff of the one part, and the then mayor and three others named, *Qui ex aſſenſu totius communitatis civitatis prædictæ eligerunt.*—5 Hen. V, 7 Hen. V, 8 Hen. V, 9 Hen. V, 1, 3, 4, 6, 8, 9, 10, 11 Hen. VI, between the ſheriff of the one part, and the mayor and two others therein named of the other part, in which it is mentioned, *Quod major et omnes alii cives civitatis, ex aſſenſu totius communitatis eligerunt.*—13 Hen. VI, between the ſheriff and four others named, *Quod prædicti cives ex aſſenſu totius communitatis eligerunt.*—12 Edw. IV, *Quod cives Bathon. ex unanimi aſſenſu eligerunt.*—17 Edw. IV, the ſame form. From the Rolls—1 and 2 Phil. and Mar. between the ſheriff of the one part, *et cives civit. Bathon.* on the other, *Quod cives civitatis prædictæ eligerunt.*—4 and 5 Phil. and Mar. between the ſheriff of the one part, and the mayor and citizens of the other part, *Quod major et cives convenerant in Gildam Aulam et ibidem eligerunt.*—14 Eliz. between the ſheriff of the one part, *et majorem civit. Bathon. alderman. et burgenſes ejuſdem civit. ex altera parte*—That the mayor, aldermen and burgeſſes *eligerunt.*—26 Eliz. between the ſheriff of the one part, and the mayor and citizens of Bath on the other part, *Quod prædicti major et cives facta proclamatione in plena civitate apud Gildam Aulam dictæ civitat. eligerunt.*—30 Eliz. between the ſheriff of the one part, and the mayor and citizens of the other part, that the mayor and citizens elected—39 Eliz. between the ſheriff of the one part, and the mayor, aldermen and citizens of the other part, *Quod præd. major, aldermanni, et cives facta proclamatione apud Gildam Aulam civit. eligerunt.*—1, 21 Jac. I; 1, 3, 16, 16 Car. I; 21 and 21 Car. II; 5 Will. and Mar.; 4 Annæ.—That the petitioners counſel alſo read the charter 32 Eliz. by which it is provided that every freeman ſhall take an oath, and in that clauſe they are called *liberos cives et burgenſes.*—And called John Gregg, who ſaid, he had lived in London almoſt 45 years, was no freeman of Bath, but was at the election of members to ſerve in parliament for Bath, 1660, when Mr. Popham and Mr. Prynn were choſen, and Sir Thomas Bridges and Sir Charles Berkley were candidates; and that the freemen there polled; particularly he remembered one George Parker polled for Bridges and Berkley; but could not ſay, whether the poll for them was in the ſame place, as the poll for Mr. Popham and Mr. Prynn.

Powell and others ſaid, they were at the election 1680 or 1681, and that the freemen were then polled by Mr. Buſhell the town clerk; but could not ſay, the mayor or any of the aldermen did poll among them.

That the petitioners counſel made uſe of their evidence to ſhew, that the freemen had ſo long ago claimed a right to vote in elections, and to prove the right, relied on the returns produced.

That the ſitting members counſel inſiſted, that Bath was a corporation by preſcription; and for that purpoſe read the beginning of their charter, which recites, that the mayor and citizens have time immemorial enjoyed ſeveral markets, &c. *et quod major et cives ejuſdem civitatis ab antiquo tempore ſemper habuerunt ex ſe aldermannos et commune concilium:* and they produced a book of the corporation, whereby it appeared, 31 March, 1660, Alexander Popham and William Prynn, eſquires, were elected by the mayor, aldermen and common council.—They alſo ſhewed in the ſaid book, at the election 1680, Lord Fitzharding and Sir William Baſſet were ſo elected:—and called Nathanael Biggs, who ſaid, he was at the election 1680, and one captain Chapman, an alderman, went off from the reſt, and raiſed the militia to get a poll; and remembered particularly the Lord Fitzharding and Sir William Baſſet's election, 1680, and they were elected by the ſelect number; but, when they came down, the freemen took them up, and carried them about upon their ſhoulders.

That the ſitting members counſel would have called ſeveral other witneſſes; but the committee, being ſatisfied with the evidence, reſolved,

That the right of election of citizens, to ſerve in parliament for this city, is in the mayor, aldermen and common council, only.

That William Blathwait, eſquire, is duly elected a citizen to ſerve in parliament for the ſaid city.

That Alexander Popham, eſquire, was duly elected a citizen to ſerve in parliament for this city: which reſolutions, being twice read, were agreed to by the houſe.

March 30, 1715. A petition of Edward Minſhall and John Broomhall, eſquires, was read; ſhewing, that the petitioners, Samuel Trotman and John Codrington, eſquires, were candidates for this city, where the petitioners were duly elected; but by the partiality of the mayor, in refuſing ſeveral perſons to vote for the petitioners, who had a right, and by other illegal practices of the ſaid Mr. Trotman and Mr. Codrington, and agents, they have procured themſelves to be returned, in wrong of the petitioners: and praying, &c.

Ordered, that it be referred to the committee of privileges and elections to examine the matter, and report the ſame with their opinion.

Ordered, that leave be given to withdraw the ſaid petition.

BEAUMARIS.

BY the act of parliament in the 27th of King Henry the eighth, the twelve counties, and as many towns in Wales, were privileged to ſend members to parliament. The firſt returns were in the 33d of King Henry the eighth, and Newborough, now a decayed village, was the town of this county of Angleſea, but being exempted by act of parliament the 2d of Edward the ſixth, the privilege was limited to this borough, which hath returned ever ſince.

Willis, Notitia, 1749. p. 74.

No memoirs of elections, which have been conteſted, appear until the reign of Queen Anne; ſince which there have been ſeveral petitions.

Nov. 27, 1708. A petition of Owen Meyrick, eſquire, mayor, Thomas Evans, bayliff, William Meyrick, eſquire, and William Wynn, gentleman, burgeſſes of the borough of Newborough in the county of Angleſea; and alſo of Thomas Jones and John Davis, burgeſſes of the borough of Beaumaris in the ſaid county, in behalf of themſelves and ſeveral other burgeſſes of the ſaid boroughs, was preſented to the houſe and read; ſetting forth, that the right of electing a burgeſs to ſerve in parliament for the ſaid boroughs is in all the burgeſſes of both boroughs;

That at the late election for the ſaid boroughs, Sir Arthur Owen and Henry Bertie, eſquire, were candidates, and the majority of the burgeſſes preſent voted for Sir Arthur Owen;

That William Owen, eſquire, mayor, John Evans and Daniel Parry, bailiffs of Beaumaris, being friends to Mr. Bertie, rejected the votes of the petitioners and a great number of the reſt of the burgeſſes of both the ſaid boroughs, and Mr. Bertie hath procured himſelf to be returned, in wrong to the petitioners and Sir Arthur Owen, who was duly elected as aforeſaid, and yet in the ſaid return no notice is taken of the borough of Newborough: praying ſuch relief as the houſe ſhall think fit.

Ordered, this petition be heard at the bar of this houſe on the 2d of April.

Nov. 28, 1709. A petition, in ſubſtance the ſame with the former, was read, and referred to the committee of privileges to examine, and report with their opinion.

Jan. 25, 1709. Mr. Compton reported from the committee of privileges and elections the matter relating to a contempt complained of by Sir Arthur Owen, in diſobeying an order of the ſaid committee, made for inſpecting and taking copies of the charters, poors rates, and other pariſh books, and other publick town books, or papers belonging to this borough of Beaumaris.

That the order was ſerved upon the perſons to whom directed, but they refuſed the ſaid Sir Arthur's agent to inſpect the ſaid charters, books and papers.

Mr. David Lloyd ſaid, he ſerved the order of the committee (which he produced) on Mr. Griffith Parry, town clerk of Beaumaris, on the 2d inſtant, and deſired the inſpection of the charters, but he was anſwered, they were locked up in a cheſt that had three locks, and he would endeavour to get the keys the next day; that the next day he applied to him again, and to Mr. Harriſon, one of the bailiffs, who ſhewed him ſome books and papers, and ſhewed him an Engliſh copy of the charter, but refuſed to ſhew other of the ſaid books and papers, ſome of which they owned were in the beforementioned cheſt, and others in the cupboard; and ſaid, Parry told him the charter of Queen Elizabeth was at London, and they could not come at any writings and papers that were in the town cheſt, pretending one of the three keys was loſt, and refuſed to open the cupboard, of which he owned they had the key.

Mr. Lloyd Bodville ſaid, on Wedneſday the 4th of January he demanded of the town clerk the inſpection of the charter, books and papers mentioned in the order of the committee, but was abſolutely refuſed to inſpect the ſame, or to be let into the room, though he owned there were ſeveral records there.

A motion was made to recommit the report, but diſagreed to.

Ordered, Mr. Griffith Parry to be taken into cuſtody of the ſerjeant at arms.

Feb. 13. Ordered, the report of the election to be made on Wedneſday.

15th. Ordered to be received on Friday.

17th. Ordered to be received on the morrow.

18th. Mr. Compton reported, that the counſel for the petitioners alledged the right of election of burgeſſes for this borough is in the mayor, bayliffs and burgeſſes in general of the boroughs of Beaumaris and Newborough.

They firſt read the ſtatute of 27th of Henry the eighth, intitled concerning laws to be uſed in Wales, which enacts, "every borough which is a ſhire town within the dominions of Wales (except Merioneth) ſhall chooſe one burgeſs, and the burgeſſes fees be gathered as well of the boroughs as they be burgeſſes, as of all other the ancient boroughs within the ſame:" alſo

The ſtatute of 35th of Henry the eighth, concerning payment of their fees and wages, which enacts,

enacts; “The burgeſſes of all the boroughs ſhall “be contributary to the payment of the burgeſſes “wages of the ſaid ſhire towns, ſhall have like “voice and authority to elect, name, and chuſe “the burgeſſes of the ſaid ſhire towns, like, and in “ſuch manner, as the burgeſſes of every the ſaid “ſhire towns have, or uſe.”

Counſel alledged, that Newborough was a ſhire town till the reign of Edward the ſixth, and read the ſtatutes of 2d and 3d of Edward VI. for keeping the ſeſſions and county days for Angleſea at Beaumaris; which, after “appointing the great “ſeſſions, ſhire or county days, and ſeſſion of the “peace, at Beaumaris, diſcharges the borough of “Newborough from payment of wages to the “burgeſſes who ſhall be returned for Beaumaris;” which exemption they inſiſted was given for removal of the county court to Beaumaris. Read alſo a charter of 17th of Edward the ſecond, whereby it appeared Newborough was then a corporation.

And to prove the cuſtomary uſage of the burgeſſes of Newborough, voting for a burgeſs to ſerve in parliament for Beaumaris, they called Mr. Rowland, who ſaid, he had known Newborough 55 years paſt, and that the inhabitants have claimed to vote for a member of parliament for Beaumaris for 48 years, and when Mr. Owen Hughes, who was mayor of Newborough (and he thinks recorder of Beaumaris) ſtood for Beaumaris, he ſent to the burgeſſes of Newborough to come and vote for him, and about 30 of them went thither accordingly; but when they came, Mr. Hughes thanked them and deſired them to go home, for that the election was agreed; and that he remembered another controverſy when he was a youth.

That he was a burgeſs of Newborough, but had quitted it ſince the laſt election.

Mr. Williams ſaid, he was bred up under Mr. Hughes, and remembers the burgeſſes of Newborough came to Beaumaris to vote, but cannot ſay he ſaw them vote, or ſign a return.

For Mr. Bertie, it was inſiſted, the right was in the mayor, bailiffs and capital burgeſſes of Beaumaris only, and that Newborough was not now a corporation; for although they had a charter of 17th of Edward the ſecond, yet the laſt charter was in the 15th of Henry the eighth, reciting all the former charters; which ſaid charter was ſurrendered the year following.

Read the original record from the rolls of ſaid charter and ſurrender.

Read alſo the ſtatutes of 2d and 3d of Edward the ſixth, reciting that aſſizes, &c. had been for 250 years at Beaumaris, and removed about 45 years before to Newborough, upon a falſe repreſentation to Henry the ſeventh, and becauſe the village is not fit for the ſaid purpoſes, the ſaid courts are removed to Beaumaris; and enacts, that Newborough ſhall thenceforth be free of the charges of any burgeſs to ſerve in parliament for Beaumaris; and inſiſted, as the ſurrender of the charter determined the corporation, ſo the ſtatute determined their right of voting for members of parliament for ſaid borough.

Read alſo a charter of Queen Elizabeth, whereby the right of election of a burgeſs to ſerve in parliament for this borough is veſted in the mayor, two bailiffs and 21 capital burgeſſes, and alſo a return of a burgeſs 39 Eliz. by which they appear to have elected in purſuance thereof.

Upon the whole, the committee was of opinion,

That the right of election of a burgeſs to ſerve in parliament for this borough, is in the mayor, bailiffs and capital burgeſſes of Beaumaris only.

That Henry Bertie, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for the ſaid borough, to which the houſe agreed.

Oct. 18, 1722. A petition of William Bodvell, eſquire, one of the burgeſſes of the borough of Newborough in the county of Angleſea, in the behalf of himſelf and ſeveral others of the burgeſſes for the ſaid borough, was read, ſhewing that the right of electing of burgeſſes to ſerve in parliament for Beaumaris, is in all the burgeſſes of the ſaid borough of Newborough, as well as in the burgeſſes of the ſaid borough of Beaumaris; that at the election of members to ſerve in parliament for the ſaid borough, the honourable Henry Bertie, eſquire, and the petitioner were candidates; that the majority of the burgeſſes of the ſaid borough gave their votes for the petitioner, that the mayor and bailiffs of the ſaid borough of Beaumaris favouring the ſaid Mr. Bertie, rejected the votes of great numbers of the burgeſſes of the ſaid borough of Newborough, and with violence hindered others from coming into the Guild-Hall of the ſaid borough of Beaumaris to give their votes for the petitioner, and by theſe and other undue practices, the ſaid Mr. Bertie procured himſelf to be returned for the ſaid borough of Beaumaris: and praying, &c.

Ordered, that the ſaid petition be referred to the committee of privileges and elections, and that they do examine the matter thereof, and report the ſame.

A petition of Lloyd Bodvell, eſquire, mayor, John Powell, bailiff, John Hughes, Rice Hughes, and John Williams, burgeſſes of the borough of Newborough in the county of Angleſea, in behalf of themſelves and ſeveral other burgeſſes of the ſaid borough, was read, ſhewing that the right of electing a burgeſs to ſerve in parliament for the borough of Beaumaris is in all the burgeſſes of the ſaid borough of Newborough, as well as in the burgeſſes of the borough of Beaumaris. That the honourable Henry Bertie, eſquire, and William Bodvell, eſquire, were candidates; the major part of the burgeſſes of the ſaid boroughs gave their votes for the ſaid William Bodvell; that the mayor and bailiffs of the ſaid borough of Beaumaris, being friends to the ſaid Mr. Bertie, rejected the votes of the petitioners, and of a great number of the reſt of the burgeſſes of the ſaid borough of Newborough. That ſeveral of the burgeſſes were in a riotous manner forced out of the Guild-Hall of the ſaid borough of Beaumaris, and others aſſaulted and wounded; the doors of the ſaid Guild-Hall were ſhut to hinder the ſaid burgeſſes from going into the ſame to give their votes for the ſaid Mr. Bodvell; that by theſe and other undue practices, the ſaid Mr. Bertie procured himſelf to be returned, to the great prejudice of the ſaid petitioners: and praying, &c.

Ordered, that the ſaid petition be referred to the committee of privileges and elections, and that they do examine the matter thereof, and report the ſame.

Jan. 10, 1724. The petition of Mr. William Bodvell was again read, and referred as before.

Nov. 13, 1724. The ſaid petition was again read, and referred as before.

County of BEDFORD.

THIS county was joined under the ſame ſheriff with the county of Bucks, and hath returned repreſentatives from the time of the firſt ſummons to

Prynn's 4 reg. 871. B. P. R. 7. to parliament, in 22 Ed. I. Mr. Prynn accounts for them from the 28th, and hath given a liſt of them from the 30th of Edward I. A writ directed to the ſheriff of this county and Bucks for this purpoſe, with a writ of prorogation, will be found in the Appendix. The memoirs which I have met with relating to ſuch elections here follow.

Decem. 12, 1698. A petition of William Duncombe and Thomas Bramſall, eſquires, was preſented to the houſe and read, ſetting forth, that, at the late election of knights of the ſhire for this county, Edward Lord Ruſſell and Sir William Goſtwick were returned, by reaſon that votes were procured by entertainments and other illegal means, and by reaſon of many freeholders who offered to poll for the petitioners, were prevented by the ſheriff and his officers; all which proceedings were to the injury of the petitioners, who were candidates at the ſaid election, and ought to have been returned: and praying relief in the premiſſes.

Ordered to be referred to the conſideration of the committee of privileges and elections to examine, and report with their opinion.

Nov. 16, 1699. The ſaid petition was renewed, and referred in like manner.

Dec. 19, 1699. Ordered the report to be received on Thurſday next.

Dec. 21. Sir Rowland Gwynn reported, that the majority on the poll was agreed to be with the ſitting members, but the counſel for the petitioners inſiſted on irregular proceedings; that perſons who had voted for one of the candidates, and afterwards came and would have given in their ſecond vote for another, were denied their ſecond votes; and that ſeveral of the ſitting members votes were gained by treating. Upon the firſt point the committee reſolved,

That if any perſon, having a right to vote for two members to ſerve in parliament, ſhall give a ſingle vote, ſuch perſon hath not a right to come afterwards and give his ſecond vote during the ſaid election.

That as to treating the counſel called John Green, who ſaid, he kept the Falcon inn at Bedford, and that his inn was hired by Mr. Haynes, formerly a ſervant to Sir William Goſtwick, for Lord Ruſſell and Sir William Goſtwick; that Mr. Bloſs, another of Sir William Goſtwick's ſervants, told him, he ſhould receive what money he could of the freeholders, and Sir William would pay the reſt; that in Auguſt laſt he went to Sir William for the money; that Sir William was at firſt very angry, and ſaid he knew nothing of it, but afterwards ſaid he would ſee among them to help him to the money; that of 140, whoſe reckoning came to 12 d. each, ſome paid 2 d. and ſome nothing; that the charge of the houſe came that day to 16 l. and Mr. Bloſs dined with ſome of them.

John Lovell, Thomas Joyce, Thomas Beaumont and Thomas Cock ſaid, they were all at the Falcon the day of the election, and all except Cock declared for Lord Ruſſell and Sir William Goſtwick, and were told that they might eat and drink, paying one penny or twopence, and that at their going away they paid nothing, and Cock was offered to eat and drink for nothing; but he declaring he might be but for one of the ſitting members, Green told him he ſhould pay a half and leave a half, which he did. Cock voted only for Mr. Bramſall.

James Muns ſaid, he kept the White Horſe inn, and that about 16 or 17 came to his houſe by the direction of one Clark, a collar-maker to Sir William Goſtwick, and he truſted them on Clark's account; that afterwards Muns and Clark went to Mr. Tidford, Sir William Goſtwick's bailiff, for the money, who told him he muſt ſtay till Sir William was ſettled in the houſe; that Clark went with him to Sir William Goſtwick's, but Sir William would not promiſe him payment; that afterwards they ſpoke to Mr. Tidford, and went all together to Sir William Goſtwick's, and Tidford came out and ſaid he had no orders, whereupon Clark ſaid there was no truth in man, and afterwards Clark paid him by degrees with his own money.

John Richards ſaid, he kept the Half Moon inn; 16 or 17 dined at his houſe, and the reckoning came to about 18 d. each, and five or ſix not paying, he went next morning to Mr. Tidford, who aſked him who he was for, and he anſwering for Mr. Bramſall, Tidford aſked him for Sir William Goſtwick, and ſaid it would be taken kindly; which he promiſed, but told Tidford of the reckoning, whereupon Tidford ſaid, when Sir William was ſettled it ſhould be paid. The perſons ſaid, if Mr. Tidford did not pay, they would; and three of them have paid, and the reſt have not.

Shaw ſaid, he lived at the Bell as a ſervant; that his miſtreſs deſired him not to mention Sir William Goſtwick's name, but told him, all who came in Mr. Cater's name might eat and drink at free coſt; that at night ſix came in who polled for Sir William Goſtwick, and he had orders to treat them, and they eat and drank plentifully; afterwards another company came, and when they had drank two pence a piece, they whiſpered it was hard they who were for Lord Ruſſell and Sir William Goſtwick ſhould pay; whereupon by his miſtreſs's order he gave them their money again, and that night and next day was ſpent in the houſe 15 l. and Sir William Goſtwick's ſervants were by with about 20 people.

Robert Roebuck and John Rogers ſaid, they ſpent about two pence each, and Shaw the tapſter gave them their money again as others had.

Edward Brockis ſaid, he was at the election; that Bret, a tenant of the Duke of Bedford, gave him 2 s. and 6 d. to treat himſelf and others by the way to Bedford; that when he came to Bedford, all was paid there alſo; and ſix or eight men came in and aſked victuals, and ſaid they were for Sir William Goſtwick and Lord Ruſſell, and the woman of the houſe ſaid they might have what they would, but they muſt be private; that the Duke of Bedford's clerk of the kitchen, upon his ſaying he was not able to go to the election, told him if he would hire an horſe the charges ſhould be borne; that Mr. Taylor, the Duke's bailiff, got a waggon for others, and all the pariſh who went with him were for the ſitting members.

Brown, Crawley and Oldhill ſaid, Mr. Bret paid all their dinners; that he paid for 24 perſons. Brown ſaid, he went in Taylor's waggon and had his expences borne; and Crawley ſaid, his horſe-hire was paid.

Thomas Worſter ſaid, he was one of thoſe treated at the Bell inn. The petitioners counſel alſo inſiſted on the partiality of the ſheriff, who they ſaid did take two voices for the ſitting members, whom he refuſed to take for the petitioners: and called

Mr. Harvey, who ſaid, the ſheriff admitted ſecond votes till the members proteſted againſt it; and after that, Mr. Fitch gave a ſecond vote for the ſitting members, but it was at another court, and it did not appear that the perſon who took the poll there knew of the proteſt, or that the ſheriff had deſiſted from taking them.

The counſel on the other ſide inſiſted, that the ſitting member who had the feweſt, had above 600 more than either of the petitioners: and as to the treating; they called,

John Deer and Thomas Hays, who ſaid, that Mr. Tidford came to them and deſired them to go with him to the ſeveral inns at Bedford, and told the people they ſhould recommend ſeveral freeholders to come there, but bid them take money of them, for Lord Ruſſel and Sir William Goſtwick would be at no charge.

Benjamin Haſleton ſaid, John Green deſired him to aſſiſt to make up the bills of the laſt election, and Haſleton aſking him who gave him orders to truſt the freeholders, Green told him he had none either from lord Ruſſel or Sir William Goſtwick, nor did he know when he ſhould be paid, for Sir William Goſtwick had refuſed to pay him; that the counſel had more witneſſes to examine, but the committee ſeeming ſatisfied they reſted it here; and the committee reſolved,

That the Lord Edward Ruſſel is duly elected a knight of the ſhire for this county;

That Sir William Goſtwick is duly elected a knight of the ſhire for this county.

The firſt reſolution (concerning the ſecond votes) contained in this report, was upon a ſecond reading poſtponed.

The other two, in regard to the election, agreed to by the houſe: after which the poſtponed reſolution was conſidered, and a debate ariſing, it was put off till the next day, but never after called for.

March 31, 1715. A petition of John Cater, eſquire, was read; ſhewing, that at the election of knights of the ſhire for this county, the petitioner William Hillerſden, Sir Pynſent Charnock and John Harvey, eſquire, were candidates. That the petitioner and the ſaid Mr. Hillerſden had a majority of legal votes, but ſeveral perſons voting for the ſaid Mr. Harvey, though not qualified; and by the illegal practices uſed by the ſaid Mr. Harvey and agents, there was procured a majority of 16 for the ſaid Mr. Harvey above the petitioner, who otherwiſe would have had a majority: and praying, &c.

A petition of Sir Pynſent Charnock, baronet, was read; ſhewing that at the election for this county, the petitioner John Harvey, William Hillerſden and John Cater, eſquires, were candidates. The high ſheriff did declare, and as duly elected has accordingly returned Mr. Hillerſden, notwithſtanding the petitioner had a majority of legal votes. Several that polled for Mr. Hillerſden had no right ſo to do, though by his indirect means, did procure the votes of others that had a right to poll, to the prejudice of the petitioner: and praying, &c.

Ordered, that the ſaid petitions be heard at the bar of the houſe on the 19th of May next.

May 18, 1715. Ordered, that Sir Pynſent Charnock have leave to withdraw his petition.

19th. Ordered, that the merits of the election for this county, be heard at the bar of the houſe on this day three weeks.

June 9. Ordered, that it be heard on the 21ſt of this month.

20th. Ordered, that it be heard on Thurſday next.

23d. The houſe proceeded to the hearing of the ſaid election, and the counſel were called in.

The petition of John Cater, complaining of the ſaid election, was read; and the petitioner's counſel proceeded to diſqualify ſeveral of the ſitting member's votes.

The ſitting member's counſel objected againſt proceeding upon the petition, for that the qualification delivered in by the petitioner at the demand of the ſitting member, was not purſuant to the reſolution of the houſe of the 23d of March laſt.

Upon which, the act of parliament of the 9th year of her late majeſty, the ſaid reſolution of the houſe, the demand of the qualification, and the title of the qualification left with the clerk of the houſe, were read.

And the counſel on both ſides were heard thereupon, and then withdrew.

Reſolved, the petitioners be permitted to proceed in their evidence.

And the counſel were called in again, and Mr. Speaker acquainted them with the ſaid reſolution.

And the petitioners proceeded to examine witneſſes to diſqualify ſeveral voters for the ſitting member upon account of voting more than once; of being under age; or of having purchaſed their freehold within an year before the election: and the counſel were directed to withdraw.

Ordered to be heard again on Saturday morning.

June 25, 1715. The houſe proceeded in the hearing the merits of the ſaid election.

The petitioners counſel gave evidence, in order to diſqualify ſeveral of the ſitting member's votes; viz. as to mortgagers voting, when the mortgagees were in poſſeſſion; perſons who had ſold their freeholds before the election; others, who were intitled to reverſions only; others, who did not pay publick taxes or rates; others, who were only leaſeholders for years, or copyholders; and others, who had eſtates.

Sic origin.

Ordered, that it be further heard on Tueſday.

28th. The houſe proceeded in the hearing of the ſaid election, and the counſel were called in.

And the petitioner's counſel calling a witneſs to prove one of the ſitting member's voters had not an eſtate in the pariſh, where his freehold is ſet down on the poll.

The ſitting member's counſel objected againſt giving ſuch evidence, the voter having ſworn he had an eſtate there.

The counſel on both ſides were heard touching the ſame, and then withdrew.

Reſolved, that the counſel for the petitioner be admitted to give parole evidence as to a perſon's being no freeholder, who had ſworn himſelf to be a freeholder at the time of the election.

The counſel were called in, and Mr. Speaker acquainted them with the ſaid reſolution.

Then the petitioner's counſel examined ſeveral witneſſes in order to diſqualify ſeveral of the ſitting member's voters, upon account of their not paying publick taxes or rates; or having no eſtates in the places they voted for; others, as being only leaſeholders; and others, as having eſtates under 40 s. yearly value.

And then the counſel were directed to withdraw.

Ordered, that the ſaid matter be further heard on Thurſday next.

30th. The houſe proceeded in hearing the ſaid election.

And the petitioner's counſel proceeding further to examine witneſſes in order to diſqualify voters for the ſitting member, ſome as to their not being rated to any taxes; to others, as their not having any eſtate in the place they voted for; and to others, as to their eſtates being copyhold; and after the petitioner's counſel acquainted the houſe that they had objections to many other voters for the ſitting member, in regard they did not pay to the publick taxes in ſuch proportion as other eſtates of 40 s. per annum, in the ſame place as the acts of the 10th and 12th of Queen Anne direct; and deſired the direction of the houſe whether they ſhall go into ſuch examination, and of what nature the evidence ſhould be.

And the counſel withdrew.

And the act of the 10th of her late Majeſty was read; intitled, An act for the more effectual preventing fraudulent conveyances, in order to multiply votes for knights of ſhires to ſerve in parliament. And alſo,

An act of the 12th year of her ſaid late Majeſty was read, intitled, An act for explaining the ſaid act, as far as the ſame relates to aſcertaining the value of freeholds of 40 s. per annum.

And a motion being made, and the queſtion being put, That where any perſon pays to the King's tax, church or poor rates, and has ſworn to the value of his freehold, ſuch freehold being in his own poſſeſſion; that the houſe will proceed into the conſideration, whether ſuch freehold is aſſeſſed to the ſaid taxes and rates in ſuch proportion as other lands of 40 s. per annum, within the ſame pariſh or townſhip, are charged to the ſame.

It paſſed in the negative.

Then the counſel were called, and Mr. Speaker acquainted them therewith.

Then the petitioner's counſel ſummed up their evidence given on the petitioner's behalf.

Then the counſel were directed to withdraw.

Ordered, that the ſaid election be further heard on Saturday morning next.

July 2. The houſe proceeded in the farther hearing of the ſaid election, and the counſel on both ſides were called in.

And the counſel for the ſitting member examined witneſſes in juſtification of ſeveral of the voters, againſt which the petitioner's counſel had objected.

And the ſitting member's counſel produced a paper, as the rate for the land-tax for the year 1714 for the pariſh of Potten, to prove that one of the ſitting member's voters had been rated thereto, and the petitioner's counſel objected againſt the ſame, as not being ſigned by the aſſeſſors or commiſſioners, but only by the collectors of the land-tax; and the ſitting member's counſel inſiſting upon its being read, they were heard thereupon.

And the counſel on both ſides withdrew.

Reſolved, that the paper intitled Potten land-tax for the year 1714, not being ſigned by the aſſeſſors or commiſſioners, be not read.

The counſel were called in again, and Mr. Speaker acquainted them with the ſaid reſolution.

And the counſel for the ſitting member proceeded in their evidence, in order to add two perſons to the ſitting member's poll; and then examined ſeveral witneſſes, in order to diſqualify ſeveral of the petitioner's voters; one as having polled twice; others, as not paying taxes; and others, as having no eſtate in the place where they mentioned their freeholds to be.

After which the counſel on both ſides withdrew.

Ordered, the matter of this petition be farther heard on Tueſday next.

5th. The houſe proceeded in the farther hearing the matter of the ſaid election.

And the counſel for the ſitting member proceeded to examine witneſſes, and diſqualify others of the petitioner's voters on account of their not having an eſtate in the places they voted for; nor of ſufficient value; or not paying the publick taxes or rates.

And then the counſel were directed to withdraw.

Ordered, the farther hearing of the merits of the ſaid election be adjourned till Saturday morning next.

9th. A motion being made, and the queſtion being put, that the farther hearing of the merits of this election be adjourned till Tueſday ſev'nnight, it paſſed in the negative.

Ordered, that the farther hearing of the merits of the ſaid election be adjourned till Tueſday next.

12th. Ordered, that the merits of the ſaid election be heard on Thurſday.

14th. The houſe proceeded on the hearing the merits of the ſaid election. And the ſitting member's counſel proceeded, and examined witneſſes in order to diſqualify other of the petitioner's voters, in regard they had no freehold in the places they voted for; or they were not taxed and rated for their freehold; or that their freeholds were not for 40 s. rent; or that they were purchaſers within a year before the election; or that they were copyholders; and alſo gave ſome evidence in relation to bribery.

And a witneſs being called to prove that one William Reynold voted contrary to what appears on the ſheriff's poll, which being objected to, and the counſel on both ſides being heard, they were directed to withdraw.

Reſolved, that the counſel for the ſitting member be not admitted to examine Edward Kemp, to prove that William Reynold voted otherwiſe than he is ſet down on the poll.

And the counſel were called in again, and Mr. Speaker acquainted them with the ſaid reſolution.

Then the ſitting member's counſel proceeded, and went through their evidence as to the diſqualification of the petitioner's voters, and the ſitting member's counſel ſummed up their evidence touching the ſame.

After which the ſitting member's counſel proceeded to give evidence, that the petitioner was not qualified according to the act of the 9th of the late Queen; intitled, An act for the ſecuring the freedom of parliaments, by the farther qualifying the members of the houſe of commons; but a witneſs who had been ſummoned not attending, the counſel were directed to withdraw.

Ordered, that the farther hearing of the merits of this election be adjourned till Saturday morning next.

16th. Ordered, that the merits of the ſaid election be heard on Monday next.

18th. The houſe proceeded in farther hearing the merits of the ſaid election.

And the counſel were called in.

And the ſitting member's counſel proceeded to give evidence, to ſhew that the petitioner was not qualified to be elected according to the act of the 9th year of the reign of the late Queen; intitled, An act for the ſecuring the freedom of parliament, by the farther qualifying the members to ſit in the houſe of commons.

To which the petitioner's counſel were heard, and produced evidence to juſtify his qualification.

And afterwards the petitioner's counſel proceeded to juſtify ſeveral of the voters the ſitting member's counſel had objected againſt;

And then the counſel were directed to withdraw.

Ordered, that the merits of the ſaid election be farther heard to-morrow morning.

19th. The houſe proceeded to the farther hearing of the merits of the ſaid election.

And the counſel on both ſides were called in.

And the petitioner's counſel proceeded to the juſtification of other voters for him which had been objected againſt by the ſitting member's counſel.

And then they ſummed up their evidence.

And the counſel for the ſitting member were heard, as to the evidence given on the petitioner's behalf in the reply.

And then the counſel on both ſides withdrew.

Reſolved, that John Harvey, eſquire, is not duly elected a knight of the ſhire to ſerve in this preſent parliament.

Reſolved, that John Cater, eſquire, is duly elected a member of the ſhire to ſerve in this preſent parliament for this county, and ordered the return to be amended.

BEDFORD.

THIS borough is ſituated in the county ſo called. It was made capable of ſending burgeſſes to parliament ſo early as the 23d of King Edward the firſt, and has continued ſo to do ever ſince: the method of electing of which in the time of King Henry the fifth, appears by the indenture in the Appendix. It is a corporation conſiſting of a mayor, recorder, deputy recorder, two bailiffs, thirteen common council, and an uncertain number of aldermen, but not to exceed 12.

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1640. Their preſent charter is of the 16th of King Charles the ſecond. There were two indentures; in one, Sir Beauchamp St. John, and Sir Samuel Luke were returned; and in the other, Sir Beauchamp St. John, and William Boteler.

1 May. Ordered that Sir Beauchamp St. John do ſit, he being in both returns.

That Mr. Boteler and Sir Samuel Luke do forbear to ſit till their controverſy be decided.

Auguſt 5, 1641. Reſolved, upon the queſtion, that Sir Samuel Luke is well elected as a burgeſs for the town of Bedford, and ought to ſerve as a member of the houſe.

May 16, 1661. Serjeant Charleton reports from the committee, touching the ſeveral returns for the town of Bedford, that John Keeling, ſerjeant at law, and Richard Taylor, eſquire, were returned in two indentures by the mayor, bailiffs and burgeſſes; and that Sir Samuel Luke and Mr. Taylor were returned in another indenture by the mayor; and the opinion of the committee, that ſerjeant Keeling ought to ſit until the ſaid election be determined: to which the houſe agreed.

March 29, 1690. A petition of Sir William Franklyn, knight, was read; ſetting forth, that he was duly elected and choſen by the proper officers of this town, and the return being made to the high ſheriff, which he received and returned to the under ſheriff, with orders that he ſhould deliver the ſame without any alteration to the clerk of the crown, which he carried to the clerk's office; but about the 19th or 20th inſtant he went to the clerk's office, and altered the return, by tearing off the indenture from the precept wherein the petitioner was returned, and affixed another in the room thereof, whereby Mr. Chriſty with Mr. Hillerſden are returned, in abuſe of your petitioner and the ſaid borough; whereupon a double return is pretended, purpoſely to delay the petitioner from ſerving in the houſe: and praying that the under ſheriff and clerk of the crown may ſhew cauſe why the return was altered, and that the precept may be produced, and the return of the petitioner may be received and allowed.

Ordered to be referred to the committee of privileges and elections to examine, and report with their opinion.

April 11. Ordered the report to be received to-morrow.

12th. Mr. Gray reported, that the committee firſt proceeded to inſpect the records of the ſaid returns, and find by one indenture, dated March 18, 1689, mentioned to be made between Samuel Cater, eſquire, high ſheriff of Bedfordſhire, on the one part; and William Becket, mayor of Bedford, Edward Pilkington, bailiff, and other burgeſſes of Bedford, Sir William Franklyn, knight, and Thomas Hillerſden, eſquire, are returned burgeſſes for the ſaid borough. By another indenture, dated March 15, 1689, mentioned to be made between the ſaid high ſheriff of the firſt part, and Robert Thomas, elder bailiff, and other burgeſſes, of the other part; Thomas Hillerſden, eſquire, and Thomas Chriſty, eſquire, are returned burgeſſes for the ſaid borough.

For Sir William Franklyn the counſel inſiſted, that it was at firſt a ſingle return made by the high ſheriff, and afterwards made double by the adding of another indenture by the under ſheriff: and called,

Mr. Francis Brace, Mr. Becket the mayor, Samuel Cater the ſheriff, and Mr. Milton; upon examination of whom it appeared, that Mr. Cater the ſheriff delivered the precept to the mayor, directed only to him, and at the election, the ſame being begun to be read, exception was taken at the direction, becauſe it was not directed to the bailiffs as well as to the mayor, as it was inſiſted it uſed to be, and thereupon one Dymock, a deputy to the under ſheriff, who had then the ſeal of office, interlined bailiffs in the ſaid direction, and then they proceeded to the election; and after the election was over, the high ſheriff received the precept from the mayor, not knowing the word *bailiff* was added, with the indenture, by which Sir William Franklyn and Mr. Hillerſden were returned only, and having annexed them to the indenture for the county, delivered them to the under ſheriff to be filed in the Crown office; but the under ſheriff, though there were ſome covenants between him and the high ſheriff not to intermeddle in elections, carries to the Crown office the other indenture returned by the other bailiff and burgeſſes (in which Mr. Hillerſden and Mr. Chriſty were returned) annexed to the indenture returned by the mayor; between which indentures was affixed the ſheriff's precept. But before the delivery of the ſaid returns into the Crown office, being in the antichamber, the under ſheriff aſked Mr. Milton, deputy clerk of the Crown, whether it was neceſſary to deliver in the precept, and being informed by Mr. Milton, ſome did and ſome did not, the under ſheriff cut off the precept, and delivered the indentures into the office.

For Mr. Chriſty the counſel inſiſted, that Sir William Franklyn was not duly returned, the precept being directed to the mayor and bailiffs, and was returned by the mayor and one bailiff only; and called Simon Urlin and others, who ſaid, the word bailiffs was interlined with the full conſent of the candidates: and read two indentures of return, one of the 12th of February, 78, and the other the

18th of Auguſt, 79, betwixt the mayor and bailiffs of one part, and the high ſheriff of the other; by which it appeared, that the precept was then directed to the mayor and bailiffs. After the matter of the petition and return was heard, the counſel on both ſides (according to order of the committee on the 28th of March laſt) were directed to proceed to the merits of the election.

But Sir William Franklyn's counſel inſiſted they had not been ſerved with the ſaid order, and wanted their witneſſes and ſome books; but the committee being informed they had not applied for any order for witneſſes or books, proceeded in hearing the election.

Then Mr. Chriſty's counſel produced a declaration of the common council of the 19th of December, 1687; that every inhabitant, not taking collection, nor being a ſojourner, hath a vote: and called William Faldo and others, who ſpoke as to ſix or ſeven elections they had known, and ſaid; that the burgeſſes, freemen and inhabitants, being houſeholders of Bedford, not receiving collection, had the right of electing members to ſerve in parliament; and Sir Humphrey Winch ſaid, he was ſo elected and returned by the mayor and bailiffs.

Urlin ſaid, he was one of thoſe who took the poll by order of the mayor, and Mr. Chriſty had 290, Mr. Hillerſden 284, Sir William Franklyn 249, and Sir Anthony Cheſter 218; that in his poll 69 were queried by the mayor for Mr. Chriſty, 63 for Mr. Hillerſden, 60 for Sir Anthony Cheſter, and 54 for Sir William Franklyn.

Shem Hanwell ſaid, he was another appointed by the mayor to take the poll, and according to his book Mr. Chriſty had 291, Mr. Hillerſden 285, Sir William Franklyn 254, Sir Anthony Cheſter 213; and that 69 were queried for Mr. Chriſty, and 68 for Sir William Franklyn; and he queried all the mayor bid him.

Both theſe witneſſes ſaid, the election began on Aſh-wedneſday, and was then adjourned to Thurſday, when the poll was cloſed; and though Mr. Chriſty inſiſted the poll to be caſt up, it was adjourned to the afternoon, three o'clock, to the Swan at Bedford; then till Friday ſev'nnight; then till the next day; and then till Tueſday, and then the mayor declared the election, when Mr. Chriſty had taken coach for London.

John Fen ſaid, he knew the perſons who polled, and they had all good votes.

Hanwell and Chapman ſaid, the mayor had the town books, and was again offered to inſpect them.

John Fen and William Wale ſaid, that Sir William Franklyn had diſperſed ſeveral ſcandalous reports of Mr. Chriſty before the election, on purpoſe to alienate Mr. Chriſty's friends.

Robert Thomas the elder bailiff ſaid, he did not agree to the return of the mayor, nor adjournment of the poll; upon which the committee reſolved,

That the right of election of burgeſſes to ſerve in parliament for this borough is in the burgeſſes, freemen, and inhabitants, being houſeholders of Bedford not receiving alms.

That Sir William Franklyn is not duly elected a burgeſs to ſerve in this preſent parliament for this borough.

That Thomas Chriſty, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for this borough.

That the matter upon the petition of Sir William Franklyn, and of the return of burgeſſes for the ſaid town, be ſpecially reported to the houſe.

Theſe reſolutions being read,

A petition of Sir William Franklyn was offered to the houſe, and brought to the table, to the effect following; That he was ſurpriſed, by the order of the committee which Mr. Chriſty had obtained, to hear the merits of the election, with the matter of the double return, and therefore had not inſtructed his counſel, nor was provided for a defence in that matter, the ſaid order being obtained *ex parte*; and it being propoſed to read the petition, it was refuſed. Then a motion was made to recommit the report, which was alſo denied.

Then the ſeveral reſolutions were read a ſecond time, and agreed to by the houſe.

Ordered, that the under ſheriff of the county of Bedford be taken into cuſtody of the ſerjeant at arms attending this houſe, for his miſdemeanor touching the return of burgeſſes to ſerve in this preſent parliament for this borough.

Ordered, that the mayor of this town be taken into cuſtody of the ſerjeant at arms attending this houſe, for his miſdemeanor in the late election of burgeſſes to ſerve in this preſent parliament for this borough.

Ordered, that the mayor and bailiffs of this town do attend the houſe on Monday next, to amend the return of burgeſſes to ſerve in this preſent parliament for this borough, and that the clerk of the Crown do then alſo attend with the ſaid return.

Reſolved, that after a return made into the Crown office of members to ſerve in parliament, the ſame ſhall not be altered by the ſheriff or clerk of the Crown, or any other but by the houſe.

Nov. 2, 1705. A petition of Samuel Rolt, eſquire, was read; ſhewing, the petitioner was a candidate at the laſt election of members to ſerve in parliament for this town, but by bribery, menaces, and other indirect practices, Sir Philip Monoux and William Farrer, eſquire, (who alſo were candidates) procured a conſiderable majority of voters over the petitioner, and were returned: and praying, &c.

Ordered to be referred to the committee of privileges and elections to examine the matter, and report it with their opinion.

March 5, 1713. A petition of William Farrer, eſquire, was read; ſhewing, that at the election for this borough, where the petitioner and Samuel Rolt, eſquire, were candidates; that Mr. Rolt, at the time of the ſaid election, was not qualified according to the act of parliament; and that the petitioner had the majority; notwithſtanding which, the mayor and bailiffs of the ſaid borough did unduly elect and return the ſaid Mr. Rolt, in wrong of the petitioner: and praying, &c.

Ordered to be referred to the committee of privileges and elections to examine the matter, and report it with their opinion.

Nov. 21, 1715. Ordered a warrant for a new writ for electing a burgeſs for this borough, in the room of William Farrer, eſquire, made maſter keeper and governor of the hoſpital, or free chapel of St. Katharine, near the Tower of London.

May 31, 1725. Ordered a warrant for a new writ for electing a burgeſs to ſerve in this preſent parliament for this borough, in the room of George Huxley, eſquire, made one of the commiſſioners for victualling his Majeſty's navy.

GREAT BEDWIN.

THIS is a very antient borough, ſituated in the county of Wilts, and ſent burgeſſes to the parliament in the 30th year of King Edward the firſt; alſo to the 1ſt and 8th of Edward the ſecond; and 33, 36, and 37, of Edward the third; to the 6th and 7th of King Richard the ſecond; and after the 10th year of that King intermitted until the 9th of Henry the fifth, except the 1ſt of Henry the fourth; and ſo continued until the 12th of Edward the fourth. The memoirs I meet with concerning its elections, are theſe following; Prynn, egiſt. 16.

April 16, 1640. The firſt I have found is an order in the Journals; whereby I find a petition had been preſented, or by ſome other means, the matter of the election came before the houſe; and it was ordered to be proceeded on in order as figured, and this was marked 2.

In 1640, Richard Harding and Charles Seymour, eſquires, were choſen for this borough; which was conteſted. The account of it in the Journal ſeems to be imperfect, but I ſhall ſet it down as I find in the book.

April 28, 1640. Mr. Jones's ſecond report from the committee of privileges,—That the election for the town of * * *, in the county of *, did belong to the bailiffs, portreeves, and antient burgeſſes of the town; that there were ſome miſdemeanors in one Franklin, that got the precipe in the bailiff's hand, and cauſed a new election for his own ends, and returned burgeſſes under the hands of an officer, to whom the warrant was not directed. It was denied on the other ſide, that the election of burgeſſes did belong to the antient burgeſſes of the town; which were the bailiffs, portreeves, and thoſe that had been officers in the town; and the election was free to every one that paid ſcot and lot. The committee being not ſatisfied it did belong to the antient burgeſſes by preſcription, they remitted the election to the inhabitants that paid ſcot and lot, who choſe Mr. Harding and Mr. Sayer. ic origin.

Reſolved, upon the queſtion, that in the opinion of the houſe, ground upon the whole report now made by Mr. Jones, Mr. Harding and Mr. Seymour are well elected. ic origin

In 1660 there was a conteſted election, and two returns made, which came before the committee of privileges: and,

April 27, 1660, Mr. Turner reported, touching the double return for this borough, that Sir Walter St. John, baronet, and Sir Ralph Verney, are returned by the portreeve, under hand and private ſeal; and Robert Spencer and Thomas Gage, eſquires, by another return, under a great ſeal with GB, but no name; and the opinion of the committee is, that none of the parties returned do ſit in this houſe till the whole matter of the cauſe upon the ſaid double return be determined: to which the houſe agreed.

May 16. Mr. Turner reported, that upon the examination of the fact, the queſtion (upon the election for this borough) being, whether the inhabitants in general ought not to elect; the committee were of opinion that the burgeſſes at large have right to elect, and that Mr. Spencer and Mr. Gape were duly elected.

Reſolved, the houſe do agree that Mr. Spencer and Mr. Gape are duly elected, and do ſit in the houſe.

May 17, 1661. Serjeant Charleton reported from the committee of privileges, touching the returns for this borough, that Duke Stonehouſe and Henry Clark, eſquires, are returned by one indenture; and the ſaid Mr. Stonehouſe and Mr. Thomas Gay by another; and the opinion of the committee, Mr. Clark being returned by the proper officer, ought to ſit: to which the houſe agreed.

It doth not appear that this election was ever heard after.

Dec. 12, 1698. A petition of Patrick Bird and John Morgan, on behalf of themſelves, and other the legal voters, and inhabitants of this borough, was read; ſetting forth, that at the laſt election for this borough, Dr. Charles Davenant, by illegal practices and corruption, procured himſelf to be choſen and returned; ſo that thereby the ſaid election is become void, and the petitioners unduly repreſented: praying relief.

Ordered, that the petition be referred to the committee of privileges to examine, and report the matter thereof, with their opinion.

A petition of Thomas Neale, eſquire, was preſented and read; ſetting forth, that ſeveral indirect means were uſed by Charles Davenant and his agents, to gain votes at the laſt election for this borough; otherwiſe, the petitioner would have had the majority of legal voters, and ought to have been returned.

Ordered to be referred to the committee to examine, and report the matter, with their opinion.

March 13. Ordered, that the inhabitants of this borough, have leave to withdraw their petition.

Nov. 16, 1699. The petition of Mr. Neale was renewed, and referred.

Feb. 5. The houſe was informed that Thomas Neale, eſquire, who petitioned againſt Dr. Davenant, touching the election for this borough, is dead.

Ordered, that the committee be diſcharged from proceeding on the ſaid petition.

Nov. 2, 1705. A petition of the right honourable Charles Lord Bruce, and the honourable James Bruce, eſquire, was read; ſhewing, that at the election of burgeſſes, to ſerve in this preſent parliament for this borough; the petitioners, Sir George Bing and Nicholas Polexfen, were candidates; and the petitioners had a majority of legal votes, and ought to have been returned by the portreeve; ſeveral who voted for Sir George Bing and Mr. Polexfen (who were utter ſtrangers to the ſaid borough) having no right to vote; yet they, by the aſſiſtance of John Parſons, Elias Barnes, and divers others their agents and ſervants, and by bribery, gained many votes, and procured themſelves to be returned, to the petitioners prejudice: and praying that the matter may be heard at the bar, and ſuch relief as ſhall ſeem meet.

Ordered, that it be referred to the committee of privileges and elections to examine the matter, and report it with their opinion.

20th. The houſe being informed, that one Francis Buſhell, and Richard Bartholomew, who had been ſummoned to attend the committee of privileges and elections, to give evidence with relation to the election for this borough, are brought to town, and kept confined; and that there are perſons at the door, who can give account of the matter.—— Thereupon John Parker was called in, examined touching the ſame, and then withdrew; as were David Parker, John Jackſon, and Mr. Hookes.

Ordered, that the ſaid Francis Buſhell and Richard Bartholomew do attend the houſe on the morrow morning.

21ſt. The houſe being informed that Francis Buſhell and Richard Bartholomew attended according to order, they were called in and examined.

And they withdrew; and being called in again, Mr. Speaker acquainted them they were diſmiſſed, and ordered to attend the committee of privileges and elections.

Dec. 1. Ordered, that the Lord Bruce and Mr. Bruce be at liberty to withdraw their petition.

Nov. 18, 1707. Ordered a warrant for a new writ for electing a burgeſs for this borough, in the room of Nicholas Polexfen, eſquire, made a commiſſioner of prizes.

Dec. 4, 1707. A petition of Nicholas Polexfen was read; ſhewing, that on the 29th of November laſt, the election came on for chooſing a burgeſs to ſerve in this preſent parliament for this borough; and the petitioner was duly elected, and ought to have been returned; but Mr. Tracey Pauncefort, by bribery and undue practices, procured himſelf to be returned; and by the like practices gained a majority of votes from the petitioner for his uncle, Mr. Edward Pauncefort, the better to ſecure his own unjuſt election, and prevent the petitioner's complaint to the houſe: and praying, &c.

Ordered to be referred to the committee to examine, and report the matter with their opinion.

20th. Ordered to be reported on Monday next.

22d. Mr. Compton reported the matter concerning the ſaid election;

That the right of election was agreed to be in the freeholders, and the inhabitants of antient burgage meſſuages.

That upon the poll the numbers were,

For Mr. Tracey Pauncefort	68
Mr. Edward Pauncefort	29
the petitioner	22.

But the petitioner's counſel inſiſted, that ſeveral who had voted for Mr. Tracey Pauncefort had no right; and that all the voters for him were gained by bribery and corruption; and that Mr. Edward Pauncefort's voters were gained in like manner, and with a deſign to prevent any petition.

That as to Mr. Tracey Pauncefort's unqualified votes; it was admitted that eight, viz. Bally, Batt, Sindall, Mundy, Collins, Anthony Collins, King and Sheppard, who voted for Mr. Tracey Pauncefort, did live in houſes erected on new foundations; as did Gilbert, who voted for Mr. Edward Pauncefort.

That as to bribery, ſeveral witneſſes were called.

Richard Bartholomew ſaid, he was called out of his bed on Sunday night the 23d of November, to go to Munday's, at the King's Head; and when he came he found many of his neighbours there; and it was propoſed to ſet their hands to a writing to join at the election of Mr. Tracey Pauncefort, and 3 l. a man was offered; but ſome inſiſted to have 4 l. but it was anſwered that 3 l. was a pretty deal of money for the time this parliament was like to continue, and ſo 3 l. a man was agreed to.—That Captain Hall and Mr. Hall were in a room above ſtairs, and ſeveral who were called went up to them; among whom were Earley jun. Cope and Nutley, who owned they received money above ſtairs, and that Vivaſh and Tidcombe, who were two of the bargain-makers, went up; and Simon Payning, who owned that he received money for his father-in-law, Burger; but of his own knowledge he could give no account of their receiving money below ſtairs.

He alſo ſaid there were ſeveral voters below ſtairs, who drank there as well as himſelf, and that he did not pay, or ſee any one elſe pay.—That the ſitting member had lent him, and one Buſhell half a guinea each, and told him if he (Bartholomew) would vote for him, it ſhould not be demanded again; but not voting for him, he had been threatned if he did not pay it. Nalder and ſeven others ſaid; they were ſent for on the 25th of November, between two and three o'clock at night, to Munday's, and were called up ſtairs, and a writing was offered to them to ſign to chooſe Mr. Tracey Pauncefort; that there was in the room the two Halls, mentioned by Bartholomew, John Long, and a perſon whoſe name they did not know; that they received two guineas and ſeventeen ſhillings in ſilver from the nameleſs perſon; and when they received it, they ſaw a great ſum on the table divided into parcels. Talmage, one of theſe eight, voted for Mr. Polexfen, one for Mr. Edward Pauncefort, and the other ſix for Mr. Tracey Pauncefort; but moſt of them declared they would have voted for the petitioner, if they had not had money. Bezant ſaid; that about ſixty were called up into the room, one by one, but ſome that were ſo called, voted for the petitioner.

They then produced a note under Mr. Tracey Pauncefort's hand, as follows:

"Nov. 6, 1707. I promiſe to pay to Mr. Buſhell, "or order, the ſum of forty-nine pounds, on demand, value received,"

T. PAUNCEFORT.

It was indorſed "John Buſhell", who they alledged was a leading man in the town, and that the money was given him for his intereſt.

That Mr. Tracey Pauncefort's counſel inſiſted, that ſeveral who voted for Mr. Polexfen had no right; and that Mr. Tracey Pauncefort had an intereſt and correſpondence in the borough, and had no occaſion to make uſe of any indirect practices; and called,

Mr. Bird, the portreeve, who ſaid; there had been a meeting in the town before the election, and ſeveral declared they would not chuſe Mr. Polexfen; but did intend, if Mr. Tracey Pauncefort had not come down, to ſend for another, and talked of Mr. James Bruce.

That Thomas Lawrence, who voted for the petitioner, lived in a houſe where formerly ſtood a malt-houſe; that Huntley's houſe was a new erected houſe, and he a certificate man.

That Canon's houſe was a ſplit burgage, and was a ſmith's ſhop.

That Diſney and Orchard, and Roby ſenior's houſes were new erected; and Orchard, was a certificate man.

That Roby junior's was a ſplit burgage; and that Robert Pitfold was no inhabitant or freeholder.

John Perry ſaid; Mr. Tracey Pauncefort had been choſe at the laſt election, if he had come down; and the petitioner was not known till the election 1705.

Richard Buſhell ſaid; that Mr. Tracey Pauncefort came to them the laſt ſummer, and he had heard ſeveral had ſent to him to invite him to ſtand, and a great many, when he came, went to meet him; ſaid, he believed he might ſee the nameleſs gentleman at his brother Buſhell's, where Mr. Tracey Pauncefort lodged.

Sindall ſaid; he knew William Dorrell to be an agent for the petitioner, and that he deſired his vote for the petitioner, which he refuſing; Dorrell offered him 5 l. for his vote; that after the election was over, Dorrell told him it was ſtill in his power to do them a kindneſs, and if he would, he ſhould then have the 5 l. This kindneſs he underſtood, to be a witneſs againſt the ſitting member.

Dorrell being called, denied he had any ſuch diſcourſe with Sindall; and ſaid it was impoſſible he ſhould, becauſe Sindall had no vote; but Sindall affirmed he voted for the petitioner at a former election.

John Bartholomew ſaid; he heard Nuttley tell ſome people he knew where to have 5 l. Nuttley voted for Mr. Tracey Pauncefort.

Mr. Tracey Pauncefort's counſel owned, that Mr. Tracey Pauncefort gave the note to John Buſhell, but alledged he owed Buſhell 30 l. which he borrowed of him, and the remainder for lodging at his houſe. Upon the whole the committee reſolved,

That Tracey Pauncefort, eſquire, is not duly elected a burgeſs to ſerve in this parliament for this borough.

That Nicholas Polexfen, eſquire, is duly elected a burgeſs to ſerve in this parliament for this borough.

The ſaid reſolutions being twice read, were agreed to by the houſe.

Reſolved, that it appears to the houſe that Tracey Paunceford, eſquire, and his agents, have been guilty of notorious bribery and corruption, in relation to the late election for this borough.

That John Buſhell, gent. has been guilty of notorious bribery and corruption, in procuring Tracey Paunceford, eſquire, to be returned a burgeſs to ſerve in parliament for this borough.

Ordered, that the ſaid Tracey Paunceford, eſquire, be for his ſaid offence taken into cuſtody of the ſerjeant at arms attending this houſe.

That the ſaid John Buſhell be for his offence, taken into cuſtody of the ſerjeant at arms attending this houſe.

And the return was ordered to be amended.

Jan. 22. A petition of John Buſhell, in cuſtody of the ſerjeant at arms attending this houſe, for bribery, in endeavouring to get Tracey Pauncefort, eſquire, to be elected a member to ſerve in this preſent parliament for this borough, was read; ſhewing, that he is ſorry to have done any thing to incur the diſpleaſure of the houſe, and begs pardon for his offence; and praying to be diſcharged out of cuſtody, that he may take care of his family, who are but in mean circumſtances, and his longer confinement will be their ruin.

Ordered, that he be brought to the bar of the houſe to-morrow morning.

23d. John Buſhell was brought to the bar, where he was examined touching a perſon who was at the late election for this borough, and went by the name of Mr. Nameleſs; and then he withdrew.

And alſo one Captain Hall was called in and examined; and then withdrew.

Ordered, that the ſaid Captain Hall, Edward Hall, and John Long, do attend this houſe on to-morrow ſev'nnight.

31ſt. The houſe being informed that Captain Hall, Mr. Edward Hall, and John Long attended, according to order;

The ſaid Edward Hall and John Long were ſeverally examined, touching the perſon who went by the name of Mr. Nameleſs at the late election for this borough; and they ſaid he went by ſeveral names, but the right name they did not know.

And John Buſhell was called in and examined again; and then he withdrew.

Ordered, that the ſerjeant at arms do bring Tracey Paunceford, in his cuſtody, to the bar of the houſe on Wedneſday morning next.

Ordered, that Captain Hall, Mr. Edward Hall, and John Long, be diſcharged of any further attendance.

Feb. 4. Ordered, that Tracey Pauncefort be brought to the bar this day ſev'nnight.

7th. Ordered the ſerjeant at arms do bring John Buſhell to the bar on Wedneſday next, in order to his diſcharge.

11th. John Buſhell was brought to the bar, and reprimanded on his knees, and diſcharged.

Tracey Pauncefort, eſquire, was, according to order, brought to the bar, and examined as to ſome matters in relation to the late election for this borough, and remanded into cuſtody, by the houſe.

Nov. 23, 1708. A petition of Tracey Pauncefort, eſquire, was read; ſhewing, that on the 15th of May laſt came on the election of burgeſſes for this borough for this preſent parliament; and the petitioner, Charles Lord Bruce, Samuel Sambrook, and Nicholas Polexfen, eſquires, were candidates; that Mr. Sambrook, by bribery and other undue practices, procured himſelf to be returned, in wrong of the petitioner; who was duly elected, and ought to have been returned in his ſtead: and praying, &c.

Ordered, that the merits of the ſaid election be heard on the 9th day of December next.

Decemb. 15. Ordered leave to withdraw the ſaid petition.

Oct. 25, 1722. A petition of ſeveral of the burgeſſes of this borough was read; ſhewing, that at the election of burgeſſes to ſerve in parliament for this borough; the honourable Robert Bruce, eſquire, Charles Longeville, Stephen Biſſe, John Hopkins, John Tyſſen, and Robert D'Oyley, eſquires, were candidates; that Mr. Ambroſe Smith, who acted as portreeve, and pretended to be returning officer, aſſembled ſeveral burgeſſes for the ſaid borough to an alehouſe, where they were made drunk: He propoſed that a paper ſhould be ſigned by them to vote for two perſons unknown, ſuch as the Lord Bruce ſhould name, to be members for the ſaid borough; and firſt ſigned that paper himſelf, and afterwards perſuaded ſeveral of the ſaid burgeſſes, to about eighty, to ſign to the ſame; and the ſaid Mr. Smith did bribe, and gave to every one of the perſons, who had ſigned the paper, a hat with a large favour of ſcarlet ribband, to diſtinguiſh them to be of that number; and offered the like to other electors, if they would ſign; that the ſaid Mr. Smith admitted ſeveral perſons to vote that had no right; that by theſe, and many other illegal practices, he returned the ſaid Mr. Bruce and Mr. Long: and praying, &c.

Ordered, that it be referred to the committee of privileges and elections to examine the matter, and report it with their opinion.

BEREALSTON.

THIS borough is ſituated in the county of Devon. It is a very ſmall place, and never returned members to parliament till the 27th of Queen Elizabeth, when it was ſummoned ſo to do. The memoirs relating to its elections I have met with are theſe following.

2. Willis. p. 376.

April 28, 1640. Mr. Jones reported from the committee of privileges, that Mr. Stroud, Mr. Harding, and Sir Amias Meredith, were all returned for this borough.—The 16th of March, upon true notice to the inhabitants, 26 appeared. At that time Mr. Stroud, Mr. Slainy, and Mr. Wilde, were competitors, and the election was ſo far made at that time, that Mr. Stroud ſhould be a burgeſs for that town, if either Mr. Slainy or Mr. Wilde were made knights of the ſhire for the counties of Devonſhire or Cornwall.—Adjourned again to the 27th of March.—Then cometh other two competitors with Mr. Stroud, Sir Amias Meredith, and Mr. Harris, who had 17 voices, Sir Amias Meredith had 12 voices, and Mr. Stroud had but 6. This is the fact of the caſe: but in the diſpoſition of it by proof, the point falls out to be—Whether there was a clear election of Mr. Stroud the firſt day. 2. Whether with a condition. 3. Whether, though with but ſix voices at the laſt election, it ſhall avoid the firſt election. In debate of this caſe they all agreed, that if in caſe he was elected the firſt day, upon condition, it was good *de facto*, for Mr. Wiſe was made knight of the ſhire. A great part were of opinion, that a condition to an election was void; for by the laws of this realm they conceive, that elections ought to be free, and to have a condition precedent, or ſubſequent to an election, was againſt law: but theſe diſputes were at laſt ſet out of doors, and they found the election was abſolutely clear for Mr. Stroud the firſt day, and no condition at all. Mr. Wiſe and Mr. Slainy, both before and after the election, made a declaration, that if either of them were knights of the ſhire, Mr. Stroud ſhall have the firſt place as a burgeſs. They conceived the election was clear, and upon the queſtion voted, that Mr. Stroud was clearly elected.

There was an exception taken, becauſe he was *de facto* choſen a ſecond time.—If the firſt election was clear, the ſecond concludes him not. They objected, that his indentures were laſt returned.—Priority in the return of indentures worketh no diſadvantage to him that comes laſt. It was voted, that the firſt election was good, and without any condition; and Mr. Harris ſworn without exception.

It is ordered, that Mr. Stroud ſhall be admitted to come into the houſe, according to the report of his due election; and declared,

That no conditional election ought to be allowed.

Dec. 8, 1641. Reſolved, that Sir Hugh Pollard ſhall be accuſed of miſpriſion of treaſon.

Reſolved, upon the queſtion, that Sir Hugh Pollard ſhall continue no longer a member of this houſe; but a warrant ſhall iſſue forthwith under Mr. Speaker's hand, for a writ for a new election of a burgeſs to ſerve in this parliament, in the ſtead of Sir Hugh Pollard, for this borough.

April 27, 1660. Mr. Turner reported from the committee of privileges and elections, upon the double return for this borough, that George Howard, and John Maynard, eſquires, are returned by the mayor *, under the common ſeal; and John Maynard, and Sir Francis Drake, by the freemen; and the opinion of the committee, that George Howard, and John Maynard, eſquires, ought to ſit in the houſe, until the merits of the election be determined: which was agreed to by the houſe.

* Query Portreeve.

May 16, 1661. Serjeant Charleton reported, in regard to the double returns for this borough, that Sir John Maynard, knight, ſerjeant at law, and George Howard, eſquire, are returned by one indenture by the mayor *; and Sir John Maynard, and Eliſeus Crymes, in another indenture, by the burgeſſes; and the opinion of the committe is, that Serjeant Maynard, and Mr. Howard, do ſit in the houſe, until the cauſe touching the ſaid election be determined: with which the houſe agreed.

* Query Portreeve.

Jan. 20, 1661. Serjeant Charleton made report from the committee of privileges and elections, touching the election for this borough; that one Elize Crymes, having petitioned againſt the election of Mr. Howard, returned a burgeſs for the ſaid borough, had failed to make good his petition, though ſeveral days were appointed for the hearing; and the opinion of the committee, that his the ſaid Mr. Howard's election remains unqueſtionable, and that the petition of the ſaid Elize Crymes be diſmiſſed: with which the houſe agreed.

Sic origi

Oct. 12, 1665. A warrant was ordered for a new writ for electing a burgeſs for this borough, in the room of Colonel Arundel, called to the houſe of peers: but there was no election returned this ſeſſion, which ended on the 31ſt of October following; and the houſe did not ſit again to do buſineſs, until the 18th of September, 1666; and the return appears not to be made on the 22d of October following. For,

Oct. 22, 1666. Ordered, that Andrew Barry, eſquire, under ſheriff for the county of Devon, be taken into cuſtody of the ſerjeant at arms, or his deputy, for his abuſe in refuſing to make return of the writ iſſued for electing a new member to ſerve for this borough.

April 19, 1689. A new writ ordered for the election of a burgeſs for this borough, in the room of Sir John Holt, knight, made lord chief juſtice of England.

Jan. 10, 1715. Ordered a warrant for a new writ for electing a burgeſs for this burgh, in the room of Lawrence Carter, eſquire, made one of his Majeſty's counſel learned in the law.

Nov. 25, 1717. Ordered a warrant for a new writ for electing a burgeſs for this town, in the room of Horatio Walpole, eſquire, made auditor of the plantations.

April 14, 1721. Ordered a warrant for a new writ for electing a burgeſs for this town, in the room of Edward Carteret, eſquire, made portwaiter general.

May 11, 1721. A petition of ſeveral of the free burgeſſes of this borough was read; ſhewing, that the right of election for repreſentatives to ſerve in parliament for this borough, is in the free burgeſſes, or freehold tenants of burgage lands, paying 3 d. yearly antient rent to the lord of the borough; and at the laſt election for the ſaid borough, Philip Cavendiſh, eſquire, and St. John Brodrick, were candidates; and the ſaid St. John Brodrick was duly elected a burgeſs by a majority of lawful electors; notwithſtanding which, Edward Eliot, eſquire, one of the commiſſioners of the exciſe, introduced himſelf into the office of portreeve of the ſaid borough, and did thereby, with a deſign to ſubvert the antient method of election, refuſe to admit the votes of ſeveral of the petitioners, and other legal voters, who tendered their votes for the ſaid St. John Brodrick, and polled ſeveral others, who had no right to vote, for the ſaid Philip Cavendiſh, and did return him, contrary to juſtice and the duty of his office: and praying, &c.

It was moved to be referred to the committee of privileges and elections, but diſagreed to.

Ordered, that it be heard at the bar on the 6th day of June next.

23d. Ordered, that the clerk of the Crown do attend the houſe, upon Tueſday the 6th day of June, with the return of the late election of a burgeſs for this borough.

Ordered, that the high ſheriff of the county of Devon, or his deputy, do attend the houſe, on

Tueſday the 6th day of June next, with the precept iſſued by him to the portreeve of this borough, for the election of a burgeſs for the ſaid borough, and the receipt taken by him for the ſame.

June 6. The houſe, according to order, proceeded to hear the merits of the ſaid petition; and the counſel for the petitioners, and for the ſitting member, were called in; and the petition was read, and ſeveral witneſſes were examined touching the right of election; and ſeveral returns of burgeſſes to ſerve in former parliaments for the ſaid borough were produced and read, and then the counſel and witneſſes withdrew.

Reſolved, *nem. con.* that the right of election of burgeſſes to ſerve in parliament for the ſaid borough, is in freehold tenants of the ſaid borough, holding by burgage tenure, and paying 3 d. per annum, or more antient burgage rent to the lord of the ſaid borough; and in them only.

Then the counſel were called in again, and Mr. Speaker acquainted them with the ſaid reſolution. Then a copy of the poll was delivered.

And the petitioners counſel proceeded to offer evidence, in order to qualify ſome perſons who offered to vote for St. John Broderick, eſquire, but were refuſed by the portreeve. The counſel were directed to withdraw.

And the ſitting member acquainted the houſe, that the right of election being adjudged to be in the freehold tenants only, he was ſatisfied he could not maintain a majority, and therefore would not give the houſe any farther trouble; and he being withdrawn, it was

Reſolved, that Philip Cavendiſh, eſquire, is not duly elected a burgeſs to ſerve in this preſent parliament for this borough.

That St. John Broderick, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for this borough.

The houſe being acquainted that an indenture of return, ſigned by the freehold tenants of the ſaid borough, had been tendered to the portreeve of the ſaid borough, at the time of the election, but that he refuſed to accept the ſame; and that one of the perſons, who had ſigned and tendered the ſaid indenture to the portreeve, was at the door:

Mr. Elford was called in, who acquainted the houſe, that after the election for the ſaid borough was over, the electors ſigned and ſealed a return by the freehold tenants of the ſaid borough, which he tendered to the portreeve to be returned to the ſheriff of the county, but the ſaid portreeve refuſed to execute the ſame; which indenture he delivered in to the clerk of the houſe, and the ſame was read at the table.

And the clerk of the Crown attending the houſe in his place, according to order, with the return for the borough;

Ordered, that the clerk of the Crown do take off from the writ the indenture, by which Philip Cavendiſh, eſquire, is returned to ſerve for the ſaid borough.

Ordered, that the portreeve of the ſaid borough do execute the indenture of return ſigned by the freehold tenants of the ſaid borough, which was tendered to him at the time of the election; and that when the ſaid indenture is ſo executed, the clerk of the Crown to receive the ſame, and annex it to the writ directing the ſaid election.

BERKSHIRE.

THIS county was joined in the ſame writ with Oxon, and hath (I apprehend) returned knights of the ſhire to parliament from the time of the firſt ſummons of that ſort in 22 Edw. I. Mr. Prynn dates the firſt writ the 28th of Edward the firſt; the return of which was in theſe words: *Et quia com. Berks eſt in balliva mea, licet perambulatio in eodem facta fuit et obſervata, pro eo quod in iſto brevi continetur, quod colloquium in parliamento tractandum erit ſuper aliis negotiis præfactum regem tenentibus.* Ideo gratis eligerunt duos milites *quorum nomina ſi contingat aliquid de eis fieri ſunt hæc Johannes Hues et Rogerus de Burghfield.* And his liſt begins in the 30th of that King. The memoirs concerning the elections I have met with, here follow. B. P. R. 151.

October 21, 1678. A petition of Henry Alexander, Earl of Stirling, in the kingdom of Scotland; complaining of an undue practice in the ſheriff of Berkſhire, in returning William Barker, eſquire, together with the petitioner, to ſerve in this preſent parliament, as knight of the ſhire for the ſaid county, in injury of the petitioner; who, as he alledges, was duly elected, and ought to have been ſingly returned. Alſo, a petition of William Barker, eſquire; complaining in like manner of the return of the ſaid Earl of Stirling.

Ordered, they be referred to the conſideration of the committee of privileges and elections to examine, and report the matter with their opinion.

The parliament ſoon after was diſſolved, and this petition doth not appear to be heard.

May 23, 1685. A petition of the Lord Stirling, complaining of the undue election and return of Richard Southby, eſquire, to ſerve in this preſent parliament, as knight of the ſhire for this county, in injury of the petitioner, who was duly elected, and ought to have been returned, was read.

Reſolved, that it be referred to the committee of privileges and elections to examine, and report the matter with their opinion. There is no report appears upon this petition.

March 24, 1689. A petition of Richard Neville, eſquire, was read; ſetting forth, that the petitioner, and Sir Henry Winchcombe, were duly elected to be knights of the ſhire for this county, by the majority of duly qualified freeholders; but the ſheriff, in prejudice to the petitioner, hath returned the ſaid Sir Henry Winchcombe, and Sir Humphrey Foſter, baronets, knights for the ſaid ſhire: praying the conſideration of the houſe.

Ordered to be referred to the committee of privileges and elections to examine, and report the matter with their opinion.

April 2, 1690. A petition, on behalf of the major part of the freeholders of this county, was read; ſetting forth, that the right honourable Montague Lord Norris, and Sir Humphrey Foſter, were, on the 24th of February laſt, fairly elected knights for the ſaid county, by the majority of legal qualified freeholders; yet the ſheriff hath returned Sir Henry Winchcombe, inſtead of the ſaid Lord Norris, in wrong to the petitioner: and praying conſideration.

Ordered to be referred in like manner.

October 6. Mr. Neville renewed his petition, and it was referred as before.

9th. The freeholders renewed their petition, and it was alſo referred in like manner.

Dec. 22. Mr. Gray reported, that upon the petition of the freeholders againſt the return of Sir Henry Winchcombe, to ſerve for this county, no perſon appearing to make good the ſaid petition, the committee reſolved;

1. That the ſaid petition be rejected.

Upon the petition of Mr. Neville, complaining of the election and return of Sir Humphrey Foſter, to ſerve for this county, they had examined the matter, and it appeared upon the poll there were,

For Sir Humphrey Forſter	822,
For the petitioner	793.

But that the petitioner inſiſted, there were nine of his votes, who were not ſet down in the poll; and five who are ſet down for Sir Humphrey Forſter, were not preſent; and 27 were no freeholders.

That the committee heard the evidence as to the two firſt exceptions; but as to the 27, as no freeholders; it being proved, all who polled had ſworn themſelves to be freeholders; and they not being preſent, the committee reſolved,

2. That the committee will not admit of a verbal averment againſt an oath given by the ſheriff to ſuch freeholders, they not being preſent.

And that the ſaid 27 being allowed to the ſitting member, he had a majority of voices; whereupon the committee reſolved;

3. That Sir Humphrey Forſter is duly elected a knight of the ſhire for this county.

The firſt reſolution, mentioned in this report, in regard to the petition againſt Sir Henry Winchcombe, was agreed to by the houſe.

The ſecond reſolution (in regard to the verbal averment againſt the freeholders oath) was read a ſecond time, and poſtponed.

The third reſolution, in regard to Sir Humphrey Forſter's election, was agreed to by the houſe.

Oct. 24, 1722. A petition of Henry Grey, eſquire, was read; ſhewing, that at the election of knights of this ſhire, to ſerve in parliament for this county, the petitioner, Sir John Stonehouſe, baronet, and Robert Packer, eſquire, were candidates; the ſaid Sir John Stonehouſe, and Robert Packer, by bribery, and other indirect practices, did prevail upon many people, who have no freehold in the ſaid county, to ſwear themſelves freeholders; whereby they obtained a majority upon the poll; that the under ſheriff was in a riotous manner knocked down, and trampled upon, in the execution of his office: and praying, &c.

And the ſaid petition was, with the leave of the houſe, withdrawn.

BERWICK upon Tweed.

THIS borough being taken from the Scots the 24th of King Edward the firſt, has belonged to England ever ſince; and was incorporated by charter 2 Jac. I, which was confirmed by act of parliament. The firſt return of burgeſſes to parliament was in the time of King Henry the eighth. The memoirs of its right of election are as follow.

Willis, Notitia, 1749. p. 38.

Dec. 7, 1640. It appears by the Journal there was a conteſt; but all that is in the book, is:

Ordered, that the election of Sir Edward Oſborn, for one of the burgeſſes for Berwick, is void; and that a warrant iſſue forth, under Mr. Speaker's hand, for a new writ, to elect another burgeſs to ſerve for that town.

Jan. 19, 1664. A petition of Thomas Gray, eſquire, was read; alſo a petition of divers of the aldermen and bailiff, on behalf of themſelves, and the major part of the burgeſſes of the town of Berwick upon Tweed.

Ordered, that the mayor do, at his peril, make his return of the election by Saturday-next-come-ſev'n-night.

Feb. 7. A petition of Thomas Grey, eſquire, was read.

Ordered, this petition be referred to the committee of elections; to take the ſame into their conſideration, at their next ſitting; and to ſummon and hear the parties concerned; and to examine the matter of fact; and report the ſame with their opinion.

10th. Ordered, that the cauſe touching the election for this borough be put off till the ſecond Tueſday of the next meeting of the houſe after the receſs: and the ſame to be then heard before the committee of elections: and the mayor of Berwick, and the witneſſes, are then to attend: and the former order made by the committee is diſcharged.

Oct. 20, 1665. A petition of Mr. Grey renewed and referred in like manner as before.

Oct. 4, 1666. Sir Job Charleton reported, the committee doubted whether they could regularly receive Mr. Grey's petition.

Ordered to be received.

Nov. 22. Mr. Serjeant Charleton reported, that the committee had taken into conſideration the cauſe between Mr. Gray and Mr. Collingwood, touching the election for this borough; and having examined witneſſes on both ſides, the committee was of opinion, that Mr. Collingwood had a majority of voices, was duly elected, and ought to ſit; to which the houſe agreed.

March 16, 1676. A petition of John Ruſhworth, eſquire, complaining of the election of the Lord Viſcount Dunblain, to ſerve as burgeſs for this borough, in wrong of the petitioner, who was duly elected, and ought to have been returned, was read; and referred to the committee of privileges and elections to examine the matter, and report with their opinion.

March 19, 1678. A petition of Daniel Collingwood, eſquire, was read; complaining of the return of Ralph Gray, eſquire, to ſerve in this parliament for this borough, in injury of the petitioner, who was duly elected, and ought to have been returned.

Reſolved, that it be referred to the committee of privileges to examine the matter, and report the ſame with their opinion.

Nov. 25, 1695. A petition of Sir Francis Blake, knight, was preſented and read; ſetting forth, that at the election of burgeſſes for this borough, Ralph Grey, eſquire, the petitioner, and Samuel Ogle, eſquire, were candidates; where many undue practices were uſed to procure votes for Mr. Ogle, though the petitioner had the majority of ſuch who were duly qualified to vote; but the mayor of the ſaid town, who is brother-in-law to Mr. Ogle, hath returned Mr. Ogle with Mr. Grey, when he ought to have returned the petitioner with Mr. Grey, to the great wrong of the petitioner: and praying relief.

Ordered, this petition be referred to the committee of privileges and elections to examine, and report the matter with their opinion.

March 7. Ordered, the report be received on Monday next.

9th. Colonel Granville reported, that the right of election is in the freemen of Berwick.

On the poll for Mr. Ogle 106,
for the petitioner 103.

The petitioner objected to four, as being made free after the teſte of the writ.

The writ was teſted the 12th of October, and they were made free on the 18th of October: but it appeared by the cuſtom of the borough, there are four quarter guilds, and they are commonly adjourned for a fortnight; that there was a quarter guild on the 4th of October, and adjourned to the 18th, when theſe were made free. It appeared, they had many years a right to demand their freedom; and one had a right for many years, being eldeſt ſon of a freeman, and 40 years of age; and it was admitted they were excepted to at the poll.

The petitioner produced the report, 28 November, 3 Will. on the election for Dartmouth, when Mr. Hern petitioned againſt Mr. Booth; and 25 freemen, not legally made, were diſallowed: alſo, the report on a petition for the city of York, between the two Meſſieurs Thompſons, where 22 freemen were diſallowed, being made after the teſte of the writ.

For the other ſide, was read a report for the city of Cheſter, 2d of December, 1691; by which it ſeemed to be allowed, that ſuch as were qualified to demand their freedoms before the teſte, and were made after, had a right to vote: alſo another report, 8th of December, 3 Gul. and Mar. for Ludlow; where it ſeemed, the committee and houſe were of the ſame opinion. The petitioner alſo excepted to three other of Mr. Ogle's voters, for that, though they had a ticket given them for freemen, they had not been ſworn: but it appeared they had been put in the roll, and were always called over; and all in the roll were deemed legal voters.

The committee reſolved,

That Samuel Ogle, eſquire, is duly elected; to which the houſe agreed.

Feb. 15, 1722. The houſe, according to order, reſumed the further conſideration of the report from the committee, appointed to enquire into the project, commonly called the Hamburgh lottery, and all other foreign lotteries now carrying on in the city of London; and Mr. George Redpath was called in and examined, and then he withdrew; and the Lord Viſcount Barrington was heard in his place, and then he withdrew.

Reſolved, *nem. con.* that it appears to this houſe that John Lord Viſcount Barrington, in the kingdom of Ireland (a member of this houſe) has been notoriouſly guilty of promoting, abetting, and carrying on the fraudulent undertaking, called the Hamburgh lottery.

Reſolved, *nem. con.* that the ſaid John Lord Viſcount Barrington be, for his ſaid offence, expelled this houſe.

27th. Ordered a warrant for a new writ for electing a burgeſs to ſerve in this preſent parliament for the ſaid town, in the room of John Lord Viſcount Barrington, in the kingdom of Ireland, expelled this houſe.

BEVERLEY.

4 Prynn's Regiſt. 917. Willis's Notitia, 1749. 69.

THIS borough is ſituated in the county of York, and ſent burgeſſes to all King Edward the firſt's parliaments. It had three ſummons in Edward the ſecond's time, but made no returns; nor from thence to Queen Elizabeth's time; and in the ſixth year of that reign it was reſtored. There appear no conteſts upon the elections for this borough, till the reign of King James the ſecond; of which, and thoſe ſubſequent thereto, I meet with the memoirs following.

June 1, 1685. A petition of Sir John Hotham, baronet, was preſented and read, touching the election for this borough.

Ordered, that it be referred to the committee of privileges and elections to examine, and report the matter with their opinion. Never heard.

Feb. 14, 1722. A petition of Elerker Bradſhaw, eſquire, was read; ſhewing, that a writ having iſſued for electing a burgeſs to ſerve in this preſent parliament for this borough, in the room of Sir Charles Hotham, baronet, deceaſed, the ſaid election came on the 31ſt of January laſt; and the petitioner was candidate at the ſaid election; and Sir Charles Hotham, baronet, ſon of the ſaid Sir Charles Hotham, deceaſed, offered himſelf candidate at the ſaid election; although the ſaid Sir Charles was not a burgeſs for the corporation of Beverley, by the charter of the ſaid corporation; as alſo the aboveſaid writ requiring a burgeſs to ſerve in parliament ſo to be. That at the ſaid election ſeveral threats, treats, and other unwarrantable practices were made uſe of, for, and on the behalf of the ſaid Sir Charles Hotham, in order to procure him to be elected, and returned in the room of his ſaid father; and he is returned accordingly, in the room and prejudice of the petitioner, who was duly elected a repreſentative of this borough: and praying, &c.

Ordered, that it be referred to the committee of privileges and elections to examine, and report the mattter with their opinion.

BEWDLEY.

THIS borough is ſituate within the county of Worceſter, and Dr. Willis writes, Mr. Prynn has ſet it down to have antiently ſent a repreſentative to parliament; but there he was miſtaken.

Willis's Notitia, Vol. I. 26.

Mr. Bohun writes alſo, that it returned two members in the 26th of Edward the firſt, and quotes Prynn's *Brevia Parliamentaria Rediviva*. As to the former, I cannot find any grounds for the aſſertion; as to the latter, it is a miſtake, for Mr. Prynn writes it was a late borough.—It was incorporated in the 12th of Edward the fourth; and had greater privileges granted in the 22d of Henry the ſeventh; and in the firſt of Henry the eighth had another charter, affirming its privileges, reciting them by *inſpeximus*.

Bohun, p. 43. B. P. R. 229. Cart. 12 Ed. IV. Cart. 22 Hen. VII. Cart. 1ſt H. VIII.

In the third of King James the firſt, they were incorporated by the name of bailiff and burgeſſes; and therein is a grant of ſending one member to parliament (which it recites had been for ſome time before diſcontinued) and appoints the bailiff, and burgeſſes, whether inhabitants or not, to be the electors. There have been ſince ſome alteration in the conſtitution, in King Charles the ſecond, King James the ſecond, and Queen Anne's reigns, which occaſioned ſome diſputes in the houſe of commons, as will appear by the following memoirs.

Cart. 1ſt Jac. I. 35 Car. II. 1 Jac. II. Cart. 7 Annæ.

April 16, 1640. The firſt I meet with is an order in the Journals; whereby I find, a petition had been preſented, or by ſome other means, the matter of the election came before the houſe, and it was ordered to be proceeded on in order as figured; and this was marked 1.

In the year 1662, Sir Ralph Clare petitioned againſt the election of Sir Henry Herbert; and it was referred to the committee of privileges.

April 28, 1662. Report was made by ſerjeant Charleton, that the queſtion aroſe on the words of the charter of 3 Jac. reciting the former charters of the ſaid town, which was incorporated by the name of the bailiff and burgeſſes of Bewdley; which burgeſſes firſt to be choſen were confined to the number of 12, and they impowered to chooſe other burgeſſes; and the ſaid burgeſſes of the borough to elect, and ſend a burgeſs to ſerve in parliament. And the queſtion being, whether the old burgeſſes, before the charter 3 Jac. or only the burgeſſes appointed by that charter, had voices to elect for parliament, not being ſworn burgeſſes of the ſaid corporation; the committee were of opinion, that the new burgeſſes appointed by the ſaid charter only, excluſive of all others, as aforeſaid, had right to elect; and Sir Henry Herbert had the majority of voices of the ſaid ſworn burgeſſes, and was elected; with which the houſe agreed.

Jan. 15, 1673. A petition of Henry Herbert, eſquire; complaining of an undue return made by the bailiff of this borough, to ſerve for the ſaid borough, in prejudice of the petitioner, who was duly elected for that place, and ought to have been returned.

Ordered, that it be referred to the committee of privileges to examine the matter, and report the ſame with their opinion.

March 10, 1676. Sir Thomas Meers reported the ſtate of the caſe, and evidence therein, between Mr. Foley and Mr. Herbert; and that the chief matter was bribery (on which the committee grounded their opinion) by Mr. Foley, to procure the votes of the electors; on which the committee had reſolved,

That Mr. Foley is not duly elected to ſerve in this preſent parliament for this borough;

That Mr. Herbert is duly elected to ſerve in this preſent parliament for this borough: which was agreed unto by the houſe, and ordered the return to be amended.

March 19, 1678. A petition of Henry Herbert; complaining of an undue return of Philip Foley, eſquire, to ſerve in parliament for this borough, in prejudice of the petitioner.

Ordered to be referred to the committee of privileges to examine the matter, and report it with their opinion.

April 14, 1679. Ordered, the matter touching the election for this borough, be heard at the committee on Wedneſday next in the afternoon, if the houſe ſhall then ſit; but if the committee ſhall not then ſit, that then this election be heard on the firſt Friday after Eaſter week.

May 27. Sir John Trevor reported the ſtate of the caſe; and the main queſtion was, whether all the inhabitants paying ſcot and lot in the ſaid borough, or only the capital and particular burgeſſes of the ſaid borough, who had right to vote in election of members to ſerve in parliament for this borough; and that the committee had examined the charter of the ſaid borough 3 Jac. whereby the ſaid borough was incorporated, and divers returns of members of parliament for this borough; and thereupon had reſolved,

That all the inhabitants of this borough have not right to vote in elections of members to ſerve in parliament for this borough;

That Mr. Philip Foley is duly elected to ſerve in this preſent parliament for this borough: which, on a diviſion, was agreed to by the houſe.

Nov. 2, 1705. A petition of Henry Herbert, eſquire, was read; ſhewing, that at the laſt election of members to ſerve in parliament for this borough, the petitioner, and Salway Winnington, eſquire, declared themſelves to be the candidates; and the majority of legal electors declared themſelves for the petitioner, and demanded a poll; but the bailiff of the ſaid borough, at the inſtigation of Henry Toy, the town clerk, refuſed to take notice of the petitioner to be a candidate; and did alſo refuſe to take the votes of the ſaid electors, who tendered their votes for the petitioner; but hath returned Mr. Winnington, in prejudice of the rights of the electors and the petitioner: and praying, &c.

Ordered, that it be referred to the committee of privileges and elections to examine the matter, and report it with their opinion.

Feb. 16. Ordered, that the ſaid committee be directed to hear the matter, touching the ſaid election, on Tueſday next in the afternoon.

21ſt. Ordered the report to be received on Saturday next.

24th. Mr. Compton reported the matter, viz. that the right of election was agreed to be in the bailiff and burgeſſes; and the ſingle queſtion was, who had the majority of voices on the poll; and that depended in a great meaſure upon two facts: firſt, whether Mr. Soley, the recorder, was a candidate at the ſaid election; and in the next place, whether two of the electors did vote for Mr. Soley; and upon theſe points ſeveral perſons were examined, on both ſides, by the counſel.

Firſt, for the petitioner, was called William Jones, who produced a copy of the poll, which, he ſaid, he received, the day after the election, of Mr. Toy the town clerk, in the preſence of the bailiff, which was ſubſcribed by Mr. Toy: in which copy, Mr. Winnington and Mr. Soley were put down as candidates; and there were twelve, including himſelf, under Mr. Winnington's name, but none put down to Mr. Soley.

Mr. Soley, Sir Thomas Coke Winford, and others, ſaid; they were at the election on the 11th of May, and after the precept was read; the town clerk aſking if any perſon oppoſed Mr. Winnington, Mr. Herbert ſaid, "He did"; whereupon Mr. Toy told him he was no burgeſs, and could not ſtand; Mr. Soley, the recorder, differed in opinion with him, and told him the practice was otherwiſe.—Then Mr. Toy read the clauſe in the charter, relating to the election of a burgeſs to parliament, and aſked Mr. Soley if he had a mind to forfeit the charter; and Mr. Toy inſiſting on Mr. Herbert's incapacity to be a candidate, and telling Mr. Soley he might be ſo; Mr. Soley ſaid, he would be ſo, rather than be tricked out of the election; and then Mr. James, and Mr. Weaver ſaid, if Mr. Herbert could not be a candidate, they would be for Mr. Soley; but they took it rather by way of private converſation, than of polling. That Mr. Soley afterwards publickly declared he was not a candidate, and then they proceeded to take the poll, the bailiff polling firſt; whereas, the cuſtom of the place has been for the town clerk to call over the votes in order, beginning with the junior, and ſo concluding with the bailiff. The names of Mr. James and Mr. Weaver were called over with the reſt, and voted for the petitioner; and no other exception was made to the other burgeſſes, who voted for him. That the town clerk took the poll by the bailiff's order; but he refuſing to put down the names of ſuch who voted for the petitioner, Mr. Soley wrote them down, and, amongſt the reſt, the names of Mr. James and Mr. Weaver: and after the indenture of return was ſigned, and the bailiff gone out of court, he called them over, being 13 in number, and aſked, who they had voted for; and they all declared, they voted for Mr. Herbert: and the town-clerk, when the poll was over, declared, there were 11 for Mr. Winnington, beſides himſelf, and none for Mr. Soley, or any body elſe.

Mr. Weaver was alſo examined; and ſaid, he voted for Mr. Herbert, and no body elſe.

In anſwer to this, Mr. Winnington's counſel called Mr. Caldwell, and four others; who ſaid, that they were preſent at the election; and the precept being read, and Mr. Toy aſked if any perſon oppoſed Mr. Winnington, Mr. Herbert anſwered, he did: to which Mr. Toy replied, he being no burgeſs, he preſumed he was not qualified to demand a poll; upon that, Mr. Soley, the recorder, demanded a poll for Mr. Herbert. The bailiff then voted for Mr. Winnington; and one Mr. Beſt offering to vote for Mr. Herbert, the bailiff then aſked the recorder, what rule he ought to go by; and the recorder told him, according to the precept and charter. After reading them, Mr. Soley went down into court, and talked with ſome of his friends, and came back and declared himſelf a candidate; and Mr. Toy thereupon ſet his name down, and declared the conteſt was between Mr. Winnington and Mr. Soley; and aſked who polled for Mr. Soley; and thereupon Mr. James ſaid, "I hope all "thoſe, who deſigned to vote for Mr. Herbert, will "poll for Mr. Soley; for now he ſtands:" and turning to Mr. Toy ſaid, "for my part I give mine for Mr. "Soley:" and Mr. Weaver preſently after ſaid, "then "I vote for Mr. Soley." After theſe two had given their votes for Mr Soley, Mr. Beſt and Mr. Slade deſired to be heard, and aſked Mr. Herbert if he deſiſted, who replied, he did not. Thereupon, Mr. Soley whiſpered again, and came back, and declared he did not ſtand; but Mr. Toy told him, it was too late to ſay that, for two had polled for him; and ſo the poll went on for Mr. Herbert and Mr. Winnington; and after the poll was ended, the town-clerk declared, that there were 12 for Mr. Winnington, 11 for Mr. Herbert, and two for Mr. Soley; with this expreſſion, which they particularly took notice of; that Mr. Toy ſaid, it was very hard, that the recorder ſhould have but two votes. Upon this, the committee reſolved,

That Salway Winnington, eſquire, is duly elected a burgeſs, to ſerve in this parliament, for this borough: whereto, upon its being twice read, the houſe agreed.

Nov. 24, 1708. A petition of Salway Winnington, eſquire, was read; ſhewing, the petitioner was duly choſen a burgeſs, to ſerve in this preſent parliament, for this borough, and was accordingly returned by the bailiff of the ſaid borough, to the ſheriff of the county; but the ſheriff hath unjuſtly returned the honourable Henry Herbert, eſquire, in prejudice of the petitioner's right: and praying relief.

Ordered, that the merits of the ſaid election be heard at the bar of the houſe, on Saturday, the 22d day of January next.

A petition of John Rock, bailiff; Thomas Smith, juſtice; Philip Foley, eſquire; Richard Foley, eſquire; Henry Toy; Thomas Barlton; Thomas Walker; Bonham Caldwell; Samuel Hackluit; William Grove, and Roger Dawkes, burgeſſes of this borough; ſhewing, that the right of election of a burgeſs, to ſerve in parliament, is in the bailiff and burgeſſes; and the return of ſuch burgeſs doth of right belong to the bailiff; and the petitioner Smith was duly choſen bailiff on the 25th of September 1707 for the year enſuing, and did execute the ſaid office; but, about the 8th of May laſt, one Samuel Slade took upon him to act as bailiff of the ſaid borough, under colour of a charter dated the 20th of April laſt, whereby the ſaid Slade was nominated bailiff; and twelve other capital burgeſſes, with power to elect other burgeſſes, and thereby the petitioner's rights, privileges, and franchiſes, are given to Slade and the other twelve burgeſſes; that on the 12th of May laſt, the petitioner Smith did ſummon the burgeſſes to meet at the Guild-Hall of the ſaid borough, in order to conſider of the ſaid charter, where the ſame was produced by one Samuel Hunt (as town-clerk by the charter) and read, and the names of all the burgeſſes of the corporation being called over, the greateſt part did abſolutely refuſe to accept of the ſaid charter. That Slade prevailed with Thomas Perrot, eſquire, high ſheriff of the ſaid county, to direct his precept for electing a burgeſs to ſerve in this parliament, for this borough, to him; although Smith had before acquainted Perrot that he was bailiff. That Smith demanded the precept of Slade, but he refuſed to give it him; whereupon Smith did upon the 7th of May laſt make proclamation, that he would proceed upon the 12th of May to the election of a burgeſs to parliament; and then the greateſt part of the burgeſſes, being aſſembled, did unanimouſly elect Salway Winnington, eſquire; and Smith made a return of him to the ſaid Perrot, who received the ſame; but hath ſince returned the honourable Henry Herbert, eſquire, although he was not duly elected: and praying, &c.

Ordered, the merits of the ſaid petition be heard, at the bar of the houſe, on Saturday the 22d day of January.

Feb. 7. Ordered, that the clerk of the crown do attend this houſe to-morrow morning, with the return of the honourable Henry Herbert, eſquire, a burgeſs to ſerve in this preſent parliament, for this borough, and with the ſheriff's precept thereto annexed.

Reſolved, that an humble addreſs be preſented to her majeſty, that ſhe will be pleaſed to give directions to the proper officers, that the ſeveral papers, relating to the charter for this borough, may be laid before the houſe.

8th. The houſe proceeded to the hearing the merits of this election, and the counſel on both ſides were called in; and the petition of Salway Winnington, eſquire, and alſo the petition of John Lloyd, bailiff, Thomas Smith, &c. burgeſſes of the ſaid borough, were read; and the counſel were heard, and a witneſs examined in the petitioner's behalf; and the counſel for the ſitting member producing John Soley, eſquire, to be examined on his behalf; which being objected to by the petitioner's counſel, the counſel on both ſides were heard in relation thereto; and being withdrawn, it was reſolved,

That John Soley, eſquire, being named recorder in the new charter granted by her majeſty to the town of Bewdley, be admitted an evidence, to prove the acts of the corporation before the charter was granted.

The counſel were again called in, and Mr. Speaker acquainted them with the ſaid reſolution; and Mr. Soley was examined.——And the counſel referring to a petition from the inhabitants of Bewdley to her majeſty for a new charter, and to her majeſty's reference on the ſaid petition, and the report thereon made, and to ſeveral other papers relating thereunto; Mr. Speaker acquainted the houſe, that after the counſel were firſt called in, Mr. ſecretary Boyle had (purſuant to their addreſs yeſterday to her majeſty) brought to the houſe, and laid upon the table, the ſeveral papers relating to the charter of this borough; and the evidence on both ſides being given, and the charter and other proceedings relating to their corporation read; and the counſel heard, and the counſel and witneſſes withdrawn——A motion was made, and the queſtion was put, that Thomas Smith, who was, about Michaelmas 1707, choſen bailiff; and againſt whom an information, in the nature of a *quo warranto*, was brought, and judgment given for him thereupon, was rightful bailiff of the ſaid borough, at the time of the election for a burgeſs to ſerve in this parliament——It paſſed in the negative.

Reſolved, that Samuel Slade, nominated bailiff of this borough by charter, granted by her majeſty for maintaining the peace and good government of the ſaid borough, was rightful bailiff of the ſaid borough, at the time of the election of a burgeſs to ſerve in this preſent parliament for the ſaid borough. ——And the counſel were directed to be called in: but the houſe were informed they were gone away.

Reſolved, that Henry Herbert, eſquire, (now Lord Herbert of Cherbury) was duly elected a burgeſs, to ſerve in this preſent parliament, for this borough.

Dec. 1, 1710. A petition of Salway Winnington, eſquire, was read; ſhewing, that on the 11th day of October laſt, the petitioner was duly elected a burgeſs, to ſerve in this preſent parliament, for this borough, and was returned by John Rock, gent. bailiff of the ſaid borough, to John Chetle, eſquire, ſheriff of the county, who refuſed to accept of the ſaid return, whereby the ſaid petitioner is hindered of doing his duty in parliament: and praying the houſe, &c.

Alſo a petition of the bailiff and burgeſſes of this antient corporation was read; ſhewing, that the petitioners and their predeceſſors have long enjoyed the privilege of electing a burgeſs to ſerve in parliament; that about the 20th of April 1708, John Soley, eſquire, Samuel Slade, James Compſon, with others their accomplices, by undue practices, procured a charter to paſs the great ſeal, whereby a new corporation was erected; and the privilege of elections to parliament for the ſaid borough was thereby granted to the corporation, by that charter conſtituted. That on the 12th of May, 1708, the ſaid charter was brought by Samuel Hunt, gentleman, who pretended to be town clerk under that charter, to the Guild-Hall of the ſaid borough (the bailiffs and burgeſſes of the ſaid antient corporation being there corporately aſſembled) where the ſame was read.

And it being demanded of the burgeſſes by the ſaid bailiff, if they would accept the ſaid charter, they unanimouſly refuſed it, and have not yet accepted the ſame. That John Chetle, eſquire, high ſheriff of the county, ſent the precept for electing a burgeſs, to ſerve in this parliament, for this borough, to one Joſeph Tindal (bailiff under the new charter) though the petitioner John Rock, bailiff, under the antient charter, ſent the ſheriff notice, that he was bailiff, and the proper officer to make the return. That on the 6th day of October laſt, the petitioner John Rock cauſed publick proclamation to be made within the ſaid borough (being informed the precept was ſent to Tindal) that the election of a burgeſs, to ſerve in this parliament, for the ſaid borough, would be on the 11th of October laſt; and then the petitioners did unanimouſly elect Salway Winnington to be their repreſentative, and by indenture, under their common ſeal, accordingly returned him to the ſaid ſheriff; but he refuſed to accept the ſaid return, to the great prejudice of the petitioners rights: and praying, &c.

Ordered, that the matter of the ſaid return, and merits of the election, be heard at the bar of the houſe on Tueſday fortnight.

13th. Reſolved, that an humble addreſs be preſented to her majeſty, that ſhe will be pleaſed to give directions to the proper officers, that the ſeveral papers, relating to the charter for this borough, be laid before the houſe.

18th. Ordered, that the *cuſtos brevium* of the court of Queen's Bench do attend this houſe, on the morrow morning, with the records of the judgment upon *quo warranto*, relating to this borough; and that the ſecondary on the crown ſide of the ſaid court do then attend, with the rule-books and records in his hands, relating to the ſaid borough; and that the ſaid officers do alſo attend, with the records of the ſeveral judgments, upon an information exhibited againſt Philip Foley, eſquire, and others; and upon another information againſt Thomas Smith, and five ſeveral other informations exhibited againſt Sheldon Smith, junior, Burlton, Baſtell, Mott, and others.

Ordered, that the clerk of the crown do attend this houſe, on the morrow morning, with the laſt return for this borough, by which Anthony Lechmere, eſquire, is returned; and alſo with the return of Mr. Herbert, now Lord Herbert, and Mr. Cornwall to ſerve for the ſaid borough.

19th. Mr. Secretary St. John preſented to the houſe, purſuant to their addreſs to her majeſty, ſeveral papers, relating to the charter for this borough, with a liſt of them, as follows;

"1. Copy of the petition of the recorder and major part of the capital burgeſſes, and other the burgeſſes and inhabitants of the borough of Bewdley, praying for a new charter."

"2. Copy of a letter from the Earl of Sunderland to the Lord Chancellor, referring to his lordſhip and to the Lord Chief Juſtice Holt, the conſideration of the aboveſaid petition, Number I. dated 26th of November, 1707."

"3. Copy of a letter from the Earl of Sunderland to the Lord Chief Juſtice Holt, referring to the Lord Chancellor, and to himſelf, the conſideration of the aboveſaid petition, Number I. dated the 26th of November, 1707."

"4. Copy of the petition of the bailiff and burgeſſes of the ſaid borough, to her majeſty; praying, that they may not be obliged to accept of any new charter, with her majeſty's order of reference thereupon to the Lord Chancellor and Lord Chief Juſtice Holt, dated 18th of January, 1707-8."

Memorandum, that the report of the Lord Chancellor and Lord Chief Juſtice, upon the two petitions above-mentioned, Number I. and Number IV. was laid before the houſe of commons, with other papers, in February, 1708-9; and is ſtill in Jodrel's hands, Number V.

Number VI. Copy of a letter from the Earl of Sunderland and Mr. Boyle, to the Lord Herbert of Cherbury, giving his lordſhip notice that her majeſty thinks fit, upon the report of the Lord Chancellor and

Lord Chief Juſtice Holt, to grant a new charter to this borough; and ſignifying her Majeſty's pleaſure, that his lordſhip do bring, to one of their offices, a liſt of thirteen perſons, to be the firſt bailiff and capital burgeſſes of this borough. Dated the 6th of March, 1707-8.

7. Copy of a like letter, from the Earl of Sunderland and Mr. Boyle, to Salway Winnington, eſquire, of the ſame date.

8. Copy of the petition of the bailiff, and major part of the burgeſſes of this borough, to her Majeſty in council; praying to be heard againſt paſſing a new charter for this borough.

9. Copy of an order of council, directing a warrant to be prepared for paſſing a new charter for this borough. Dated the 26th of March, 1708.

10. Copy of the warrant for a new charter for this borough; dated the 10th of April, 1708; with a liſt of the names of the bailiff and capital burgeſſes, to be inſerted in the charter.

The houſe, according to order, proceeded in the hearing the matter of the ſaid return, and election; and the counſel on both ſides were called in; and the petitions, relating to the ſaid return and election, were read; and the counſel were heard; and ſeveral witneſſes examined.—And the petitioners counſel producing a poll, taken by Mr. Rock, the ſame was proved, and deſired to be read: but the ſitting member's counſel inſiſting it ought not to be read, being not taken by the proper officer. And the counſel and witneſſes being withdrawn,

Reſolved, that the poll produced by the petitioners, be read.

Then the counſel on both ſides were called in, and heard; and other witneſſes examined, on the behalf of the petitioners.—And the counſel and witneſſes being withdrawn, they were again called in; and other witneſſes examined.—And being withdrawn,

Reſolved, that Mr. John Rock was rightful bailiff of this borough, at the time of the election of a burgeſs, to ſerve in parliament, for this borough.

A motion was made, and the queſtion put, That Anthony Lechmere, eſquire, is duly elected a burgeſs, to ſerve in this preſent parliament, for this borough. It was diſagreed to.

Reſolved, that Salway Winnington, eſquire, is duly elected a burgeſs, to ſerve in this preſent parliament, for this borough.

Ordered, that the clerk of the Crown do attend this houſe, to-morrow morning, to amend the return for the ſaid borough.

Reſolved, that the charter, dated the 20th of April, 1708, attempted to be impoſed upon this borough againſt the conſent of the antient corporation, is void, illegal, and deſtructive of the conſtitution of parliaments.

Reſolved, that an humble addreſs be preſented to her Majeſty, laying before her Majeſty the reſolution of this houſe; and to deſire her Majeſty, that ſhe will be pleaſed to give directions to her attorney general, to take the proper methods for repealing the ſaid charter, and for quieting the ſaid borough in the enjoyment of their rights and privileges.

20th. The clerk of the Crown attended, according to order, to amend the return for this borough: but the houſe had not given directions, in what manner the ſame ſhould be amended.—And the houſe being informed, that one Mr. Samuel Grove attended at the door, with the indenture of return of Salway Winnington, eſquire, from Mr. Rock, adjudged by the houſe to be the rightful bailiff of the borough, and who had formerly received the ſame from the ſaid Mr. Rock, and had offered the ſame to the ſheriff of the county of Worceſter, which was refuſed by him to be received.

The ſaid Mr. Grove was called in, and examined touching the ſaid indenture, and his receiving it from the ſaid Mr. Rock, and his tendering the ſame to the ſheriff: and he delivered the ſaid indenture in to the houſe. And the Journal of the houſe, 21ſt of March, 1679, in the caſe of Radnor, being read;

Ordered, that the clerk of the Crown do amend the ſaid return for this borough, by taking off the indenture, by which Anthony Lechmere, eſquire, was returned, and putting on the ſaid indenture, by which Salway Winnington, eſquire, is returned. And the clerk of the Crown amended the ſaid return accordingly.

Jan. 2. Mr. ſecretary St. John acquainted the houſe, that their addreſs of the 19th of December laſt, relating to this borough, had been preſented to her Majeſty; and that her Majeſty had been pleaſed to direct Mr. Attorney, and Mr. Sollicitor general, to take the moſt proper and effectual meaſures for repealing the charter mentioned in their addreſs; and for quieting this borough in the enjoyment of their rights and privileges, according to the deſire of this houſe.

Mar. 30, 1715. A petition of Salway Winnington, eſquire, was read; ſhewing, that the petitioner was duly elected for this borough, and accordingly was returned by Mr. Rock, bailiff of the ſaid borough, to Sir Richard Lane, knight, ſheriff of the county, who refuſed the ſaid return; whereby the petitioner is not returned to parliament: and praying, &c.

A petition of the bailiff and burgeſſes of the antient corporation of Bewdley, in the county of Worceſter, was read; ſhewing, that Sir Richard Lane, knight, ſheriff of the ſaid county, ſent his precept to one Nicholas Ward, who took upon him as bailiff, under colour of a new charter, made the 20th of April, 1708, for conſtituting a new corporation, though John Rock was bailiff of the ſaid borough, and that he was the proper officer to make the return; and the ſaid Mr. Rock being informed that the precept was ſent by the ſaid ſheriff, did, on the 24th of January, 1714, cauſe publick proclamation to be made, that the election of a burgeſs would be on the 29th of January, 1714; and that the petitioners did unanimouſly elect Salway Winnington, eſquire, one of the burgeſſes for the ſaid borough; and that the ſaid petitioners, by indenture, returned the ſaid Mr. Winnington to the ſaid ſheriff, he refuſing to accept the ſame, to the prejudice of the petitioners: and praying, &c.

Ordered to be heard at the bar of the houſe on the 17th day of May next.

May 17. Ordered to be heard this day fortnight.

24th. Ordered Mr. Winnington to have leave to withdraw his petition.

Ordered, that the bailiff and burgeſſes of the antient corporation of Bewdley, in the county of Worceſter, be at liberty to withdraw their petition, complaining of the ſaid election and return.

Ordered, that the hearing the merits of the election for the ſaid borough of Bewdley, at the bar of this houſe, be diſcharged.

BISHOPS CASTLE.

THIS borough is ſituated in the county of Salop; was incorporated by Queen Elizabeth, in the 15th year of her reign; and called upon to return members to parliament in the 27th year of her reign. Willis, 1749. 42.

The memoirs of elections I have met with follow.

April 8, 1695. A petition of Richard Moor, eſquire, was preſented and read; ſetting forth, that the petitioner is duly elected a burgeſs to ſerve in this preſent parliament for this borough, in the room of William Oakly, eſquire, deceaſed; but that the bailiff hath returned Henry Newton, eſquire, with your petitioner, whereby he is prevented from ſitting in the houſe.

Ordered, it be referred to the committee of privileges to examine, and report the matter with their opinion.

Ordered, that the clerk of the Crown do attend to-morrow morning with the return.—But it was never called for.

25th. Ordered, that the hearing at the committee of privileges and elections, touching the election for the borough of Biſhops Caſtle, which was appointed for Monday next, be put off till Monday next come three weeks.

The ſeſſions ended the 3d of May, and the parliament was diſſolved before the next ſeſſions.

Dec. 12, 1698. A petition of Sir Gilbert Gerrard, baronet, was preſented, and read; ſetting forth, that the petitioner ought to have been returned as a burgeſs to ſerve in this preſent parliament for this borough; but Walter Woolaſton, bailiff of the ſaid borough, in an arbitrary and unuſual manner, hath unduly returned Sir William Brownlow; and many other illegal practices were uſed at the election, to the petitioner's prejudice: and praying, &c.

Ordered to be referred to the committee of privileges to examine, and report the matter with their opinion.

Nov. 16, 1699. This petition was renewed, and referred as before.

Feb. 1. Ordered to be reported on Saturday next.

4th. Reported by Sir Rowland Gwyn, that

The poll was for Sir William Brownlow 37,
for the petitioner 36.

It was agreed, the right of election was in the bailiff and all burgeſſes inhabiting within the borough.

The petitioner alledged he ſhould take off three from the ſitting member's poll, and add three to his own, who were refuſed; and alſo prove bribery on the ſide of the ſitting member.

The three votes objected to, were William James, Thomas Waters, and Samuel James. The exception to William James, was, he was an out-burgeſs.

It appeared, the oath to an in-burgeſs and out-burgeſs were the ſame; and if an out-burgeſs came to live within the borough, he did not take a new oath; but the in-burgeſſes and out-burgeſſes being on different liſts, ſuch perſon who came to reſide within the borough, is entered upon the liſt with the in-burgeſſes.

Several witneſſes were called, who proved William James lived at Mainton, two miles from the borough, and only came to town as journeyman ſhoemaker to work, and went home on Saturday night, and was not entered among the burgeſſes till after the election, though occaſionally he did lodge in the borough ſometimes, and therefore they looked on him as an out-burgeſs; and on the day before the election, the mayor and others met to adjuſt the right of the electors, and it was then agreed William James had no vote, being a country burgeſs.

William Price ſaid; Thomas Waters went home every Saturday night to Colebeck, half a mile from Biſhops Caſtle, but worked for ſome years in the borough.

Thomas Bright ſaid; that Samuel James lives at Colebeck, and went to Biſhops Caſtle a month before the election, and ſince is returned to Colebeck again.

The three the petitioner would add, were Richard Bright, John Stockin, and Samuel Seyes.

William Bright proved they all tendered their votes for the petitioner.

Three witneſſes proved Richard Bright's reſidence at Biſhops Caſtle with his brother, and had voted at other elections, particularly Mr. Oakly's and Mr. Moor's; though it was owned he went out of town a little time, about two months before the election.

That John Stockin was a burgeſs, and did live in town before the election, and had not been out of town a month in ſeven or eight years.

That Samuel Seyes is a burgeſs, and had been an inhabitant ſix weeks before the election, and continued there ever ſince; and that all theſe had voted at former elections, but were now refuſed; and there was no proclamation before the poll was cloſed.

As to bribery, they called,

Nathanael Farmer, who ſaid; the Counteſs of Macclesfield gave 200 l. to this borough, in regard ſhe was come to her eſtate; that there were at firſt five truſtees for it, but afterwards only Mr. Walter Waring; that he ſaw the money at Mr. Langerle's houſe; that they expected it to be divided amongſt the burgeſſes, but they were fain to borrow it by ſmall ſums, about 5 l. and give notes for it; and accordingly he went after the election to Mr. Waring, who ſent him to Mr. Brown the attorney, who let him have 5 l. 5 s. which they ſaid was part of Lady Macclesfield's money, and gave a note for it; that he believed Brown ſollicited votes for Sir William Brownlow; that James and Walters had 20 s. each; that Waller, Corrick, and Norton, 40 or 50 s. each, and John Wooton had ſome money; which he ſuppoſed they gave notes for; that this money was lent after the election, but thoſe who received it voted for Sir William Brownlow; but Farmer could not ſay Sir William Brownlow knew of the diſpoſal of the money. There was a meeting at Corrick's, where it was agreed, that the money ſhould be lodged in Mr. Waring's hands, and not diſpoſed of without the conſent of the major part of the burgeſſes.

Hoggins ſaid; that on the election day, in the morning, the bailiff ſent for him, and deſired his vote, which he excuſed, being engaged to Sir Gilbert Gerrard and Mr. Maſon; that afterwards the bailiff called for him again, and told him he had numbered the votes, and that his (Hoggins's) vote ſtood hard upon them; and offered him gold and ſilver, and what he would, and to go into his ſhop and take a ſuit of cloaths, if he would vote for Sir William Brownlow; that Jeremy Brown, a month before the election, gave him 30 ſhillings, and Lady Maſon gave him five ſhillings, to vote for Sir William Brownlow; and Mr. Brown after gave him three pounds fifteen ſhillings to vote ſo, and threatned him if he did not. Hoggins ſaid, he received the money, and voted for Sir Gilbert Gerrard and Mr. Maſon; that he told Mr. Maſon he could have five pounds to vote for Sir William Brownlow; who anſwered, if he would, he might take it, for he would not give him one farthing.

Robert Minton ſaid; he received for his father of Mr. Waring, 50 ſhillings (who voted for Sir William Brownlow and Sir Gilbert Gerrard); that he aſked the bailiff why he made ſuch a return, and he ſaid he had nothing but what his wife and children had.

Lloyd ſaid, Lady Maſon ſent for him, and told him, there were 200 pounds to be diſtributed among the burgeſſes who voted for Sir William Brownlow; that he ſhould be kind to him beſides; that Woollaſton threatned him, he ſhould be ſued upon a bond he had given to John Beaumont, if he would not vote for Sir William Brownlow.

Morrice Bowen ſaid, there were 200 pounds to be diſtributed, and that if he would vote for Sir William Brownlow, he ſhould have 30 or 40 ſhillings of it.

Colebatch ſaid, he had money of Mr. Brown to vote for Sir William Brownlow.

Palmer ſaid, he had five pounds, eight ſhillings, and three halfpence, and would not abate the odd three halfpence.

For Sir William Brownlow it was inſiſted; they would juſtify their own votes, and the refuſal of thoſe who would have voted for Sir Gilbert Gerrard; that the mayor gave but one voice; that the 200 pounds ſpoken of, as given by Lady Maſon, was a charity to the town, on conſideration of her being reſtored to her eſtate; and before the diſſolution of the parliament: and that they would prove plain bribery on the petitioner.

Edward Minton ſaid, that David Morris, who aſked votes for Sir Gilbert Gerard, gave him five pounds to vote for Sir Gilbert Gerard: and about a fortnight before the election, Sir Gilbert Gerard and Mr. Maſon aſked his vote; and Mr. Maſon ſaid, that if he would vote for Sir Gilbert Gerard, he would give him ten pounds; and his father's ſteward to pay it: Mr. Pugh ſaid; if he was not ſatisfied with a promiſe, he ſhould have a bond for it: that the night before the election, Wilſon came for them, and told them they ſhould have five pounds each, if they would ſwear to be true to them: upon which they made them half a promiſe; and David Morris leaped, and ſaid; if they had not diſcovered themſelves ſo ſoon, he would have given 100 pounds for two voices that night: that on Sunday before the election, he was ſent for to Lord Macclesfield, at Morris's houſe; and the Earl aſked him, what his trade was, and what would ſet him up? he ſaid, a ſhoemaker, and 40 pounds would ſet him up; and thereupon the Earl promiſed him, he ſhould have it: that the Earl ſent him to Woollaſton, to know what he would have; which he did, who anſwered, he would have 30 pounds; which he acquainted the Earl with, who promiſed he ſhould have it: that the Earl bid him come to him after the election, and he ſhould be rewarded; and bid him ſpeak to others alſo, by one at a time: that he had five ſhillings of Mr. Morris; that he had two ſhillings of his wife; and five ſhillings of Mr. Maſon: that he did not promiſe the Earl his vote, but ſaid he would conſider of it; and voted for Sir William Brownlow, and Mr. Walcot.

Robert Woollaſton ſaid, Wilſon promiſed him 20 pounds to vote for the petitioner, and Mr. Maſon; but he was indifferent, becauſe he had promiſed before: that Morris took him to the hall, and ſaid; if he would vote for Sir Gilbert Gerard, and Mr. Maſon, it ſhould be much to his profit: that Morris offered him 20 pounds; but he had none of it: that Mr. Pugh ſent for him about a month before the election, and offered him a bond of five pounds for his vote; and offered the ſame to Minton: that Sir Gilbert Gerard told him, he ſhould not only gain 20 pounds, but twice 20 pounds; and he would be his friend as long as he lived: that they would have ſworn him to be true to Sir Gilbert Gerard, and Mr. Maſon; but he ran out of the houſe: that Morris offered him a coat off his back; and ſaid, what he did was for the good of his children, for the Earl would help his ſon to a 100 pounds a year: that he did tell Minton, he would have 30 guineas for his vote: that Wilſon, Minton, and Pugh, made all the intereſt they could for Sir Gilbert Gerard.

Corrick ſaid, Sir Gilbert Gerard and Mr. Maſon aſked him for his vote; and Mr. Maſon ſaid, the election depended on his vote; and he ſhould have what he would, if he would give it to Sir Gilbert Gerard: to which he anſwered; if he would give him his hatful of gold, he would not go from his word: whereupon Mr. Maſon ſaid; if he would go to Morris's, his wife would lock him up in a room: that Wilſon ſaid, he would divide 15 guineas between him, Woollaſton, and Minton.

That Morris and Wilſon appeared for Sir Gilbert Gerard: and owned, there was money at Wareing's for the uſe of the town; and he did borrow five pounds of it, and gave a bill for it.

Iſaac Hoggins ſaid, Captain Phillips brought him to Lord Macclesfield, who aſked him for his vote; but he ſaid, he had promiſed it to Sir William Brownlow, and Mr. Maſon: that my Lord preſſed him for Sir Gilbert Gerard; and put money into a baſon, and bid him take what he would: that he took five ſhillings; and my Lord ſaid he ſhould have twenty guineas next morning: that he denied his vote to Sir Gilbert Gerard; and did vote for Sir William Brownlow, and Mr. Maſon: that he had of Mr. Brown twenty, thirty, and ten ſhillings; and gave a bill for it.

Samuel James ſaid, he was hired three or four times; and Mr. Maſon, of Rockly hall, gave him half a crown, and promiſed him a cow.

That at the new club he had twelve pence of Waters's wife; the ſame of Morris, who promiſed him a ſuit of cloaths and money in three *pockets*; and Mr. Morris promiſed him five pounds. He owned, he had money of Brown by twelve pence at a time, which he gave a bill to repay; but he voted for Sir William Brownlow, and Mr. Walcot.

Mr. Woollaſton of Welſhpool ſaid, he was aſked to vote for Sir Gilbert Gerard by the Earl of Macclesfield; but ſaid, he was engaged. He ſhewed a letter, dated the 31ſt of July, 1697, from Mr. Maſon; wherein he was informed, that Lord Macclesfield had promiſed he ſhould ſucceed in a muſter-maſter's poſt; but no mention of the election.—— That David Hoggins and Farmer were men of ill repute.

Bowen ſaid, he was promiſed by Waters and Morris to be forgiven two debts, one of 7 l. and one of 4 l. or 5 l.; and Waters's wife ſaid; if he did not vote for Sir Gilbert Gerard, Lord Macclesfield would bring a troop of horſe, and eat up the town.

Norton ſaid, Wilſon ſent his daughter for him: and Wilſon told him, if he did not get his ſon to vote for Sir Gilbert Gerard, it would go hard with him; that if he did, Lord Macclesfield would give places to ten young men of Biſhop's Caſtle, and his ſon ſhould be one; and if Sir Gilbert Gerard loſt it, the town would be undone.

Seys ſaid, Mr. Maſon aſked his vote for Sir Gilbert Gerard, and ſhewed him five guineas, and told him, he ſhould have ſatisfaction; and ſaid, he would be his friend, as long as he lived.

Wooton ſaid, he was promiſed his houſe rent for three years, or ten pounds, to vote for Sir Gilbert Gerard; but voted for Sir William Brownlow, and Mr. Maſon.

Bright ſaid, that Morris (who made intereſt for Sir Gilbert Gerard) a few days before the election, told him, if he did not vote for Sir Gilbert Gerard, the town would be ruined, and a troop of horſe quartered upon it; but, if he would vote for Sir Gilbert Gerard, he ſhould have ten pounds, and his children maintained.

Corrick ſaid, he met Sir Gilbert Gerard and Mr. Maſon in the ſtreet, and promiſed Mr. Maſon his vote: they then aſked it for Sir Gilbert Gerard; and ſaid, if he would come to London, he ſhould have a place. He owned, he had money of Brown, which he was to repay.

As to the 200 l. given by Lady Maſon, the counſel called Richard Jefferys, who ſaid; it was given, and brought to town, two or three months before the election, for paving of the ſtreets, and other uſes of the town: that the election coming on, the Lady Maſon deſired it might be put into truſtees hands, who were Mr. Walter Woollaſton, Mr. Walter Wareing, Mr. Edward Broughton, and Mr. Richard Woollaſton: that a town clock was to be bought with part of it; but could not ſpeak as to paving the ſtreets.

As to the three votes diſqualified by the petitioner; Colbatch ſaid, William James was a burgeſs, and had been an inhabitant ſix months before the election: that Waters and Samuel James are burgeſſes, and were inhabitants long before the election; and had voted before.

As to the three which the petitioner attempted to add to his poll——Colbatch ſaid, Bright was a burgeſs, but not reſident (as reported) above a fortnight, or three weeks before the election:—Stockin was not called as an inhabitant.——And Norton and Richard Jeffreys ſaid, Stockin lived without the borough:——And as to Samuel Seyes, Allen Seyes, and William Minton——that Samuel Seyes had owned himſelf a ſervant to Lord Maccleſfield; and that he had money to vote for Sir Gilbert Gerard, and was to have an exciſeman's place, if fit: and a letter was read, dated Auguſt 1, 1699; wherein it is wrote, he was hired by Mr. Williams for five pounds per annum, and five ſhillings per week; but doth not ſay for what purpoſe.

They then inſiſted on diſqualifying nine of the petitioner's votes, as almſmen, and one as a lunatick.

Colbatch proved, that the wives of Samuel Lloyd, Bartholomew Nicholas, Thomas Bright, Stephen Minton, Nathanael Nicholas, and Charles Bright, had had Mr. Turner's charity in 1698: Stephen Lloyd's daughter had the ſame for her father:—but the others ſo named they did not prove: Mr. Turner's was a charity of ſix pounds per year; fifty ſhillings to Biſhop's Caſtle; fifty ſhillings to Montgomery, to be diſpoſed of to the poor annually on the 2d of June; and twenty ſhillings for a ſermon: that it was generally given to the widows, and had been ſo to the wives of theſe men many years.

And Colbatch and Samuel Woollaſton ſaid, that Mr. Henry Woollaſton had been in Bedlam three or four years ſince; had loſt his living for not taking the oaths; and had acted as a madman:—but could not ſay, he was ſo at the election; but had preached not long before.

The petitioner in reply——

As to bribery——Wilſon and Morris ſaid, that Minton, and Robert Woollaſton, came to Wilſon's houſe the night before the election, and aſked ten pounds each for their votes, for they could have it of the other ſide; that Wilſon told Sir Gilbert Gerard of it; who deſired him not to talk of money to him, for there was an act againſt it: that he brought them to Sir Gilbert Gerard, who told them, he would give them nothing; whereupon they ſaid, they would vote for him on honour; and Minton wiſhed his fleſh might drop off his body if he did not: that Henry Woollaſton preached very well on the Sunday-ſeven-night before the election, and ſeveral times; was in his ſenſes at the election, and anſwered rationally about taking the burgeſs oath.

Mr. Pugh ſaid, that Edward Minton and Robert Woollaſton ſaid, they would not vote under ten pounds a piece: that at firſt they aſked twenty pounds, for they heard it would come near; and ſaid; if they had it not of one ſide, they would have it of the other.

As to offering of money in the baſon——Mr. Brown ſaid, he went with Lord Maccleſfield, and carried his caſh, about 100 guineas, to bear his travelling charges; and his lordſhip had only two guineas from the time he ſet out, to the time Hoggins ſpake of;——but did not know what other money he had in his pocket: that the ſeveral perſons excepted againſt, as almſmen, were rated to church and poor; but owned, Stephen Lloyd was a poor man, but had always voted: that though they had Turner's charity, yet they had not pariſh pay; nor did he ever hear Mr. Turner's charity made an exception to voting.

The petitioner's counſel called witneſſes, as to votes for Sir William Brownlow receiving the ſame charity; but no proof of any the year before the election.

Upon the whole, the committee reſolved,

That Sir William Brownlow, baronet, is not duly elected a burgeſs to ſerve in this preſent parliament for this borough.

That Sir Gilbert Gerard, baronet, is duly elected a burgeſs in this preſent parliament for this borough.

The firſt reſolution, on a diviſion, was agreed to: but the ſecond diſagreed to; and reſolved the election to be void.

Reſolved, it appearing in the ſaid report, that the burgeſſes of the ſaid borough have been notoriouſly guilty of bribery; that no new writ do iſſue during this ſeſſion, for electing another burgeſs for this borough.

Feb. 13, 1700. A petition of Sir William Brownlow, baronet, was read; alledging, that he was duly choſen a burgeſs for this borough; but Thomas Maſon, the preſent bailiff, hath returned his ſon Charles Maſon, who is guilty of bribery, and other corrupt practices, at the ſaid election; and praying a ſhort day to be appointed to take the matter into conſideration.

Ordered to be referred to the conſideration of the committee of privileges and elections to examine the matter, and report the ſame with their opinion.

17th. A petition of Sir Gilbert Gerard, baronet, was read; ſhewing, that he, together with George Walcot, eſquire, and Sir William Brownlow, were candidates at the election for this borough; where Mr. Walcot and Sir William Brownlow, by themſelves or agents, by treats, rewards, menaces, and other corrupt practices, gained ſeveral votes from the petitioner's intereſt; and Mr. Walcot thereby got himſelf returned.

Ordered to be referred to the conſideration of the committee of privileges and elections to examine the matter, and report the ſame with their opinion.

May 6, 1701. Ordered, that the report be received on Saturday next.

10th. Ordered, that it be received on Monday.

12th. Ordered, that it be received on the morrow morning.

13th. Sir Rowland Gwyone reported, on the petition of Sir William Brownlow againſt Mr. Maſon; and Sir Gilbert Gerard againſt Mr. Walcot, as follows.——The poll was for Mr. Maſon 38—for Sir William Brownlow 34.

But the petitioner inſiſted, that Mr. Maſon had been guilty of bribery; and called Edward Minton, who ſaid; that Mr. Maſon offered him five guineas, if he would ſwear not to diſcover it: that Mr. Matthews, Mr. Maſon's brother-in-law, aſked him for his vote; and he ſaying he had promiſed one, he offered him five pounds for the other: that afterwards Mr. Matthews gave him ſix guineas, five for Mr. Maſon, and one for Sir Gilbert Gerard; and aſked a note for the money; becauſe, he ſaid, he muſt account with Mr. Maſon for it: that he would have returned the ſix guineas, but Sir Francis Charleton ſaid, he would ſtand his friend in it.

Robert Minton ſaid, Mr. Maſon aſked for both his votes; and ſaid, he would bind out his boy apprentice; and ſaid, he had given Mr. Matthews a bond for four pounds, which he (Minton) owed him, in order to be cancelled: that afterwards Matthews told him, the bond was loſt; but, the day before the election, gave him a receipt for the four pounds, with Mr. Maſon's hand to it; but he did not pay the money; and the receipt dated Jan. 2, 1700, was read to the committee.

William Minton proved, Mr. Maſon offered him five pounds to vote for him and Sir Gilbert Gerard: that he ſaid, he would not take his word: that then he ſaid, he ſhould have the money, if he would ſwear not to diſcover it; that Morris afterwards promiſed it him; that he went to Mr. Matthews, Mr. Maſon's brother, who told out five pounds to him, and ſaid, it was to vote for Mr. Maſon, and Sir Gilbert Gerard; that he afterwards ſhewed the money to Sir Francis Charleton, and another.—These three Mintons voted for Sir William Brownlow, and Mr. Walcot.

Thomas Bright ſaid, that Charles Bright told him, he was to have 10 l. to vote for Sir Gilbert Gerard, and Mr. Maſon; but inſiſted on the 10 l. he was promiſed on the former election, which was promiſed him to be paid after the election; and that they made over Paintry wood to him for the ſecurity.

Charles Bright ſenior ſaid, he was promiſed ſix pounds for his vote for Mr. Maſon, and Sir Gilbert Gerard, but had not been paid, nor for his drink at the laſt election; and deſired Bright not to be for him: that afterwards the ſaid Bright told him, he had received ſix pounds, or he would not have voted for him.

Hamore ſaid, that Bright, junior, owned, he had the beſt part of ten pounds for his vote: that he voted for Mr. Walcot, and Mr. Maſon: and the other Bright ſaid; he would not vote for Mr. Maſon, without his gratuity: that Woollaſton aſked his voice, and ſaid, he could get him five or ten pounds, but did not promiſe his vote, and voted for Sir William Brownlow, and Mr. Walcot.

Walter Goreing ſaid, Matthews aſked his vote for Mr. Maſon, but upon his ſaying he had promiſed Sir Francis Charleton, Matthews gave him half a guinea; but ſaid, Matthews owed him ten ſhillings; and that he gave him nine pence out of the half guinea. Goreing voted for Sir William Brownlow, and Mr. Walcot.

Robert Woollaſton ſaid, that Samuel Woollaſton told him, Lord Macclesfield had given him a place of 18 l. per year; otherwiſe he would not have voted for Sir Gilbert Gerard, and Mr. Maſon.

For Mr. Maſon, was called Walter Woollaſton, who ſaid, he ſaw letters from Mr. Maſon to Holmes, wherein he deſired there might be no expences of drinking on his account; and that he cautioned Mr. Maſon to beware of the Mintons.

Nathanael Farmer ſaid, he was at Robert Minton's; and Minton aſked him how he would vote, and told him, if he would vote as he did, he ſhould fare no worſe than himſelf; and further ſaid, if he would not vote for Mr. Charles Maſon, he did not care who he was for, for he had hindered Minton of getting 50 l. and told him, if he would be for Jeremy Browne's intereſt, he would perhaps get him ten guineas.

Samuel Richards ſaid, that William Minton ſaid, that there were nine votes of Minton's family, and he would give 50 l. to have Mr. Maſon out: and at another time Brown was at Minton's, and told Minton, he was ſorry he would not be ruled by him, for it would hurt him and his children; and told him, if he came next morning, he ſhould have a gratuity to be for Sir William Brownlow againſt Mr. Maſon.

John Holmes ſaid, he received two letters from Mr. Maſon, in which he gave poſitive orders not to ſpend money on account of the election; for he would not break a law he had been concerned in making: that all the Mintons ſaid, they expected ſeveral ſums on account of the former election: and Mr. Maſon wrote to him, to receive money of the tenants, and pay it to Mr. Matthews to anſwer their demands on account of the former election; which he did do.

Mr. Pugh ſaid, ſeveral perſons did, about two years ſince, demand money of Samuel Richards, and others, for arrears on former elections, when a great many had let the burgeſſes have drink, and depended on Mr. Maſon's kindneſs to be paid.

The committee upon this evidence reſolved,

That Charles Maſon, eſquire, is not duly elected a burgeſs to ſerve in this parliament, for this borough.

That Charles Maſon, eſquire, is guilty of notorious bribery in endeavouring to procure himſelf to be elected a burgeſs, to ſerve in this preſent parliament, for this borough.

Upon the petition of Sir Gilbert Gerard againſt Mr. Walcot.

Samuel Woollaſton, ſenior, ſaid, Benjamin Felton aſked his vote for Mr. Walcot; and that his ſon came next day, and ſaid, his maſter would deliver up his indentures, if he would vote for Mr. Walcot; and the indentures were put in a third perſon's hands; and ſaid, he would have had his ſon ſerved his time out.

Samuel Woollaſton, junior, ſaid, Felton, his maſter, told him, he would deliver up his indentures, if he would vote for Mr. Walcot; and ſet him up: and the indentures were thereupon delivered to Mr. Broughton, and were to be delivered up in April following; but owned, Mr. Walcot was preſent, and declared, he would not have to do with bribery; and he doth work with his maſter ſince.

Edward Pugh ſaid, Mr. Walcot offered his father, if he would vote for him, he would get him appointed an exciſeman; he being acquainted with three commiſſioners.

That Robert and William Minton ſaid, they would vote for them who would give moſt money.

Francis Colebatch ſaid, Brown and Bret made intereſt for Sir William Brownlow: Brown was concerned at a former election in diſtributing 200 pounds, and made the perſons give notes for it: that being in arrear thirty pounds for exciſe, Mr. Brown and others bailed him; but becauſe he did not vote for Sir William Brownlow, he was arreſted, and carried to gaol; and Brown had threatned others.

That Mr. Walcot aſked him for his vote; that he told him, if he had a mind to be an exciſeman, Mr. Walcot promiſed to do what he could for him.

Walter Woollaſton ſaid, Mr. Walcot and Mr. Richard Woollaſton aſked his vote for Mr. Walcot; and ſaid, if he would give it, he, Mr. Walcot, would take him into his family, to look to his books of merchandize; but owned he did not underſtand merchants accounts: that Mr. Walcot told him, there was a ſum of money depoſited in Mr. Waring's hands for a ſingle vote, and bid him go to Mr. Waring; but named no ſum; nor did he go; and that he voted for Sir Gilbert Gerard, and Mr. Maſon.

Farmer ſaid, the three Mintons voted for Sir William Brownlow, and Mr. Walcot; and aſked him to vote as they did, and they would get him ten guineas of Mr. Brown; for he would out Mr. Maſon, if it coſt five hundred pounds.

That Hugh Maſon voted for Sir William Brownlow, and Mr. Walcot; and ſaid, Mr. Walcot had got him a place in the hoſpital at Hull. Farmer voted for Mr. Maſon, and the petitioner.

Barnaby Owen ſaid, that Mr. Woollaſton, about a week before the election, paid fifty ſhillings to Brown's wife, for ale drank by Sir William Brownlow's and Mr. Walcot's friends about three weeks before the election.

Samuel Richards ſaid, that hearing Brown had given ſix ſtrikes of malt to treat the burgeſſes, and that a little before the election, he went and drank part of the ale.

Charles Bright ſaid, that Richard Woollaſton threatned to indict him; and afterwards ſaid, if he would vote for Mr. Walcot, all ſhould be well; and that he paid him for a barrel of ale, drank ſix weeks or two months before the election: that he aſked Mr. Brown for money, and Mr. Brown ſaid, he could not do it, for the writs were out; but his man gave him one ſhilling, and told him, if he would vote for Sir William Brownlow, and Mr. Walcot, he ſhould never want ſo long as he lived. He ſaid, he voted for Mr. Walcot, and Mr. Maſon.

David Hoggins ſaid, that Mr. Woollaſton aſked him for his vote for Sir William Brownlow, and Mr. Walcot; and ſaid, he would give him nine pounds, for ſo much was his ſhare; and offered him the uſe of an empty houſe of Sir William Brownlow's for his life; that Richard Woollaſton, about a month before the election, brought a company to drink, and a week before Chriſtmas paid thirty ſhillings for it; and Mr. Walcot left five ſhillings with a woman of a publick houſe for three burgeſſes.

Iſaiah Hoggins ſaid, Mr. Walcot ſent for him half a year before the election, and told him there was an execution againſt him; and Robert Minton ſaid, unleſs he would promiſe to vote for Mr. Walcot, it ſhould be executed: and Robert Minton offered him ten ſhillings; and ſaid, if he would vote againſt Mr. Maſon and his friend, he ſhould have five pounds; but ſaid he voted for Sir Gilbert Gerard, and Mr. Maſon.

Humphrey Stockwell ſaid, that Richard Woollaſton ſaid he had, before the diſſolution of the parliament, laid out ſixty pounds for Mr. Walcot, for votes; and had he not done it, Mr. Walcot had not ſat.

That Edward Minton pulled out ſome gold, and ſaid, it was a debt due formerly from Sir Gilbert Gerard; and ſaid, he had a guinea to vote for Sir Gilbert Gerard from Mr. Maſon; and told it ſeveral ways.

The counſel for Mr. Walcot, in reply, called,

Theophilus Greenway: who ſaid, he was preſent when Mr. Maſon brought the petition to Sir Gilbert Gerard to ſign; and Sir Gilbert aſked if he might not read it: to which Mr. Maſon anſwered, he was in haſte; and thereupon Sir Gilbert ſigned it, without reading it: that it was agreed, Mr. Walcot and his family had a conſiderable eſtate about this borough, and that Sir Gilbert Gerard had not any eſtate thereabouts.

Richard Oakly ſaid, he was preſent at David Hoggins's with Richard Woollaſton, but heard no money offered: that Woollaſton aſked Iſaiah Hoggins for his vote, which he promiſed freely; but David ſaid, he was engaged, and Mr. Walcot bid him keep his word; and ſaid, he believed he heard all that paſſed: that he heard Mr. Walcot aſk Pugh; who ſaid, his ſons were engaged; but he did not know but he might vote for him, on Sir Francis Charleton's account.

Walter Cory ſaid, that Francis Colbatch ſaid he would vote for no man, unleſs he was paid. He voted for Sir Gilbert Gerard, and Mr. Maſon. Colbatch owed thirty-ſix pounds to Mr. Brown.

Robert Woollaſton ſaid, Colbatch owned he owed thirty-ſix pounds to Mr. Brown, for arrears of exciſe, which Mr. Brown paid for him; and ſaid, Mr. Maſon ſhould clear that thirty-ſix pounds, or he would not vote for him. He did vote for Sir Gilbert Gerard, and Mr. Maſon.

Thomas Greaves ſaid, Bowen owned he owed Mr. Brown money, and had notice to pay it.

Bevans ſaid, that Powel and Iſaac Hoggins drank Sir Gilbert Gerard's health about three days before the election; and Bevans drank Mr. Walcot's; upon which they had like to have quarrelled; and they ſaid, Mr. Walcot ſhould not ſtand, whatever it coſt them.

Mr. Broughton ſaid, young Woollaſton came to him on the election day, and deſired him to go to his maſter to take up his indentures; and his maſter ſaid, he would not let him have them, leſt it might be reckoned bribery; but he ſhould have them in the ſpring, as he had promiſed: and Mr. Broughton ſaid, there was no promiſe in regard to the election.

Upon this evidence, the committee reſolved,

That George Walcot, eſquire, is duly elected a burgeſs, to ſerve in this preſent parliament, for this borough.

This reſolution, with thoſe in relation to Mr. Maſon, being read a ſecond time, were agreed to by the houſe.

Ordered, that no warrant do iſſue this ſeſſion for a new writ, for the election of a burgeſs for this borough.

Ordered, that Charles Maſon, eſquire, for his offence, be taken into the cuſtody of the ſerjeant at arms attending the houſe.

Jan. 3, 1701. A petition of George Walcot, eſquire, was preſented to the houſe, and read; ſetting forth, that at the election of burgeſſes to ſerve in parliament for this borough, Charles Maſon, eſquire, by himſelf; by Thomas Maſon, eſquire, his father-in-law; Charles Hanmer, his brother-in-law, and others his agents; had procured perſons to vote for him by bribery, and other illegal practices; notwithſtanding which, the petitioner had a majority of votes, and in juſtice ought to have been returned a burgeſs, to ſerve in this preſent parliament, for this borough; but one Richard Betton, ſhoemaker, and uncle to the ſaid Charles Maſon, being the bailiff of the ſaid borough, did arbitrarily refuſe to poll ſeveral burgeſſes, who offered to vote for the petitioner, and unduly returned the ſaid Charles Maſon: praying relief, &c.

Ordered, it be referred to the committee of privileges to examine, and report the matter with their opinion.

March 26, 1702. Ordered the report to be received on Tueſday morning next.

31ſt. Sir Rowland Gwyn reported, upon the petition of George Walcot, eſquire, of an undue election, and return of Charles Maſon: That on the hearing there were produced two polls; one on behalf of the petitioner, by Mr. Brent, a ſworn clerk; and another for Mr. Maſon, taken by Robert Maſon, alſo a ſworn clerk. Upon the former,

For the petitioner	41,
For Mr. Maſon	40.

Upon the latter,

For the petitioner	39,
For Mr. Maſon	42.

The difference was occaſioned by putting down William Stockin, and Richard James, for the petitioner, who were not in the other poll; and there was omitted, in the ſame poll, to Mr. Maſon, the ſaid William Stockin, and the bailiff's vote; which were wrote in the other poll as voting for Mr. Maſon. The matter on which the petitioner grounded his complaint was bribery, and the making good the numbers on the poll; and Mr. Maſon made his difference upon the ſame footing.

For the petitioner they called,

Robert Woollaſton, who ſaid, that Mr. Hanmer, Mr. Maſon's brother-in-law, told him, that the late Earl of Macclesfield had, by his will, left in his hands 100 pounds, and, if he would vote for Mr. Maſon, he ſhould have as great a ſhare as any one; and Mr. Hanmer made intereſt for Mr. Maſon. Woollaſton ſaid, he was a witneſs on the former election.

George Winton * ſaid, Mr. Maſon met David Adams in the ſtreet, the day before the election, and told him, if he would vote for him (Maſon) he ſhould have his houſe and three cloſes, he then poſſeſſed, rent free: And the ſame day, at night, he told Adams, if he would come up to London, he would get him a beneficial place; and that Adams told him he was in arrear of rent, and Mr. Maſon had promiſed to ſet it off: but this witneſs, being examined the next night the committee ſat, ſaid, Mr. Maſon offered him five guineas for his vote.

* Query inton.

Edward Minton ſaid, Mr. Maſon, ſenior, told him, two days before the election, that if he would vote for his ſon, he ſhould have his houſe rent free, and part of the 100 pounds left by Lord Macclesfield. He owned he never had poſſeſſion of the houſe; and ſince that, Mr. Maſon had let it to another. Alſo, he heard John Waters ſay, he never ſhould have voted for Mr. Maſon, if he had not had five pounds for his vote. He ſaid, he was alſo a witneſs at the former hearing.

Walter Coning ſaid, Iſaiah Hoggin, on the Saturday before the election, told him he was to have no money, but three cloſes for his life, after the death of old Mr. Maſon, paying twelve pence yearly; but he was to vote for Mr. Maſon in the mean time. Said, he was a witneſs at the laſt hearing againſt Sir Gilbert Gerard, but not againſt Mr. Maſon.

Joſeph Comyns ſaid, on the night after the election, Adams ſaid he had ſeven pounds to vote for Mr. Maſon, and deſired him not to divulge it: but owned Adams was then in liquor, and came after and denied it, and ſaid he had only a promiſe of forty ſhillings of the late Earl of Macclesfield's money.

That Stockin (who was the conteſted vote) ſaid, as he was going up the hall, which way he was to vote, for he was to have five pounds.

The petitioner's counſel excepted to three, on account of Turner's charity. Richard Woollaſton ſaid, John Richards had it four or five years paſt, viz. twelve pence, or eighteen pence, once a year; as had Thomas Bright's wife, and Samuel Richards, or his wife; and as to Stockin, he was not put down in three polls: that being twice called, he anſwered for Mr. Walcot, and Mr. Bret; but the bailiff pretending he did not hear, called him again, and then ſet him down for Mr. Maſon, and Mr. Bret. Then they proceeded to add to their poll Samuel James, and called three witneſſes, who ſaid, James voted formerly for Sir William Brownlow: but it was owned that he lodged in town as a ſervant, and was a ſort of a travelling perſon.

Walter Coning ſaid, Thomas Waters was his bedfellow, and he was an houſekeeper in this borough.

It was admitted by Mr. Maſon's counſel, that theſe offered to vote for the petitioner, but were refuſed.

For the ſitting member they then called three witneſſes, who ſaid, Stockin did once, and but once, name Mr. Malcot by miſtake, and preſently retracted, and voted for Mr. Bret, and Mr. Maſon: and Robert Maſon ſaid, Samuel James was no inhabitant: and Jones ſaid, that the bailiff did give his vote for Mr. Bret, and Mr. Maſon.

Charles Bright ſaid, Richard Woollaſton owned he had no buſineſs at London, and had nothing to ſay againſt Mr. Maſon, or any concerned for him.

Charles Jones and Robert Owen ſaid, they heard Edward Minton ſay, if Mr. Maſon was elected, there would be three or four of them go to London and turn him out, right or wrong: and Owen ſaid, William Minton ſaid, Mr. Maſon ſhould never ſit in the houſe.

Jones and Colebatch ſaid, they were at Pugh's when Winton and Adams were there; and Colebatch ſaid he was nearer to Mr. Maſon than Minton; and they did not hear Mr. Maſon make any promiſe to Adams, in caſe he would vote for him: and Colebatch and Holmes ſaid, Adams promiſed his vote for Mr. Maſon before he came to town. Jones ſaid, Adams told Mr. Maſon, he had voted for him before, and would again.—Holmes ſaid, Adams held his houſe of Mr. Maſon, ſen. three years, at Lady-day, at nine pounds a year, and had paid three pounds, in part of rent, ſince Chriſtmas:

that Mr. Maſon did not come to town till the day before the day of election, and declared he would not ſpeak with any of the Mintons.

Joſiah Hoggin ſaid, he held lands of old Mr. Maſon, and that the ſitting member had nothing to do with the eſtate; and all Mr. Maſon's votes were engaged to him before he came, except the two Nortons.

Three witneſſes ſaid, James and Waters lived at Coleback, and had no votes. John Jones and John James ſaid, old Mr. Maſon was badſighted, and but ſeldom went any where without company; and they were with him at Jones's, when Edward Minton came in; and Mr. Maſon bid them obſerve what he ſaid, for they would put bribery upon him: that he aſked Minton's vote, who ſaid he would conſider of it; to which he replied, if he would not, he could ſay nothing to it: that Minton aſked him to let him have an houſe, but Mr. Maſon ſaid, he had none to let for the preſent.

Query Walcot. They then proceeded to diſqualify ſome of the petitioner's votes, and firſt objected to Mr. Maſon's own vote.

Colebatch ſaid, Stephen Minton lived in an houſe built for the poor, and had Mr. Tanner's charity; that Nathanael Nicholas and Bright's wife had Mr. Tanner's charity.

They then proceeded on the charge of bribery.

Samuel Lloyd ſaid, he had twenty ſhillings of Mr. Pugh to vote for Mr. Walcot, alſo eight ſtrikes of malt; but being excepted, as receiving charity, and voting on both ſides, it was not inſiſted on.

Charles Bright ſaid, the petitioner offered him five pounds for his vote, and gave his man two ſhillings and ſixpence to give him, and ſaid he would make it five pounds next morning; but the ſaid Bright owned he did not promiſe him, nor vote for him; but the next morning offered him (the petitioner) the two ſhillings and ſixpence, but he bade him keep it, and ſaid he would make it up. He voted for Mr. Bret and Mr. Maſon.

Hugh Maſon ſaid, the petitioner owed him forty ſhillings, for drink at a former election, which he could not get till Mr. Groves aſked his vote, when he inſiſted on being paid; and Mr. Groves deſired him to accept thirty ſhillings in part, and promiſed the other ten; but he voted for Mr. Maſon and Mr. Bret.

In reply, the petitioner's counſel called,

Mr. Brent, who ſaid, he was a ſworn clerk, and did not hear the bailiff give his vote.

Richard Woollaſton ſaid, Charles Bright denied that the petitioner gave him any money: Upon the whole, the committee reſolved;

That Charles Maſon, eſquire, is not duly elected a burgeſs, to ſerve in parliament, for this borough.

That George Walcot, eſquire, is not duly elected a burgeſs, to ſerve in parliament, for this borough.

To the firſt reſolution the houſe agreed, on a ſecond reading, without a diviſion: and alſo to the ſecond, on a diviſion.

April 2, 1702. A motion was made, and the queſtion was put, that Mr. Speaker do iſſue his warrant to the clerk of the Crown, to make out a new writ for electing a burgeſs, to ſerve in this preſent parliament, for this borough, in the room of Charles Maſon, eſquire, who has been adjudged not to be duly elected.

It paſſed in the negative.

Nov. 2, 1705. A petition of Richard Harnage, eſquire, was read; ſhewing, that the petitioner, and Charles Walcot, eſquire, were duly elected members, to ſerve in this preſent parliament, for this borough, by a great majority of legal voters; notwithſtanding, Moriſe Pugh, bailiff of the ſaid borough, refuſed to poll many good voters for the petitioner and Mr. Walcot, and polled many unqualified perſons for Charles Maſon, eſquire, and Henry Brett, eſquire; who, by bribery, and other indirect means of their agents, have procured themſelves to be returned, in wrong to the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections to examine the matter, and report it with their opinion.

10th. A petition of Charles Walcot, eſquire, was read; ſhewing, that at the laſt election of members, to ſerve in this preſent parliament, for this borough, Henry Brett, Charles Maſon, Richard Harnage, and the petitioner, were candidates; and that the petitioner and Mr. Harnage were duly elected by a majority of the legal voters of the ſaid borough, and ought to have been returned; but Morris Pugh, bailiff of the ſaid borough, refuſed to take the votes of many, who voted for the petitioner and Mr. Harnage, and admitted others in the ſame capacity to vote for the other candidates; whereby, and by bribery, and other undue practices of the ſaid Maſon, he and Mr. Brett were returned, in wrong to the petitioner: and praying &c.

Ordered, to be referred to the committee of privileges and elections to examine the matter, and report it with their opinion.

Jan. 17th. Ordered, that Mr. Harnage have leave to withdraw his petition.

Feb. 4th. Ordered, that Mr. Walcot have leave to withdraw his petition.

Dec. 5, 1710. A petition of Charles Maſon, eſquire, was read; ſhewing, that at the election of burgeſſes, to ſerve in this preſent parliament, for this borough, the petitioner, Robert Raymond, eſquire, (now Sir Robert) and Richard Harnage, eſquire, were candidates: that the petitioner was duly elected, and ought to have been returned with Sir Robert Raymond; but by bribery, menaces and treats of Mr. Harnage and his agents, they procured a majority of votes, whereby Mr. Harnage was returned, in wrong to the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections to examine the matter, and report it with their opinion.

March 5, 1713. A petition of Sir Charles Lloyd, baronet, was read; ſhewing, that at the election for this borough, the petitioner, Sir Robert Raymond, knight, and Richard Harnage, eſquire, were candidates: that the petitioner did require the ſaid Mr. Harnage to take the oath of qualification, which he did not at that time, nor ſince hath; that the ſaid Sir Robert Raymond and Richard Harnage, and agents, are guilty of bribery, treats, &c. by which means they are unduly returned, in wrong of the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections to examine the matter, and report it with their opinion.

March 31, 1715. A petition of Edward Lord Harley was read; ſhewing, the petitioner was candidate at the election for this borough, and had a majority of legal votes; but Charles Maſon, and Richard Harnage, eſquires, and agents, did, by bribes and other illegal practices, procure themſelves to be returned; and the petitioner humbly repreſents, that the ſaid Charles Maſon was not qualified: and praying &c.

Ordered, that it be referred to the committee of privileges and elections to examine, and report the matter with their opinion.

March 6, 1716. The ſame petition was again read, and referred as before.

Dec. 4, 1717. The ſame petition was again read, and referred in like manner.

Oct. 19, 1722. A petition of Charles Maſon, eſquire, was read; ſhewing, that at the election of members to ſerve in parliament for this borough, William Peer Williams, Bowater Vernon, eſquires, and the petitioner, were candidates; that the ſaid Mr. Vernon, and his agents, were guilty of notorious bribery and corrupt practices, in order to procure the ſaid Mr. Vernon to be returned, and he is returned accordingly; that many perſons who had a right to poll, offered to vote for the petitioner, but were refuſed: and praying &c.

Ordered, that it be referred to the committee of privileges and elections to examine, and report the matter with their opinion.

Jan. 22, 1723. The ſaid petition was again read, and referred as before.

Nov. 13, 1724. The ſaid petition was again read, and referred in like manner.

Jan. 21, 1725. The ſaid petition was again read, and referred as before.

April 20, 1726. Ordered, the report to be made on Tueſday next.

26th. Mr. Gibbon reported the merits of the ſaid petition, as follows,

That the committee had examined the matter of the election, and the poll was,

For Mr. Vernon 52.
For Mr. Maſon 16.

That the petitioner's counſel objected bribery to all Mr. Vernon's voters, and called

David Adams, who ſaid, Jeremiah Brown, junior, aſked his vote for Mr. Vernon, and gave him 12 l. for it.

John Richards ſaid, that the ſaid Jeremiah Brown, junior, about nine days before the election, gave him ſix pounds, and ſix guineas more about two days before the election, to vote for Mr. Vernon; and his wife had a guinea.

Stephen Lloyd ſaid, the ſaid Brown, Charles Waters, and John Woollaſton, who were agents for Mr. Vernon, gave him, at ſeveral times, 12 l. for his vote; and that Richard Vernon, another agent for Mr. Vernon, gave his wife one guinea.

Samuel Richards, junior, ſaid, that John Woollaſton gave him ſix pounds, and that James Compſon gave him the like ſum to vote for Mr. Vernon.

Samuel Lloyd ſaid, that James Compſon gave John Nicholas and himſelf ſix pounds each, to vote for Mr. Vernon; and Jeremiah Brown, junior, gave his wife a guinea.

Richard Colbatch ſaid, that John Woollaſton, and Brown, gave him 12 l. to vote for Mr. Vernon, and his wife told him Mr. Vernon gave her one guinea; that John Bright told him he had 30 l. and Robert Minton, junior, ſaid, he had 25 l. for voting for Mr. Vernon, but did not ſay who gave it; he alſo named nine others, who owned they had had each 12 l. for voting for Mr. Vernon; and ſome of their wives had a guinea each, but they did not ſay who gave the money.

John Woollaſton ſaid, Mr. Richard Vernon gave him ſix guineas for his vote.

Jeremiah Brown, junior, ſaid, Mr. Vernon gave him 50 guineas for voting and acting for him, and Mr. Vernon alſo declared he had brought down money to carry the election, if that would do it.

Walter Woollaſton ſaid, he, Robert Minton, junior, Robert Woollaſton, and Joſeph Bright, had each 24 l. for their votes for Mr. Vernon, viz. 12 l. of Mr. Compſon, and the like ſum of Mr. Richard Vernon, who were agents for Mr. Vernon; and that he ſaw Mr. Compſon give 12 l. to John Giffard, clerk, for his vote for Mr. Vernon; alſo he ſaw 12 l. a piece given to ten others, who he named, viz. ſix pound each by Mr. Compſon, and ſix pounds by Mr. Richard Vernon, for votes for Mr. Vernon; and was preſent when Mr. Compſon gave ſix pounds each to ſix others, and promiſed each ſix pounds more to vote for Mr. Vernon.

Mary Seyes ſaid, Farmer, Bright, and Edward Woollaſton, told her they had 12 l. each given them for their votes for Mr. Vernon; and Bright ſaid, he had alſo a guinea for his mother; and the witneſs ſaid, ſhe had alſo a guinea from John Woollaſton. Richard Jones ſaid, he ſaw Mr. Thomas Abley, an agent for Mr. Vernon, give John Jones, his father, twenty guineas to vote for Mr. Vernon.

William Price ſaid, Richard Moor told him that Brown, junior, gave him ſix pounds, and that he had after ſix more of Mr. Vernon, to vote for him, and,

Richard Woollaſton ſaid, he had money, but he did not ſay how much.

Mary Harcor ſaid, that Brown, junior, gave her 27 l. for her late huſband, John Seyes, voting for Mr. Vernon, and ſhe had one guinea.

Price ſaid, Minton, junior, told him that Mr. Richard Vernon gave him 24 l. to vote for Mr. Vernon, and a guinea to his wife, for giving a ſingle vote for Mr. Vernon.

George Vaughan ſaid, Wotton told him Mr. Compſon gave him 12 l. for his vote for Mr. Vernon, at twice, and a guinea to his wife.

John Wotton ſaid, he ſaw Compſon give William Wotton 6 l. for his vote for Mr. Vernon.

Several of the witneſſes ſaid, that moſt of the petitioners voters thus bribed, were tenants to the petitioner, and always in his intereſt; and that in general they declared they would have voted for the petitioner, but for the ſitting member's money.

Mr. Vernon's counſel objected bribery to the petitioner, and called,

Walter Pugh, who ſaid, he was there when Maurice Pugh, then bailiff and returning officer for this borough, aſked John Woollaſton, junior, for his vote for Mr. Maſon, and gave him 10 l. for it.

That Richard Moor told him, in his journey to London on this occaſion, that Mr. Cole, parſon of the pariſh, gave him three pounds; and Mr. Morrice promiſed to make it up ten pounds to vote for Mr. Maſon, but he voted for Mr. Vernon.

Mr. Vernon's counſel objected to the qualification of Mr. Maſon, but produced no evidence.

The petitioner's counſel in reply, called to the credit of Walter Pugh, Mr. Vernon's witneſs,

Mary Seyes, who ſaid, Pugh complained to her how unkind his father had been to him in forcing him to vote for Mr. Maſon, for nothing; and not letting him take Mr. Vernon's 15 l; but ſaid, he would be paid for his labour, and his coming up to town would be of no uſe unleſs he was well paid for it.

The committee reſolved,

That Bowater Vernon is not duly elected a burgeſs, to ſerve in this preſent parliament, for this borough.

That Charles Maſon is duly elected a burgeſs, to ſerve in this preſent parliament, for this borough; which being twice read, were agreed to by the houſe, and the return ordered to be amended.

BLETCHINGLY.

THIS borough is ſituate in the county of Surrey, and has returned members to parliament from the 23d of King Edward the firſt. The repreſentatives were elected in the county court, the ſecond of Henry the Fifth, as appears by the ſheriff's return of that year [which ſee in the Appendix.] There have been ſeveral conteſted elections, of which I meet with the following accounts in the Journals.

Willis's Notitia, 1749. 54.

Mar. 3, 1623. Mr. Glandvyle offers a report from the committee of privileges concerning this borough.——Two petitions from this borough: one, Lovel pretended to be duly choſen; a croſs petition, that Mr. Lovel had miſcarried himſelf. Sir Miles Fleetwood, double returned, waved this borough.——To have him report to the houſe, that the going forth of the warrant for this borough, till the buſineſs be ended at the committee.——

Ordered to be ſtayed, if not gone already.

Mar. 22. Mr. Glandvyle reports. Sir Miles Fleetwood duly choſen, but made his election to ſerve for another place.——An undue practice in Lovell.—The caſe thus: This borough no corporation: They have only to do with the election. The precept not delivered to the borough, but to the bailiffs. Warning given to all men.—Choſe Mr. Heyward, and Sir Miles Fleetwood.——Committee reſolved, 1. That the bailiff nothing to do with the election. 2. None but the borough holders ought to have votes. 3. Mr. Heyward was well elected, although no publick officer gave notice.—The miſdemeanor of two: Dr. Harris had been too buſy in this. 1. Gave out, Lady Howard would take away twenty nobles a year from the town, if they did not chuſe.——Proved by one witneſs, Mr. Lovell excepted againſt for his religion. Propounded no puniſhment:—To ſtand at the bar: To give him an admonition, and to let him know he had been too buſy in this matter. For Mr. Lovell; reſolved, that he had committed a great offence againſt this houſe. 1. They found, he had not received the communion ſince Eaſter twelve months, becauſe out of charity. His mother a recuſant, his brother a prieſt, and his daughter a nun. It appeared that Lovell ſet theſe men a-work; gave them ſixpence to drink, and they were to give him ſix pounds if they did not chuſe him or his friend. Laſtly, threatned the town, that that which was given by Lady Maynard——Got an aſſembly of inmates to ſeal an indenture: Sealed this without any warrant: Delivered it without the ſheriff in his preſence.——They think fit he is to be committed to the Tower, during the pleaſure of the houſe; not to be enlarged till he ſubmit; and the warrant——

Commons Journal, Vol. I. 745.

Reſolved, on the queſtion, the bailiffs have nothing to do with the election: none but borough-holders ought to have voice.

That Mr. Hayward is well elected.

Mr. Fanſhaw:—the doctor has preached lately a ſermon againſt the committee.—The notes of it read.—Very ill pulpit language.

Ordered, the paper to be referred to the committee of privileges; and they to have power to ſend for him, and the witneſſes.

Ordered, a warrant ſhall go out for a new election, in the place of Sir Miles Fleetwood.

Ordered, Mr. Lovell ſhall be ſent for by the ſerjeant forthwith, and come to the bar upon his knee.—He to be ſet by, as a man incapable of the election.

April 29, 1624. Mr. Glanville reports from the committee of privileges for Dr. Harris.——Committee have enjoined him to attend *de die in diem*: ſent for him and the witneſſes: Find at the laſt committee, where he was preſent, that he ſaid, all, that a gentleman of this houſe had ſaid, was lies. Committee clearly ſatisfied, that it is a great and high offence.—Opinion, now to come to the bar as a delinquent, and he be admoniſhed; and to confeſs his fault here, and in the country, in the pulpit of his pariſh church, on Sunday ſevennight, before his ſermon.

1ſt Vol. Comm Journal, 779.

Reſolved, he ſhall be brought to the bar to-morrow.

30th. Dr. Harris brought to the bar, and kneeled. Mr. Speaker let him underſtand his offence.—Did publiſh a letter in the church: either read it, or told them the effect of it.——Mr. Lovell undertook another election. He was preſent: Did labour two voices for him. Was told, that Lady Howard had withdrawn the penſion: Might ſay, that ſhe would do it. Did ſpeak theſe words: "That if the laity and [clergy] make not one "body, would come no more in the [pulpit.]" Did preach of that text the day following, 26 Matthew; but choſe it not purpoſely: Did ſay, that he the more willing did handle it, becauſe he was ſenſible of the like wrong.—Humbly ſubmits to the cenſure of the houſe, and is heartily ſorry for what he has done.

Ibid. 7

Kneeling at bar, Mr. Speaker pronounced this ſentence on him: that he ſhall at the bar acknowledge his offence, and deſire pardon; and Sunday ſevennight, in the pulpit at his own pariſh church, acknowledge his offence, and crave pardon there; and not to take any occaſion by this to trouble any of his neighbours, or pariſhioners; but to live in peace and charity among them.

Acknowledges his offence, and is heartily ſorry for it: deſires pardon of the houſe. Diſcharged, doing the like in the country, according to the order of the houſe.

April 17, 1640. Mr. Jones reports from the committee of privileges two things: 1. Concerning Mr. Biſſe—2. Three returns; one for himſelf, one for Mr. Hoſkins, and one for Sir Francis Carew;—23 for Mr. Biſs, 12 for one of the others, and 11 for the other.—

Committee thought Mr. Biſſe well elected, and well returned.—

Ordered accordingly; and thereupon he was preſently called into the houſe.—

Nov. 25, 1695. A petition of George Evelyn, eſquire, was preſented to the houſe, and read; ſetting forth, the petitioner was choſen one of the burgeſſes to ſerve, in this preſent parliament, for this borough, by the majority of the burgeſſes; but the bailiff of the ſaid borough hath returned Maurice Thompſon, eſquire, inſtead of the petitioner, to his great injury: and praying, &c.

Ordered to be referred to the committee of privileges to examine, and report the matter with their opinion.

Feb. 3. Ordered the report to be received on Wedneſday next.

5th. Colonel Granville reported, that Mr. Howard was agreed by both parties to be elected. The poll was,

For Mr. Howard 61,
Mr. Thompſon 29,
The petitioner 40.

The petitioner inſiſted the bailiff had, without juſt cauſe, declared againſt 24 of his votes, and ſo Mr. Thompſon elected; and called,

Mr. Richard Bromhall, and others, who ſaid, they were at the election; and after all was polled, Sir Robert Clayton ſaid, he had queried, and found Mr. Evelyn had but 16 legal votes: that Mr. Evelyn offered to ſhew the titles of many of them, but Sir Robert ſaid his friends had not their titles, and that was not the proper place to determine that matter: that Mr. Howard, and the petitioner, ſat between the bailiff and Sir Robert Clayton: that Sir Robert aſked ſeveral voters if they had a burgage tenure; and if the bailiff ſaid, he did not know any particular voter, then Sir Robert ſaid, he was not found, and ſo he was put by: and afterwards Sir Robert bid the bailiff fill up the indenture with Mr. Howard's, and Mr. Thompſon's names, and ſaid he would ſtand by him; and if Mr. Evelyn petitioned, Sir John Thompſon's intereſt and his, would bring him off.

Richard Jewell, and others, ſaid the ſame, as to Mr. Evelyn's petitioning.

Mr. Bromfield ſaid, one Butterly was objected to when he voted for the petitioner; but when he offered for Mr. Thompſon, was allowed.

Then the petitioner proceeded to diſqualify ſeveral of the ſitting member's voters; and called,

Coleman and Jewell, who ſaid, they lived in the borough, and did not know that Thomas Firmin, Dean Monteth, John Kendrick, Anthony Keck, Samuel Naſh, William Lightfoot, John Wiſe, William Clayton, Samuel James, and Thomas Fowler, had burgage houſes to vote for; but Jewell ſaid they had voted formerly; but the report was, that Sir Robert Clayton had bought in their names; and he looked on them as truſtees for Sir Robert.

Charles Armet produced the will, whereby the eſtate, which Thomas Burton pretended to, was given to his ſiſter for her life: and William Ruſſel ſaid, ſhe was the reputed owner; and ſaid, William Wood, and John Saxby, voted for the ſame houſe.

For the ſitting member were called,

Mr. Bonwick and Mr. Kendrick, who ſaid, they were at the election, and ſaw nothing but what was fair: that the bailiff aſked the electors, as they came to poll, before they ſaid who they were for, where their freehold lay; but they refuſed to give account, and ſaid they would be allowed before the committee of elections: owned the petitioner did ſay, he had writings to make ſeveral of his voters good, but did not offer to produce them.

Mr. Kendrick ſaid, the voters excepted to had voted formerly; and that he himſelf had voted ſince 1682: that widow Palmer was his tenant, and the conſideration of his purchaſe was paid by Mr. Thomas Clayton: that he had not actually received rent, but Mr. Clayton was accountable to him for it: that Sir Robert Clayton kept all the deeds of all his eſtate, and he received this deed on the morning, of Sir Robert Clayton.

John Snolly, and others, ſaid, that one houſe has but one vote; but believes, there are now more votes than formerly.

Barton ſaid, he did not think there were 40 good votes in the borough: and Chapman ſaid there were 54 or 55 burgage houſes; that ſome had been built upon old burgage lands, which had votes.

Then proceeded to make good the votes excepted to.

Stephen Locker proved Firmin's deed, and was a witneſs to the written receipt, but ſaw no money paid, and that he lived with Sir Robert Clayton when the deed was executed.

Thomas Burton and Mr. Martingale ſaid, Mr. Dean Monteth had voted formerly two or three times; and Mr. Kendrick, Keck, Naſh, and Lightfoot, had alſo voted formerly.

Locker proved Mr. Lightfoot's deed.

Burton and Martingale ſaid, Mr. Wiſe, Mr. Clayton, Mr. James, and Mr. Burton, had voted before; and a fine was produced for Samuel James; and Wood, or Saxby, have one of them a vote.

Then proceeded to except to the petitioner's votes; and called Chapman and Beane, who ſaid, William Partridge kept the free ſchool, and voted for the ſchool houſe; which they did not know, had been done before.

Beane ſaid, Richard Wright owned that Mr. Evelyn would ſell him a piece of land to vote for him: and Wright ſaid, he bought a burgage houſe of Mr. Evelyn before the election, and paid five ſhillings in part.

Bonwick ſaid, that Peter Huſſey ſaid, the night before the election, if he had a vote, as he had not, he would give one vote for his father; but who he ſhould give the other for, he did not know.

Chapman and Martingale ſaid, that Robert Shallcroſs had no houſe to vote for, but voted for Bletchingly houſe, he had in right of his wife; and that John Ruſſell, William Ruſſel, John Liſe, John Symonds, Richard Hays, ſenior, Richard Wright, Richard Miles, Richard Dewy, James Samborn, John Hugget, Thomas Hugget, Michael Burgeſs, Robert Bricklove, John Bradſhaw, Thomas Northy, John Jewell, William Jewell, Richard Bromhall, Thomas Bromfield, and William Gregory, had no houſes to vote for; that they knew no Robert Allen, or Edward Haberfield: that John Gregory was dead.

To juſtify theſe was called,

Mr. Drake, who proved the deeds to John Ruſſell, and William Ruſſell; and that William Ruſſell had voted before. Deeds were dated 1678.

Ball proved a deed to Edward Haberfield, dated 1687: alſo another to Richard Bromhall, of the ſame date: alſo another to Thomas Bromfield, 1688; but this was objected to, becauſe part of a meſſuage: another, dated 1691, to Robert and John Jewell, of two meſſuages: and Richard Jewell proved ninety pounds conſideration money paid for it.

John Ruſſell proved Thomas Hugget's deed, and conſideration paid.

William Griſbrook ſaid, he gave his ſon, John Griſbrook, a burgage of forty ſhillings per year, and executed a conveyance for it.

John Ruſſell ſaid, the ſchool houſe had voted formerly.

Richard Jewell ſaid, Bletchingly-houſe is in the middle of the borough, and in the writings is reckoned two burgage tenures; and believes Cowper voted for it in King James's time.

Richard Hays ſaid, Richard Hays, ſenior, had an houſe in the borough, and paid twenty pounds for it; and ſold it to him the 20th of September, and votes for another himſelf. William Liſle proved the deed.

In reply, it was inſiſted by the ſitting member's counſel, that he had witneſſes to prove the exceptions to ſeveral votes endeavoured to be juſtified by the petitioner, and particularly to prove the deeds were ſome of them made in truſt: but the committee were of opinion, that this evidence ought to have been offered, when the objections were firſt made, and thereupon reſolved,

That Maurice Thompſon, eſquire, is not duly elected a burgeſs to ſerve in this preſent parliament for this borough.

That George Evelyn is duly elected a burgeſs to ſerve in this preſent parliament for this borough.

The firſt reſolution was read a ſecond time.

Reſolved, the conſideration of the merits of this election be recommitted.

Ordered, that the merits of this election be heard on Tueſday in the afternoon, by the committee.

Ordered, that the committee do hear the evidence on both ſides, not already heard.

13th. Ordered, the report be received on Tueſday next.

18th. Report made, that the committee had heard the evidence on both ſides, not before heard; and to anſwer Mr. Drake's evidence as to Ruſſell's conveyance, was called

Blake; who ſaid he lived in the houſe ſuppoſed to be John Ruſſell's, but paid the rent to his father till the Michaelmas half year, and ſaid John Ruſſell brought in Shaw before Michaelmas to repair his houſe, and had voted before.

Withers ſaid, he lived in William Ruſſell's houſe, but John Ruſſell received the rent in his own right, but owned William Ruſſell ſaid, four years ſince, the houſe was his.

As to Haberfield, Bennet the tenant ſaid, he paid the rent to ſquire Evelyn, and never heard Haberfield was his landlord.

Thomas Burton ſaid, the two meſſuages ſaid to belong to Richard Jewell, and John Jewell, it was formerly only one tenement; that as to Huggit's houſe, he never knew it vote before.

John Griſbrook was proved a minor by copy of the regiſter. William Miles and Gerard ſaid, Bletchingly-houſe was a cuſtomary houſe, and had no vote; nor did Cowper vote for it, but was turned back.

Thomas Burton ſaid, Richard Hays, junior, had but one houſe that formerly voted; that the houſe purchaſed by the men was upon the upland, and had no vote; but owned that Richard Hays, junior's, houſe had been made into two tenements 20 years, and though they were under one roof, had two doors into the ſtreet.

The petitioner called only John Ruſſell, ſenior, who ſaid: he had accounted for rent to William Ruſſell, his ſon; and both his ſons had voted many years, and five or ſix years for Sir Robert Clayton.

Then the former report was read,

And the queſtion put, that Maurice Thompſon, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for this borough, on a diviſion, it was reſolved in the affirmative.

Nov. 21, 1715. Ordered, a warrant for a new writ for electing a burgeſs for this borough, in the room of Thomas Onſlow, eſquire, made out ranger of his majeſty's foreſt of Windſor.

BODMIN.

Brady 45. Cart. 13 Ed. I. n. 9. by Inſpeximus. 2 Willis, p. 60.

THIS borough is ſituate in the county of Cornwall: was created a borough by charter of Richard Earl of Cornwall, which charter was recited and partly confirmed by King Edward I. It has returned members to parliament from the 23d of Edward I. as appears by Dr. Willis's liſt. Its preſent government, which was conſtituted by charter 15th James I. is by a mayor, and 36 burgeſſes. The memoirs relating to the elections I have met with, are as follow,

1661. In this parliament there were ſeveral returns for this borough, which came before the committee of privileges for to be conſidered; and

May 16th. Serjeant Charleton makes report, from the ſame committee, that Sir John Carew was returned in two ſingle indentures by the mayor; that Hender Roberts, eſquire, was returned likewiſe in two ſingle indentures, whereof one was by the mayor; that the ſaid Mr. Roberts, and Sir James Smith, returned by another indenture; and the ſaid Sir John Carew, and Barnard Greenville by another indenture: and the committee were of opinion, that Sir John Carew, and Mr. Roberts being only returned by the mayor, ſhould ſit, until the merits of the cauſe touching the election ſhould be determined.

This matter doth not appear to be heard after.

Jan. 17, 1706. A petition of Sir John Leak, knight, was read; ſhewing, that upon the death of John Hoblyn, eſquire, a burgeſs for this borough, a writ iſſued for electing a burgeſs in his room: that the election is in the magiſtrates, common council, and ſcot and lot men: that, at the election, the town clerk propoſed Thomas Hern, eſquire, for their burgeſs, and one of the magiſtrates propoſed the petitioner; and thereupon the town clerk called over the mayor's name, and his own, and the magiſtrates and common council, of whom Mr. Hern had a majority; and the town clerk directed the mayor to declare Mr. Hern elected, and immediately hurried out of the hall, without taking any votes of the ſcot and lot men, although they deſired to poll for the petitioner; yet their names, to the number of 80, were taken down; by whom, and the magiſtrates that voted for the petitioner, he had a great majority, and ought to have been returned; and to that end an indenture, ſubſcribed by the petitioner's voters, was tendered to the mayor, to be annexed to the precept; but he refuſed the ſame, and hath returned Mr. Hern, in wrong of the petitioner, and the antient rights of the ſaid borough: and praying &c.

Ordered, that it be referred to the committee of privileges and elections to examine the matter, and report it with their opinion.

Oct. 19, 1722. A petition of Robert Viſcount Moleſworth of the kingdom of Ireland, and Charles Legh, eſquire, was read; ſhewing, that at the election of members to ſerve in parliament for this borough, the petitioners and Iſaac Leheup, and Richard Weſt, eſquires, were candidates; the petitioners had a majority of legal votes, and ought to have been returned; but John Williams without any lawful authority, being poſſeſſed of the precept delivered him by Edward Hoblyn, eſquire, ſheriff of the county, did take upon him in an unwarrantable manner, to act as mayor; that Mr. William Philips, laſt legal mayor of this borough, took a regular poll, upon which, the numbers for the petitioners ſtood 93 each; and for the ſaid Mr. Leheup and Mr. Weſt 19 each; in purſuance thereof declared the petitioners duly elected, and drew up an indenture, and the town ſeal was affixed to it, which ſaid indenture was refuſed by the ſheriff: by theſe and many other unwarrantable practices of the ſaid Mr. Hoblyn and Mr. Williams, and their agents, returned the ſaid Mr. Leheup and Mr. Weſt to the great prejudice of the petitioners: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, and that they do examine the mater thereof, and report the ſame with their opinion.

A petition of William Philips of this borough, gentleman, was read; ſhewing, that Edward Hoblyn, eſquire, ſheriff of the ſaid county, did in an arbitary manner deliver the precept to one John Williams; although the petitioner before the delivery of the precept, to the ſaid Williams, made a demand thereof, as being the laſt legal mayor; yet the ſaid John Williams, notwithſtanding this and other cautions given him, did irregularly take upon him the office of mayor, and made a return of Iſaac Leheup, and Richard Weſt, eſquires: the petitioners notwithſtanding theſe unwarrantable practices of the ſaid Mr. Hoblyn, and Mr. Williams, attended at the uſual place of the election, where the petitioner proceeded after a regal manner to take the poll; upon which the ſaid Lord Moleſworth, and Mr. Legh had a very great majority, whereof the petitioner drew up an indenture, and tendered the ſame with the town ſeal affixed, to the ſaid ſheriff, which he refuſed, and returned the ſaid Mr. Leheup, and Mr. Weſt, to the prejudice of the ſaid petitioner, and the rights of the ſaid borough: and praying &c.

Ordered, that the ſaid petition be referred to the committee of privileges and elections, and that they do examine the matter thereof, and report the ſame with their opinion.

May 31, 1725. Ordered a warrant for a new writ for electing a burgeſs to ſerve in this preſent parliament for this borough, in the room of Richard Weſt, eſquire, made Lord Chancellor of Ireland.

BOROUGHBRIDGE.

THIS borough is ſituate in the county of York. Queen Mary firſt ſummoned it to ſend repreſentatives to parliament in 1553.

The memoirs relating to its elections I have met with, are what follow,

Jan. 7, 1673. A petition of the burgeſſes and boroughmen of this borough was preſented to the houſe, complaining of the undue return of Sir Henry Goodrick to ſerve in this preſent parliament for this borough, in prejudice of the petitioners.

Alſo, a petition of Sir James Long, baronet, complaining of the ſaid return in injury of the petitioner, who was duly elected, and ought to have been returned.

Ordered to be referred to the committee of privileges and elections to examine the matter, and report it with their opinion.

March 24, 1689. A petition of Sir Bryan Stapleton, baronet, was read; ſhewing, that he was duly elected for this borough by the majority of votes; yet Sir Chriſtopher Wandesford, baronet, the preſent high ſheriff hath returned Sir Chriſtopher Vane, as elected, in the place of the petitioner, by directing the precept to an illegal bailiff of the ſaid borough, who ſuffered many to poll who had no right ſo to do, and returned the indenture, although the majority of the legal voters proteſted againſt the ſame: praying the conſideration of the houſe.

Ordered, that the conſideration of it be referred to the committee of privileges and elections to examine the matter, and report it with their opinion.

Oct. 6, 1690. The ſame petition renewed, and referred in like manner.

Nov. 17th. Ordered, the report of the election for this borough to be received to-morrow morning.

18th. Mr. Grey reported, that on the behalf of the petitioner it was proved, that he had 37 voices, which was more than thoſe who voted for Mr. Vane; that, for the ſitting member, no poll was produced, but only the return:

Upon which the committee reſolved,

That Chriſtopher Vane, eſquire, is not duly elected a burgeſs to ſerve in this preſent parliament for this borough.

That Sir Bryan Stapleton is duly elected a burgeſs to ſerve in this preſent parliament for this borough: with which the houſe agreed, and ordered the clerk of the crown to attend the next morning to amend the return.

March 30, 1715. A petition of Sir Bryan Stapleton, baronet, was read; ſhewing, that at the election for this borough, Mr. Wilkinſon, and Mr. Steel, by threats, &c. have procured themſelves to be returned for the ſaid borough; and that by the aſſiſtance of a noble Earl, a peer of this kingdom, have much influenced the ſaid election; and that Mr. Charles Wilkinſon, agent for the ſaid Earl, has been guilty of irregular practices for the ſitting members, and in open court inſulted and threatned the petitioner's counſel; and that the bailiff arbitrarily rejected votes for the petitioner, and admitted others for the ſitting members, and other illegal practices were uſed by the bailiff; notwithſtanding the ſaid practices, the petitioner was duly elected by a legal majority, and ought to have been returned: and praying &c.

Ordered, that the ſaid petition be referred to the committee of privileges and elections, and that they do examine the matters thereof, and report the ſame with their opinion.

Jan. 22, 1717. Ordered a warrant for a new writ for electing a burgeſs for this borough, in the room of Thomas Wilkinſon, eſquire, made receiver of the duties upon houſes in Yorkſhire, Durham, &c.

Feb. 13th. A petition of John Stapleton, eſquire, was read; ſhewing, that at the laſt election of a burgeſs to ſerve in this preſent parliament for this borough, in the room of Thomas Wilkinſon, eſquire, who hath accepted the office of receiver general of the duties on houſes, for the counties of York, Durham, and Northumberland, Sir Wilfred Lawſon, baronet, and the petitioner were candidates; when the petitioner was duly elected to repreſent the ſaid borough, and ought to have been returned accordingly; but by the indirect and corrupt practices of the ſaid Sir Wilfred Lawſon, and his agents, particularly Mr. William Man, poſtmaſter of the ſaid borough, who took upon himſelf illegally to act as a bailiff thereof, he, the ſaid Sir Wilfred Lawſon, without being duly choſen, is returned inſtead of the petitioner: and praying &c.

Ordered, that the ſaid petition be referred to the committee of privileges and elections, and that they do examine the matter, and report the ſame: alſo

A petition of ſeveral boroughmen of the ſaid borough, whoſe names are thereunto ſubſcribed, was read; ſhewing, that a writ having lately iſſued for electing a burgeſs to ſerve in this preſent parliament for the ſaid borough, in the room of Thomas Wilkinſon, eſquire, whoſe election being void by his accepting the office of receiver general of the duties of houſes, for the counties of York, Durham, and Northumberland; Sir Wilfred Lawſon, baronet, and John Stapleton, eſquire, were candidates; and the ſaid Mr. Stapleton was then duly elected, by a majority of voters qualified to vote: notwithſtanding which, one Mr. William Man, poſtmaſter of the ſaid borough, under colour of being bailiff; to which office he was not duly elected; having got poſſeſſion of the ſheriff's precept, proceeded in an undue and irregular manner to the ſaid election; and has returned the ſaid Sir Wilfred Lawſon, though not duly elected, to the ſheriff, who hath made a return of him accordingly, to the manifeſt wrong and prejudice of the ſaid Mr. Stapleton, and the ſaid borough: and praying &c.

Ordered to be referred to the committee of privileges and elections to examine, and report the matter thereof with their opinion.

June 11, 1720. Ordered a warrant for a new writ, for electing a burgeſs for this borough, in the room of Sir Wilfrid Lawſon, baronet, made one of the grooms of his Majeſty's bed-chamber.

BOSSINNEY, TRIVENA, or TINTAGELL.

Willis's Notitia, 1749. 11.

THIS borough is ſituated in the county of Cornwall, and was antiently made a borough by Richard Earl of Cornwall, in Henry the third's time; but was never repreſented in parliament until King Edward the ſixth's time. The memoirs I have met with of its elections are as follow.

Nov. 14, 1640. There were ſeveral returns for this borough, which came before the committee of privileges and elections: and Mr. Maynard reported from the committee, that there were ſeveral indentures returned for burgeſſes for this borough; the one returned by Mr. Coryton, the mayor of this town, and the other indentures returned promiſcuouſly. The committee are of opinion, that Sir Charles Herbert, who is returned by the mayor, upon view of the bare return is well returned; but declared by the houſe,—Sir Charles Herbert not to ſit in the houſe till the election be decided. Mr. Corryton, and alſo Sir Richard Butler, are commanded to withdraw.

Dec. 7. Reſolved, upon the queſtion, that the election of the burgeſſes for Boſſinney is void; and that a warrant do iſſue, under Mr. Speaker's hand, directed to the clerk of the Crown in Chancery, for a new writ, for electing of two burgeſſes for this town.

Jan. 12. The caſe of Boſſinney, and every circumſtance of it, is referred to the committee for privileges; becauſe it was adjudged it would be determined upon the bare view of the indentures, it was moved it might be forthwith conſidered of.

Reſolved, upon the queſtion, that Sir Chriſtopher Yelverton ſhall forbear to ſit as member of this houſe, till his election be determined.

15th. The buſineſs, concerning the election for this borough, to ſtand as it does, till after Thurſday next; at which time, the committee of privileges is to enter into the conſideration of it.

Feb. 15. Reſolved, upon the queſtion, that Sir Chriſtopher Yelverton ſhall not ſit as a member for this town, upon this return.

Reſolved, upon the queſtion, that the election for this town is totally void; and that a warrant iſſue, under Mr. Speaker's hand, directed to the clerk of the Crown in Chancery, for a new writ.

And the houſe doth farther declare, that they think it fit, in this caſe, that there be ſix days notice given to the electors, after ſuch time as the precept comes to the officer of the town's hands, before they proceed to the election——

May 16, 1661. Serjeant Charleton reported from the committee, touching the ſeveral returns for this borough, that Robert Roberts, and Richard Rowſe, eſquires, are returned in two ſeveral indentures; and Anthony Buller, eſquire, by the burgeſſes, in another indenture; and the opinion of the committee that Mr. Roberts, and Mr. Rowſe, ought to ſit, until the cauſe, touching the ſaid election, be determined; which was agreed to by the houſe.

No report, or any farther proceedings appear.

June 1, 1685. A petitition of Richard Duck, eſquire, concerning the election for this borough, was read.

Ordered to be referred to the committee of privileges and elections to examine, and report the ſame with their opinion. No report appears.

Feb. 14, 1700. A petition of John Manley, eſquire, was read; ſetting forth, that the petitioner was duly elected, and ought to have been returned a burgeſs, to ſerve in this preſent parliament, for this borough; but John Tregagle, eſquire, ſet up one Nathan Williams, as mayor, in oppoſition to Mr. William Taylor, the lawful, and ſworn mayor, and poſſeſſed of the borough's common ſeal and mace; and procured the ſheriff's precept to be delivered to Williams, who proceeded to election thereupon, though not the proper officer; and Mr. Tregagle, by entertainments, bribes, and other undue means, gained the ſaid Williams, and others, to vote for him; and Williams, who refuſed many good votes for the petitioner, had unjuſtly returned Mr. Tregagle, in wrong to the ſaid borough, and the petitioner: and that, by the like ill practices, Mr. Tregagle procured himſelf to be choſen the laſt parliament, by bribery out of his Majeſty's revenue of the dutchy of Cornwall; whereof he is receiver, as the petitioner hath diſcovered ſince the riſing of the laſt ſeſſions; and hopes to prove, if the houſe will hear the ſame.

Ordered to be referred to the conſideration of the committee of privileges and elections to examine, and report the matter with their opinion.

June 11, 1720. Ordered a warrant for a new writ, for electing a burgeſs for this borough, in the room of Henry Cartwright, made commiſſioner of the victualling office.

BOSTON.

Willis, 1749. 3

Prynn's Regiſter, 4. IV. p. 922.

THIS borough is ſituate in the county of Lincoln; and Mr. Willis writes, ſent to three councils, in 11, 26, and 27 of Edward the third; and with him Mr. Prynn ſeems to agree: which latter writes; the writs 26 and 27 Edw. III. (which are all he takes notice of) were directed *Ballivis villæ de Sancto Botho*, not to the ſheriff of the county, to elect, *de quolibet burgo duos burgenſes, &c.* as writs of ſummons to parliament were: and the firſt was only, *pro uno burgenſe*; the ſecond, *pro duobus burgenſibus, ad dictum conſilium* (not *parliamentum) apud Weſtmonaſterium mittend.* to ſettle the ſtaple; there being only one knight elected, and ſent out of each county, as the writs and retorns of them do atteſt; and theſe only out of particular counties and towns, ſeveral counties not having any writs for this purpoſe: though he writes, the contrary has been averred againſt, not only the words of the writs and retorns themſelves, but alſo of the printed prologue to the ſtatute of the ſtaple 27 Edw. III, which ſtiles it, *our grand council at Weſtminſter*; as doth the ordinance of the fees of the mayor and conſtable of the ſtaple, made the next parliament, in theſe words: "Item, it is accorded and eſtabliſhed, that "all the ordinances *made in the great council, held* "*at Weſtminſter*, the Monday next after the feaſt "of St. Matthew the Apoſtle laſt paſt; together "with certain declarations and additions *made in* "*this preſent parliament* (purpoſely ſummoned to "confirm theſe ordinances)." Dr. Brady has ſet out the writ of the 27th in part, wherein they are called *Burgenſes ad tractandum, conſulendum, et conſentiendum his quæ tunc (Divina favente clementia) de communi conſilio contigerit ordinari*, &c. But it never ſent members to parliament, until Edward the ſixth's time. It was incorporated in the laſt year of King Henry the eighth, made a free borough, and had this privilege granted. The conteſts and reſolutions concerning the elections, I have met with, here follow.

1628. Mr. Bellingham, the recorder, and Mr. Okely, were returned; but Sir Anthony Irby petitioned againſt Mr. Okely, and it was referred to the committee of privileges.

May 8. Mr. Hackwill reporteth from the committee of privileges, the caſe of this borough. Mr. Bellingham, the recorder, and Mr. Okely, choſen.

The queſtion; whether a ſelect number, or the commonalty, were to chuſe. Sir Anthony Irby choſen by a majority of voices of the commonalty, and fourteen of the ſelect number.

Agreed by the committee, that the election of burgeſſes, in all boroughs, did, of right, belong to the commoners; and that nothing could take it from them but a preſcription, and a conſtant uſage beyond all memory.

1. Upon the queſtion, the right of election for burgeſſes, to ſerve in parliament for this borough, reſteth in the commonalty, and not in the mayor, aldermen, and common council.

2. Upon the queſtion, Mr. Okely not duly elected, or returned.

3. Sir Anthony Irby duly elected, and ought to be returned.

That the mayor of Boſton ſhall be ſent for, to put out Mr. Okeleye's name, and put in Sir Anthony Irbye's.

May 16, 1661. Serjeant Charleton reported, touching the double return for this borough, that Robert Lord Willoughby of Eriſby, and Sir Anthony Irby, knight, were returned by one indenture by the mayor; and Robert Lord Willoughby, of Eriſby, and Thomas Thory, eſquire, by another indenture, by the burgeſſes: and the opinion of the committee, that Sir Anthony Irby do ſit in the houſe, till the merits of the cauſe be determined: to which the houſe agreed.

This doth not appear ever to have been farther conſidered in this ſeſſions: but it came again before the committee, and was heard after, viz.

April 30, 1662. Ordered, the report of the election for the town of Boſton be heard on Tueſday next.

May 6. Ordered, that the matter touching the election for the town of Boſton, between Sir Anthony Irby, and Major Thory, be heard to-morrow morning: but it was not then heard, nor any mention made thereof until

May 15, 1663. Serjeant Charleton reported from the committee, touching the election for this borough, between Sir Anthony Irby, and Major Thory; that the opinion of the committee was, that the inhabitants, if they were not freemen, had not voices in the election; and that Sir Anthony Irby was duly elected: to which the houſe agreed.

Jan. 14, 1711. A petition of the honourable Philip Bertie, eſquire, was read: ſhewing, that at the late election of a burgeſs, to ſerve in this preſent parliament, for this borough, in the room of the petitioner's brother, deceaſed, one William Coatſworth did, by himſelf and agents, procure a great number of the poorer ſort of voters, by bribery, treating, and other illegal practices; and by threats, and otherwiſe, kept others from voting for the petitioner; and, by theſe means, was returned a burgeſs for this borough, notwithſtanding the petitioner had a majority of good votes, and ought to have been returned accordingly: and praying &c.

Ordered, that it be referred to the committee of privileges and elections to examine the matter, and report it with their opinion.

March 15. Ordered, that it be reported on Thurſday morning next.

20th. Mr. Freeman reported the matter, viz. that the right of election was agreed to be in the mayor, aldermen, common council, and freemen of the borough. The queſtion was; whether it is neceſſary, the freemen ſhould be reſident, and pay ſcot and lot? In the charter of this borough, granted 37 Hen. VIII, are theſe clauſes.—"*Quod nullus habeat, gaudeat, ſive utatur, libertatibus ejuſdem burgi, niſi ſit inhabitan. aut reſiden. infra limit. prædict. burgi, et quod de tempore in tempus ſolvet ſcott', lott', taxas, et omnimod. et ſingula alia onera, ut cæteri burgenſes dicti burgi facient, ac tenentur facere, niſi ſit licentiat. pro cauſis et conſiderationibus rationalibus inhabitare ſe extra burgum illum per literas patentes, ſub ſigillo communi dicti burgi, aſſenſu et conſenſu majoris, et aldermannor. et communis concilii* [*vel majoris partis eorundem aldermannor. et com. concil.*] *pro tempore exiſtent:—Et alterius, quod omnes et ſinguli in libertat. dicti burgi exiſten', aut impoſterum exiſten. et libertat. et liberis conſuetudinibus ejuſdem burgi gaudere volentis, eſſent de cætero in lottis et ſcottis participes omnium onerum pro ſtatu et libert. burgi ejuſdem manu tenend. juxta ſacr. quæ fecerunt, vel impoſterum fecerint, quando ad libertat. burgi illius admiſſi eſſent vel exiſten. et qui hoc facere recuſarent, ſive nollent, libertatem ejuſdem burgi amittent.*"

The ſitting member's counſel inſiſted, that reſidency, or paying ſcot and lot, was not neceſſary; and read the following reſolutions of the houſe of commons in two controverted elections for this borough: one, between Sir Anthony Irby, and Mr. Okely; and the other, between Sir Anthony Irby, and Major Thory; viz.

"May 8, 4 Car. I. 1628: It was agreed by the committee, that the election of burgeſſes in all boroughs did, of common right, belong to the commoners; and that nothing could take it from them, but a preſcription, and conſtant uſage, beyond all memory, to the contrary: and thereupon, upon the queſtion, it was reſolved;

The right of election for burgeſſes, to ſerve in parliament, for this borough, reſteth in the commonalty, and not in the mayor, aldermen, and common council."

"May 15, 15 Car. II: The opinion of the committee was, that the inhabitants, if they were not freemen, had not voices in the election; and that Sir Anthony Irby was duly elected: and the houſe reſolved to agree with the committee, that Sir Anthony Irby was duly elected, and ought to ſit."

1. That the committee reſolved, that it is the opinion of this committee, that the right of election of members, to ſerve in parliament, for this borough, is only in the mayor, aldermen, and com-

mon council, and freemen, reſident in the ſaid borough, and paying ſcot and lot. The poll was—125 for Mr. Coatſworth—60 for Mr. Bertie. That Mr. Bertie excepted to 84 of Mr. Coatſworth's voters: it appeared, 46 of theſe did not pay ſcot and lot; and two were made free after the teſte of the writ: of the other 36, four were excepted to, as being bribed; 27 treated; and five for bribing, and treating others. And there was called,

Abbot, who ſaid, Timothy Jenkinſon hired about 50 or 60 poor voters, to meet Mr. Coatſworth out of town, and treated them there: that Clarkſon paid fifty ſhillings to get James Jenkinſon, and Joſeph Thorold, out of priſon; and aſked their votes for Mr. Coatſworth: and Coxon ſaid, he was releaſed out of priſon to vote for him, and that he would not vote without money: that Bartholomew Barlow paid a debt of thirty ſhillings, owing by John Weſtern, for his vote for the ſitting member:—that eighteen other freemen were entertained at publick houſes in the town, and they called themſelves Mr. Coatſworth's men; but the witneſs could not ſay who paid the reckoning:—that he ſaw freemen ſeveral times at the houſes of John Dabney, Samuel Leach, Peter Dixon, Iſaac Brown, and Thomas Barwell: that Barwell told him, his bill was fifty ſhillings; and that Barlow bid him let the freemen go on; and he ſhould be paid when the forty days were expired:—that Tinſley owned, he let the freemen have drink at his houſe, from the time Mr. Coatſworth came down, till the election:—that William Turner's wife told the witneſs, between three and four pounds were ſpent at her houſe upon freemen, upon Mr. Coatſworth's account; and that Barlow, upon the election day, and before, bid her let the freemen have what they would, and he would ſee her paid:—that Charles Weldale's wife ſaid, Barlow brought the freemen to her houſe; her bill was ſix pounds, odd money; and Barlow bid her make it ſeven pounds, and he would pay it:—that Stephen Thompſon told the witneſs, his bill was ſeven pounds: that Barlow reduced it to 6 l. 16 s. 6 d. and a Grimſby man told him, he ſhould not be paid, unleſs he voted for Mr. Coatſworth; and Thompſon told him, that on Tueſday before the election, Mr. Coatſworth came to him for his vote, and promiſed to help him to ſhipping work, and to lend him forty pounds before hand:—that Mr. Coatſworth was not known in town, till he came: upon his coming, he petitioned for his freedom; that it is uſual, on ſuch occaſions, to make an entertainment, but the precept being come down, he told the corporation, his hands were tied; but that he had brought down his bankers, Mr. William and John Braſſey, two goldſmiths in London, that would do it for him:—that there was afterwards in the town a great plenty of a new liquor, they never had there before, called *whiſtle jacket*, brought from Grimſby by the carrier, and was made up of brandy and treacle; and that they had ſo much of Queen Anne's money, that there was not a poor fellow in the town, but had twenty ſhillings of it; and they ſaid it was Coatſworth's money, and that the Braſſeys brought it; but the witneſs neither ſaw any of it given, or knew who gave it.—The witneſs further ſaid, that, after Mr. Peregrine Bertie's death, he did, by the Lord Great Chamberlain's order, upon Mr. Bertie's account, entertain the voters at ſeveral houſes; but that nothing was ſpent, after any competitor appeared, nor after the teſte of the writ.—Wood ſaid, Thompſon's wife told him, Clarkſon treated ſeveral freemen at her houſe, and ſollicited their votes for Mr. Coatſworth: that Clarkſon paid twenty ſhillings of her bill; another of Grimſby paid twenty more; and Mr. Barlow promiſed to pay the remainder, which was 6 l. 16 s. 6 d.—That Berry Tinneſley, who voted for Mr. Coatſworth, ſaid, there were nine or ten pounds expended at his houſe, but did not ſay, who was to pay it:—that Baldwin and Thorold, the night before the election, treated at Eaſtwood junior's, who voted for Mr. Coatſworth, and engaged for the payment:—that Paddiſon, one of the 46, who did not pay ſcot and lot, told him, Braſſey gave him five ſhillings in new money; and Barlow promiſed twenty ſhillings more for his vote for Mr. Coatſworth.—

Atkin ſaid, the Braſſeys gave the ringers three guineas; the petitioner's friends gave them one; moſt of the ringers voted for Mr. Coatſworth; the Braſſeys ſollicited votes for him, and paid two ſhillings at an alehouſe, when the reckoning was only one ſhilling.

Burwell ſaid, Barlow (who was agent for Mr. Coatſworth) bid him draw drink for any body that deſired it, and he would be paid; his bill came to four pounds; and Barlow has ſince refuſed to pay it: that Abbot (an agent for the petitioner) paid him forty ſhillings, for drink given among the freemen ſince Mr. Peregrine Bertie died.

That Mr. Coatſworth excepted to 22 of the petitioner's voters; and it was admitted by his counſel, that 17 of thoſe did not pay ſcot and lot. The other five were excepted to, three for being treated, and two for treating: and called

Bayley, who ſaid, when Mr. Coatſworth had polled 125, Lord Willoughby declared they would poll no more; it was not recoverable; and wiſhed Mr. Coatſworth joy of the election: and Bates told him, Abbot beſpoke a treat at his houſe, and paid the bill, ſix pounds, ten ſhillings, and 70 perſons were there: that there was abundance of freemen treated at a veniſon feaſt at Martyn's, after Mr. Peregrine Bertie's death, and before Mr. Coatſworth came down.

Leach ſaid, after Mr. Peregrine Bertie's death, Abbot expended forty ſhillings at his houſe on 30 or 40 freemen, and aſked their votes for the petitioner; there was then a talk of oppoſition, but it was not known by whom.

Kidd ſaid, after Mr. Peregrine Bertie's death, Abbot told him, the Lord Great Chamberlain had a mind to treat ſome friends, to promote the petitioner's intereſt, who had a mind to be a candidate for the town:—that he and Abbot ſollicited votes for Mr. Bertie, and agreed on ſix houſes, at each of which forty ſhillings ſhould be expended: Abbot after paid the bills, ſome of which were 45, others 40 ſhillings each; and ſaid it was by the Lord Great Chamberlain's order, who was recorder of the town:—that the poll was cloſed by conſent; Mr. Coatſworth having polled 125, and Mr. Bertie 50, out of 200, which was computed to be the number of voters in the town:—that there was a town talk, Mr. York would oppoſe the petitioner: that moſt of the freemen were treated promiſcuouſly, but when Mr Coatſworth came, they ſuddenly changed to him: that the witneſs ſaid, he had reaſon to believe, Mr. Coatſworth had infatuated them with love-powder; though he could not tell the mineral, whereof it was made.

Copin ſaid, Kid and another treated him at an alehouſe, and ſaid, they were to treat as far as forty ſhillings for Mr. Bertie's men: there was no oppoſition at this time.

That the committee upon this did reſolve,

2. That William Coatſworth, eſquire, is not duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

3. That the honourable Philip Bertie, eſquire, is duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

The two firſt reſolutions, being twice read, were agreed unto by the houſe.

The third reſolution being read once, upon a ſecond reading, the reſolution of the 8th of December, relating to the lords of parliament, and lords lieutenants of counties, concerning themſelves in elections of members to ſerve for the commons in parliament; and alſo an act of the 7th and 8th years of his late majeſty's reign, intitled, An act for preventing charge and expence in the elections of members to ſerve in parliament, were read: and a motion was made, and the queſtion put, to agree to the ſaid third reſolution—It was diſagreed to.

Reſolved, the late election for this borough is a void election.

April 17, 1712. A petition of the honourable Philip Bertie, was read; ſhewing, that on the 2d of April, 1712, came on the election of a burgeſs, to ſerve in parliament for this borough, in the room of the right honourable Peregrine Bertie, eſquire, the petitioner's brother, deceaſed; where the petitioner, and one Mr. Coatſworth were candidates: that, by bribery and other undue practices, the ſaid Mr. Coatſworth procured himſelf to be elected and returned a burgeſs for this borough, to the apparent wrong of the petitioner: and praying &c.

Ordered, that the petition be referred to the committee of privileges to examine, and report the matter with their opinion.

May 31ſt. Ordered, that it be reported on Tueſday.

June 3d. Mr. Freeman reported the matter upon the ſaid petition—That the right of election was agreed to be in the mayor, aldermen, common council and freemen of the borough, reſident in the ſaid borough, paying ſcot and lot. The poll was — for Mr. Coatſworth 80 — for Mr. Bertie 60. That the petitioner's counſel examined witneſſes, to prove ill practices on behalf of Mr. Coatſworth: and to take off 16 from his poll, and called

Cheyney, who ſaid, Anthony Eaſtwood, junior, and ſeven others named by him, are charged to the church and poor, and have been ſo for three years paſt, but were not able to pay; and they never did pay, except for 1711, and then only two or three days before the election; and two others, Edward Claxton, and Anthony Eaſtwood, ſenior, are not charged.

John Weſtern ſaid, he voted for Mr. Coatſworth, to oblige his mother-in-law, who maintained him, and had money owing on account of Mr. Coatſworth's laſt election, which would otherwiſe have been loſt.

Cheyney ſaid, Darnell told him, that, for his voting for Mr. Coatſworth, Clarkſon his agent (on the morning of the election) cleared him from a bond to pay 12 l. yearly, to ſatisfy a debt he owed his mother-in-law, or he would have voted for Mr. Bertie.

Ellis ſaid, he voted for Mr. Coatſworth, becauſe Clarkſon promiſed to make ſatisfaction for his mare's being hurt in going to London, on the laſt diſputed election.

Whaddon ſaid, the night before the election, Adams ſaid, he muſt vote for Mr. Coatſworth, in order to get ten pounds expended for him on the former election, which he ſhould otherwiſe not know how to get paid.

Wood ſaid, that Bonner ſaid, he voted for Mr. Coatſworth, to get fifteen pounds owing him on the ſame account, which he ſhould otherwiſe loſe.

Cheyney Hallam ſaid, that Clark ſaid, he voted for Mr. Coatſworth, in order to get ſeven pounds owing to his daughter-in-law, on the ſame account.

For Mr. Coatſworth, it was inſiſted, the petitioner had not invalidated the election—And called

Kidd, who produced the rate for 1711, wherein Claxton is rated.—The committee reſolved thereupon,

That William Coatſworth, eſquire, is not duly elected a burgeſs, to ſerve in this preſent parliament, for this borough.

That the honourable Philip Bertie, eſquire, is not duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

The ſaid reſolutions were read twice, and the firſt diſagreed to by the houſe.

Mar. 3, 1713. A petition of William Coatſworth, eſquire, was read; ſhewing, that Richard Wynn, and Henry Heron, and the petitioner, were candidates at the election of burgeſſes for this borough; that ſeveral were admitted to vote for Mr. Heron, and Mr. Wynn, who had no right; and the ſaid Mr. Wynn, and Mr. Heron, by themſelves and their agents, and particularly one Mr. Pacey, were guilty of bribery and other undue practices; by which the ſaid Mr. Wynn, and Mr. Heron have procured themſelves to be elected, in wrong of the petitioner, who ought to have been returned: and praying &c.

Ordered, that it be referred to the committe of privileges and elections to examine the matter, and report the ſame with their opinion.

April 1, 1714. Ordered, that Mr. Coatſworth have leave to withdraw his petition.

Dec. 22, 1719. A petition of Sir William Maſſingberd, baronet, was read; ſhewing, that at the laſt election of a burgeſs to ſerve in parliament for this borough, in the room of Richard Wynn, eſquire, deceaſed, the petitioner, and Richard Ellis, eſquire, were candidates: that by bribery, and other unwarrantable practices, the ſaid Mr. Ellis procured himſelf to be returned a burgeſs for this borough, in prejudice to the petitioner; although the petitioner was duly elected by a majority of good voters, and therefore ought to have been returned: and praying &c.

Ordered, that it be referred to the committee of privileges and elections to examine the matter, and report the ſame with their opinion.

Feb. 29th. Ordered, that the report be received on Wedneſday.

Mar. 2d. Mr. Hampden, acording to order, reported the matter upon the ſaid petition.

That the committee have examined the election, and the poll was for the petitioner 81, for Mr. Ellis 60.

For the petitioner it was inſiſted, that the right of election was only in the mayor, aldermen, common council, and freemen of the borough, reſident in the borough, and paying ſcot and lot; and produced a reſolution of this houſe March 20, 1711, to that purpoſe.

For the ſitting member it was inſiſted, that none have a right to vote as freemen, but ſuch as claim freedom by birth or ſervitude; and that it was neceſſary to have the reſolution explained, becauſe of a late practice in the borough of admitting freemen for leſs fines than formerly, in order to govern the next election:

To prove this they called John Nettleton, who ſaid, that before this election the uſual fine for freedom was from ten pounds to twenty pounds, and none were admitted under; but that ſince this election, the fine has been reduced to five pounds, for which ſum ſeveral have been admitted with a view to carry the next election.

The committee reſolved,

That the right of election of members to ſerve in parliament for this borough, is only in the mayor, aldermen, common council, and freemen of the ſaid borough, reſident in the ſaid borough, and who pay ſcot and lot; ſuch freemen claiming their freedom by birth or ſervitude.

The petitioner's counſel objected to bribery:—— To prove which, and to diſqualiſy ten voters on that head; they called Samuel Mowbray: who ſaid, he had 15 pounds given him by John Nettleton, and John Gardiner for his vote, for which he gave a vote; and ſaid he believed he ſhould have voted for the petitioner if he had had no money.

But being after aſked, whether no other perſon had given or offered him any money to vote in the election, he refuſed to anſwer their queſtion.

Thomas Barker ſaid, that ſince the election John Grant told, Mr. Ellis gave him two guineas before the election, and aſked his vote; and for ſome time before the election, he was confined at Sir William Ellis's houſe, in order to his voting for Mr. Ellis.

Daniel Coppin, who voted for Mr. Ellis, ſaid, that ſince the election he heard John Harker own that before the election, he had ten pounds given him to note, by Charles Twells, who aſked votes for Mr. Ellis: and he ſaw Mr. Beaumont (who was an agent for Mr. Ellis) give ten pounds to Richard Brown for his vote.

John Hamerton ſaid, John Ayſcough owned he had ten pounds given him by Charles Twells to vote for Mr. Ellis.

Mr. Broughton ſaid, that Mrs. Preſton, who aſked votes for Mr. Ellis, gave him ten guineas to vote for him: and that Mr. Ellis, the day before the election, gave him five guineas for his vote; and three guineas more the day after the election.

Daniel Jennings ſaid, Edward Claxton, ſhoemaker, told him he had ſold a pair of ſhoes for a guinea to Mr. Ellis, about a week or fortnight before the election; and that Henry Seſſon ſaid, he had ſold one or two pair of ſhoes for a guinea, to Mr. Ellis: and the witneſs ſaid they might be worth ſix or ſeven ſhillings each pair.

William Pepper, and Thomas Capps ſeverally ſaid, that Mr. Garner, Mr. Ellis's ſteward, gave them 20 l. each for their votes.

The counſel for Mr. Ellis inſiſted, he had a majority, notwithſtanding any evidence given by the petitioner, and objected bribery to the petitioner, and called

William Wright: who ſaid, that Thomas Duckering, who voted for the petitioner owned he had forty guineas for his vote, and his wife had ſeven guineas more; and owned to the witneſs he ſhould have as much if he would vote for the petitioner.

To invalidate this, Duckering was called, who ſaid, Wright owned to him he had five guineas from Mr. Ellis, and ſix guineas from his friend: which ſix guineas Wright owned to have received of Mr. Nettleton, but ſaid he repaid them.

Burrell ſaid, Robert Darnell, who voted for the petitioner, owned he had 40 l. given him to vote, by the petitioner's friend.

Richard Brown ſaid, that Samuel Abbott gave him ten guineas before the election, to vote for the petitioner.

Chriſtopher Wyles ſaid, that Mr. Abbott aſked votes for the petitioner, and gave the witneſs fifteen guineas to vote for him.

Bartholomew Barlow ſaid, that Samuel Mowbray owned to him that he had received 12 guineas of the petitioner for his vote, which he ſaid he carried back after the election; and that he heard ſome of the petitioner's agents declare, they would give 30 or 40 guineas a piece for votes to carry the election; that if ſwearing or lying would do, they would not loſe the cauſe; and that they never loſt any cauſe for want of either.

Robert Tunnard ſaid, he was preſent when it was agreed by the petitioner's agents, that Charles Cheyney ſhould have twenty pounds to vote for the petitioner, and they gave him five guineas in part thereof; but he died before the election.

Mr. Nathanael Hill ſaid, that Mr. Ellis's votes were obſtructed, and met with great difficulties to get to the poll, which the petitioner's voters had not; and Mr. Ellis himſelf was inſulted by an out town mob in favour of the petitioner; which mob was compoſed of prieſts and papiſts, and diſaffected perſons to the government; and ſaid, he believed if Mr. Ellis had been as zealouſly affected to the pretender, as he is to his preſent Majeſty King George, he would not have met with ſuch inſults or difficulties.

The committee reſolved,

That Richard Ellis, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for this borough.

Both reſolutions being twice read, were agreed to by the houſe.

Oct. 18, 1722. A petition of William Thornton, eſquire, was read; ſhewing, that at the laſt election of members to ſerve in parliament for this borough, Richard Ellis, eſquire, Henry Pacey, eſquire, and the petitioner were candidates: that George Cuthbert, mayor of the ſaid, borough behaved himſelf very partially in favour of the ſaid Mr. Pacey, and admitted ſeveral perſons to poll for him who had no legal right to vote; but, by bribery and many other corrupt practices made uſe of in behalf of the ſaid Mr. Pacey —— and was returned, although not duly elected, to the prejudice of the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections to examine the matter, and report the ſame with their opinion.

Jan. 15, 1723. A petition of the ſaid William Thornton, to the ſame effect, was again read, and referred as before.

BRACKLEY.

THIS borough is in the county of Northampton. It never ſent members to parliament untill the firſt year of King Edward the ſixth, as Dr. Willis writes. The conteſts in parliament in regard to its right of election which I have met with, are as follow. Willis, 1749,

May 17, 1661. Serjeant Charleton reports from the committee of privileges and elections, touching the double return for this borough, that Sir William Farmer, knight, deceaſed, and Robert Spencer, eſquire, were returned by one indenture by the mayor; and Sir Thomas Crew by another indenture, by the burgeſſes; and that the committee are of opinion, Mr. Spencer being returned by the proper officers, ſhould ſit, until the merits of the cauſe, touching the ſaid election, be determined: to which the houſe agreed.

July 9, 1661. Ordered, that the petition of Sir Thomas Crew, touching his election for this borough, be referred to the committee of privileges and elections to conſider the ſame.

18th. Serjeant Charleton reports from the committe of privileges and elections, touching the election for this borough; that Sir Thomas Crew is duly elected, and ought to ſit in the houſe: to which the houſe agreed.

Ordered, the mayor of Brackley, and the clerk of the crown, or his deputy, do attend this houſe to-morrow at 8 o'clock, to amend the return of the ſaid town.

Dec. 17, 1698. A petition of Harry Mordaunt, eſquire, was read; ſetting forth, that, at the late election of burgeſſes to ſerve in parliament for this borough, the petitioner, Charles Egerton, eſquire, and Sir John Aubrey, were candidates: that Sir John Aubrey, by contracts, bribes, and other illegal practices, hath procured himſelf to be returned to ſerve for the ſaid borough, in wrong of the petitioner: and praying &c.

Ordered it be referred to the committee of privileges and elections to examine, and report the matter with their opinion.

This petition was never heard.

Dec. 1, 1710. A petition of John Burgh, eſquire, was read; ſhewing, that at the election of burgeſſes to ſerve in parliament for this borough, the petitioner, and Charles Egerton, and William Egerton, eſquires, were candidates; and the petitioner, and William Egerton, were duly choſen, and ought to have been returned; but one William Thonger, having by indirect practices gotten the precept, gave it to Richard Watts, who was not the legal mayor of the ſaid borough; yet Francis Neal, the ſteward of the ſaid borough, ſwore him as ſuch, and refuſed to ſwear Mr. William Maſon, who was duly elected mayor on the 2d of October laſt; and Watts taking upon him the execution of the precept, and by bribery and other undue practices of the ſaid Charles Egerton, Watts, Neal, and other agents, the ſaid Charles Egerton hath procured himſelf to be returned, with the ſaid William Egerton, in wrong of the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections to examine, and report the matter with their opinion.

Jan. 22d. Ordered, that the report be made on Thurſday next.

25th. Ordered, that the report be made on Saturday next.

27th. Mr. Freeman reported the matter, viz. that the right of election was agreed to be in the mayor, aldermen, and burgeſſes, in number 33. The poll was, for Mr. Egerton 17——for Mr. Burgh 16—To add Edward Butler to the petitioner's poll, Welſhman ſaid, Butler is owned by the corporation to be a burgeſs; and in 1684, ſigned a return to parliament; has often claimed to vote, and now offered to poll for the petitioner; but Mr. Neal, the ſteward, refuſed him.

To take 8 from Mr. Egerton's poll for bribery; Welſhman ſaid, John Watts, and his two ſons declared, they would have voted for Mr. Burgh, but Lord Wharton had engaged them, on payment of 600 l. debt, which had been twenty years owing to Watts.

That it was admitted, Howes was made free after the teſte of the writ.

John Egerton ſaid, Waſhborne being in gaol for debt in Auguſt laſt, Mr. Macaſcree paid ten pounds charges for his diſcharge. Hall and Frewen ſaid, that Thonger (who is bailiff of the hundred) declared, he would vote for Mr. Burgh, unleſs Lord Bridgewater would pay him four years ſalary.—Loveday ſaid, Tims (who is woodward to the Earl of Bridgewater, at forty ſhillings yearly) told him . . . . . ſalary was doubled, a week before the election, by Mr. Macaſcree, the ſteward.

Welſhman ſaid, Hilton told him, that Neal, juſt before the election, promiſed he ſhould hear no more of a debt of ten pounds he was arreſted for.

For Mr. Egerton:——Butcher ſaid, that Butler went from the town twenty years ago, and has not voted ſince; but has claimed.

As to bribery, Thomas Durrant ſaid, he had been offered ten guineas by Mr. Price, and five pounds by Mr. Frewen, for his vote for a common council, and for Mr. Burgh; but that he refuſed both, and voted for Mr. Egerton.

Elizabeth Watts ſaid, after the writs were out, Mr. Frewen offered a treat at her houſe, or any thing elſe, if her huſband would vote for Mr. Burgh; and three weeks before the election, Welſhman offered Hilton to pay a debt of eight pounds, if he would be for Mr. Burgh. Upon the whole, the committee reſolved;

That Charles Egerton, eſquire, is not duly elected a burgeſs, to ſerve in this preſent parliament, for this borough.

That John Burgh is duly elected a burgeſs, to ſerve in this preſent parliament, for this borough.

The ſaid reſolutions were read twice, and unanimouſly agreed to by the houſe.

March 3, 1713. A petition of John Burgh, eſquire, was read; ſhewing, that on the 27th of Auguſt, 1713, at the election for this borough, the petitioner, Henry Watkins, the honourable William Egerton, and Paul Methuen, eſquires, were candidates: that by indirect practices, of illegal mayors impoſed on the corporation, did pretend to elect two new burgeſſes on the ſaid 27th day of Auguſt, whoſe votes were received for Mr. Egerton, and Mr. Methuen, although no right to vote; and that ſeveral others were admitted to vote for the ſaid William Egerton, and Paul Methuen, who had no right; and thoſe, who had a right, and demanded to poll for the petitioner, and Mr. Watkins, were refuſed: that by bribery, &c. and inſtigation of a peer of this realm, ſeveral were prevailed to vote for William Egerton, and Paul Methuen; by which illegal practices they are unduly returned, in wrong of the petitioner, and Mr. Watkins, who had a majority, and ought to have been returned: and praying &c. Alſo,

A petition of Henry Watkins, eſquire, to the ſame effect, and almoſt in the ſame words, was read.

Ordered, that the ſaid petitions be referred to the committee of privileges and elections to examine the matter, and report the ſame with their opinion.

April 20, 1714. Sir Gilbert Dolben reported the matter, viz.

That the poll was for Mr. Methuen 19,
for Mr. Egerton 18,
for Mr. Burgh 14,
for Mr. Watkins 13.

The petitioners counſel inſiſted, the right of election for this borough is in the mayor, aldermen, and burgeſſes. That the ſitting members counſel inſiſted, the right of election was in the mayor, aldermen, and burgeſſes reſident within the borough. That it appeared by the Journal of the houſe of commons, in January 1710, that, in the then controverted election for this borough, the right of election was agreed to be in the mayor, aldermen, and burgeſſes; the whole number of which are thirty-three.

For the petitioners was called,

William Blunt: who ſaid, he had known the borough ſeven years, and that the right of election to be in the mayor, aldermen, and burgeſſes: that Robert Wilkins, junior, who had removed to London a conſiderable time, had voted in the laſt election, and was not objected to; and that he has always voted in the corporation courts: and that Edward Butler has claimed to vote, but Lord Bridgewater's ſteward would not allow it, becauſe he lived out of town: but ſays, Wilkins has a houſe in the borough, but had not any ſervants there: that he pays the Queen's taxes for it, and his landlord pays the church and poor rate: that he comes to all the courts: that Butler lives in the town, but they never admit him to vote among them.

For Mr. Methuen, and Mr. Egerton, was called,

Mr. Francis Neale: who ſaid, he had been ſteward of the borough above twenty years: that the right of election is in the capital burgeſſes only, who are reſident within the town and borough: if they have a being there, they have a right to vote: when a capital burgeſs removes, and lives out of town, his place is void, *ipſo facto*, and they chooſe another in his ſtead. Some, upon coming into town again, have been re-elected; but they are not in, without a re-election: that William Philips, and Matthew Harding, who were burgeſſes, and had removed out of the borough, were, upon their return, re-elected: Philips's election is mentioned in the minutes of 1694; and Harding's, in the minutes of 1697.

It appears by theſe minutes and rolls, that this has been the practice there for above twenty years laſt paſt; and there are no rolls before the year 1695 in being: that Butler never was a burgeſs in his time: that, after twelve years abſence, he applied to be re-elected, and in 1708 was named by the mayor; but the witneſs, named George Bull, who was choſen: that Wilkins always attended the courts, and voted at all elections; had a good eſtate, and paid ſcot and lot in the borough.

Simon Butcher, aged 63, ſaid, he had belonged to the court forty years: that the cuſtom is, when a burgeſs removes, his place is void, and they chooſe another; but if he leaves a part of his family there, he has a right to vote: if he removes his family, and returns, he has no right, without being re-elected again; of which he mentioned the inſtance of Harding, produced by Mr. Neale: and ſaid, Wilkins attended all the courts, and during his abſence paid ſcot and lot.

Loveday ſaid, he collected the church rates for Wilkins's houſe: that the tenant told him, he paid them for his landlord; and that Wilkins, and not the tenant, is in the levy.

The committee thereupon reſolved;

That the right of election of members, to ſerve in parliament, for this borough, is in the mayor, aldermen, and burgeſſes of the ſaid borough, reſiding within the borough.

That to add Edward Butler to the petitioners poll; John Welſhman produced a copy of a return to parliament, ſigned by Butler, in the year 1684, and ſaid he is reſident: ſome of his daughters live in the town, and his wife lived there till within theſe two months. He offered to vote for Mr. Burgh at the two laſt elections, and was refuſed both times; and Wilkins, who lived at London, was admitted for Mr. Egerton.

That the petitioners objected to nine in the ſitting members poll, viz. Tooley, Reynolds, Wilkins ſenior, Clare, Frewen, Howes, Leaper, Maxwell, and Whitmell.

That the ſitting members counſel agreed, Tooley and Reynolds were admitted on the day of the election to parliament; but inſiſted, ſuch admiſſion is warranted by the cuſtom of the borough.

The petitioners counſel called,

John Welſhman: who ſaid, that Robert Wilkins ſenior told him, a fortnight before the election, that the reaſon why he was for the ſitting members, was, becauſe the Lord Bridgewater, the laſt time he renewed his leaſe, gave him a life, upon a promiſe, that he would always vote for ſuch as he ſhould recommend: that his farm is forty pounds yearly; and the adding a life, is worth an hundred pounds: that the preſent Lord Bridgewater came to Brackley a fortnight before the election, and ſtaid there till it was over:

That Clare, a poor taylor, told this witneſs, he was coming down, the morning of the election, with a full reſolution to vote for the petitioners; but Mr. Burton (at whoſe houſe the ſaid Lord Bridgewater was) carried him into his Lordſhip's company, where Mr. Johnſton aſked him his vote for the ſitting members, and promiſed to pay his debts for it: that Clare owed forty pounds to the witneſs, and another perſon, upon mortgage; and when the money was demanded, he referred them to Mr. Stit, the ſitting members agent, who alſo ſaid he would pay them: that Stit being ſpoken to, offered to pay 35 pounds; but afterwards ſaid, Mr. Neal adviſed him not, till the matter of the election was over; for he apprehended there would be a petition.

William Maſon ſaid, that eight years ago, Robert Wilkins ſenior told him, his leaſe was renewed, and the life added, by the late Earl of Bridgewater, for his promiſe to vote:—That the farm is in jointure to Wilkins ſenior's wife, and Wilkins junior never received any of the rent.

Lydall ſaid, that Magdalen College have a great eſtate in this borough, and uſed formerly to recommend one of the members: that he was deputed by the college to uſe his intereſt for the petitioners: he aſked Thomas Frewen's vote for them, but he anſwered, that he was under an obligation to vote for the ſitting members: that he held an eſtate of 50 or 70 pounds yearly of my Lord Bridgewater, and had but one life on it: that my Lord promiſed, for his vote, to give him one life, and add another upon eaſy terms. Upon the witneſs telling him, what friends he muſt diſoblige in it; Frewen anſwered, that if he did not renew his leaſe, his family muſt be ruined. The witneſs after went to my Lord Bridgewater at the inn, and repreſented to him Frewen's caſe, and how many friends he muſt diſoblige, and deſired his Lordſhip not to inſiſt upon both his votes; but his Lordſhip anſwered, he would not releaſe him: and diſcourſing about the houſe of commons, his Lordſhip ſaid, he thought the houſe of commons had done very partially, in turning out Mr. Charles Egerton; and Mr. Methuen,

thuen, who was preſent, ſaid, he voted for Sir Simon Harcourt; but thought that Mr. Egerton was, in the late election, as hardly uſed, as Sir Simon Harcourt was.

Joan Hunton ſaid, ſhe aſked John Howes his vote for the petitioners; and he anſwered, they ſhould have it for ſixty guineas; but the next day he came to her, and bid her trouble herſelf no more about him, for he was engaged for the ſitting members: ſhe ſaid, ſhe did not hear him ſay he had any money, but whoever he ſerved ſhould give him 60 guineas.

The petitioners offered to diſqualify the aforeſaid three voters, viz. Howes, Maxwell, and Leaper; by calling witneſſes to prove their confeſſions, that they had not taken the ſacrament of the Lord's ſupper within one year next before their elections into their offices, as is required by the Corporation act; theſe perſons being elected, one in the year 1710, and the other two in the year 1711, to be three of the 33 burgeſſes, who have the government of the corporation.

But the ſitting members alledging, theſe voters are churchmen; that they had no notice of this objection, and were ſurpriſed at it;

That the committee did not think fit, for to admit the petitioners to produce the evidence they offered in this point.

John Welſhman then produced a certificate of the churchwardens and overſeers of the pariſh of Tingwick, dated the 7th of April, 1701, owning Henry Whitmell to be an inhabitant there, and to be received as ſuch, when he ſhould become chargeable to the pariſh of Brackley:

And ſaid, that Whitmell, at the time of his election to be a burgeſs, rented only an houſe of fifty ſhillings yearly, at Brackley: that he lives there; is a burgeſs; is reckoned one of the corporation; and rents about five pounds a year in another pariſh.

That the ſitting members counſel called,

Charles Garland: who ſaid, that Whitmell rented thirteen pounds, five ſhillings yearly, at, and before the election; and produced vouchers, in 1709 and 1713, of his renting ſo much from three different landlords; and that all the lands are within the borough of Brackley, in one pariſh; and are rated in one book.

Stit ſaid, at the time of the election, Butler lived at Tingwick, in Bucks; and that he long ſince went from the borough, and lived in Wales, and his place was filled up; and that, after his return, he lived ſeveral years in the town, and never pretended any right to be a burgeſs; and a year ago, Welſhman owned to the witneſs, that Butler had no right, but ſaid he would keep him for a handle.

Hilton ſaid, Butler had not voted for a member of parliament theſe twenty years: that five years ago he deſired, and actually ſtood to be re-elected a burgeſs, and aſked the witneſs to vote for him: that they have ſeveral times elected burgeſſes, and members of parliament, on the ſame day: their uſage is, firſt to fill up the corporation, and then elect the members to parliament.

Neale ſaid, when he came firſt to the borough, it was a declared cuſtom to fill up the vacancies in the corporation, the ſame day they choſe members of parliament: there were two controverted elections in King William's time, and then all the old members declared, and unanimouſly agreed, this was the cuſtom immemorially: upon both theſe occaſions it was put in practice; and ſuch elections in the year 1702, are entered upon the roll, to prevent the like diſputes for the future.

William Thonger ſaid, he voted for the ſitting members; but Mr. Buſh, and Mr. Collis, and Mr. Watſon, who made intereſt for the petitioners, aſked his vote for them; and told him, he might now raiſe his family; they had done the buſineſs; and if they could get his vote, they ſhould carry the election: they bid him take 100, or 200 guineas, or write down what he would have, and he ſhould have it; and ſwore they had money enough in town, and would not loſe the election for want of it.

Hilton ſaid, being in Brackley ſtreet, a fellow of Magdalen college aſked him to go with him, and drink a glaſs of wine: he went, and was made drunk, and carried away he could not tell where; was kept, without ſeeing any light, till the election was over, and was then attended home with four horſes; but knows not where he was, nor in what company, except Mr. Jackſon, Biſhop Crew's gardener: that he would have voted for the ſitting members, if he had been at the election.

That, upon the whole, the committee reſolved;

That Paul Methuen, eſquire, is duly elected a burgeſs, to ſerve in this preſent parliament, for this borough.

That William Egerton, eſquire, is duly elected a burgeſs, to ſerve in this preſent parliament, for this borough.

The firſt reſolution being read twice, an amendment was made, by leaving out the words, "reſiding in the ſaid borough," and the houſe reſolved;

That the right of election of members, to ſerve in parliament for this borough, is in the mayor, aldermen, and burgeſſes of the ſaid borough.

The ſecond reſolution being read a ſecond time, was diſagreed to by the houſe.

The third reſolution being read a ſecond time, was alſo diſagreed to by the houſe.

Reſolved, that John Burgh, eſquire, is duly elected a burgeſs, to ſerve in this preſent parliament, for this borough.

That Henry Watkins, eſquire, is duly elected a burgeſs, to ſerve in this preſent parliament, for this borough: and the return was ordered to be amended.

June 10, 1720. Ordered a warrant for a new writ, for electing a burgeſs for this borough, in the room of the right honourable Paul Methuen, eſquire, made comptroller of his Majeſty's houſehold.

May 25, 1725. Ordered a warrant for a new writ, for electing a burgeſs for this borough, in the room of the right honourable Paul Methuen, eſquire, made treaſurer of his Majeſty's houſehold.

BRAMBER.

THIS borough is ſituate in the county of Suſſex, and ſent burgeſſes to parliament ſo early as the 23d of King Edward the firſt. It afterwards intermitted ſending, and ſometimes ſent in conjunction with Steyning, before the 7th of Edward the IVth. The memoirs concerning the right of election, I have met with, are as follow.

Willis, 1749, 57.
B. P. R. 214.
Prynn's Regiſt. 923.

Dec. 16, 1640. Mr. Maynard reports from the committee of privileges, the caſe of Bramber in Suſſex:

* * * * * * * *

Sic origin.

Upon this report it was reſolved, upon the queſtion, that the election of Sir Edward Biſhop, for one of the burgeſſes for the borough of Bramber, in Suſſex, is void:

That the election of Mr. Anſlow, for one of the burgeſſes for the borough of Bramber, is void ;

That Sir Edward Biſhop is incapable of any election, to be a member of this houſe for this parliament.

Ordered, a warrant do iſſue forth, under Mr. Speaker's hand, directed to the clerk of the Crown, for a new writ for a new election of a burgeſs, to ſerve in this preſent parliament, for the ſaid town of Bramber.

1661. There were two returns of members, to ſerve in parliament for this borough ; and they being referred to the committee of privileges and elections,

May 17. Serjeant Charleton reported from the committee of privileges and elections, touching the double return for this borough ;

That John Byne, eſquire, and Pierce Goreing, eſquire, are returned by one indenture ; and the ſaid John Byne, and John Parſons, eſquires, by another indenture ; and the opinion of the committee is, that the ſaid Mr. Goreing being returned by the proper officer, ought to ſit, until the merits of the ſaid election be determined : to which the houſe agreed. Never heard.

April 1, 1690. A petition of William Stringer was read ; ſetting forth, that, on the 11th of March, he was duly elected a burgeſs for this borough ; but that Dr. Barbon, and Dr. Ratcliff, by practice, and undue means, had procured themſelves to be returned : and praying relief.

Sic origin.

Ordered, it be referred to the committee of privileges to examine, and report the matter with their opinion.

Oct. 11th. This petition was renewed, and referred in like manner: but no report appears to have been made.

Dec. 12, 1698. A petition of John Hudſon, and Jerom Beale, burgeſſes of this borough, was read ; ſetting forth, that the election of burgeſſes to ſerve in this parliament for the ſaid borough, was on the 25th of July laſt ; and that Sir Henry Furneſe, by bribery, and other indirect means, did procure himſelf to be returned one of the burgeſſes for the ſaid borough, in wrong of the petitioners: and praying &c.

Ordered, the petition to be referred to the committee of privileges and elections to examine the matter, and report it with their opinion.

The ſaid petition doth not appear to have been heard, but I apprehend it was for the following reaſon.

Feb. 13, 1698. The houſe of commons made enquiry in regard to the members taking places contrary to the ſtatute of the 10th year of his then Majeſty's reign ; and ordered Sir Henry Furneſe, baronet, a member for this borough, to attend in his place the next morning.

14th. Sir Henry Furneſe attending according to order was heard in his place and withdrew.

Reſolved, that Sir Henry Furneſe being a member of the houſe of commons, and having ſince been concerned, and acted, as a collector and manager upon the act made in the 9th and 10th years of his Majeſty's reign, for raiſing a ſum not exceeding two millions upon a fund for payment of annuities after the rate of eight pounds per centum, per annum ; and for ſettling the trade to the Eaſt Indies, contrary to the act made in the 5th and 6th years of his Majeſty's reign, for granting ſeveral duties upon ſalt, beer, ale, and other liquors, be expelled this houſe.

Ordered, the ſpeaker do iſſue his warrant for a new writ, for electing a burgeſs to ſerve in this preſent parliament for this borough, in the room of the ſaid Sir Henry Furneſe expelled this houſe.

Feb. 25, 1700. A petition of John Aſgill, eſquire, was read ; ſetting forth, that the petitioner was duly choſen a burgeſs to ſerve in this preſent parliament for this borough ; but by undue means, Thomas Owen, eſquire, hath procured himſelf to be returned, to the petitioner's prejudice : and praying &c.

Ordered it be referred to the committee of privileges and elections to examine, and report the matter, with their opinion.

March 2, 1700. The houſe being informed of a letter which was wrote down to Bramber, to corrupt the ſaid borough in the laſt election of members of parliament there.

Ordered it be referred to a committee to examine into the matter of the ſaid letter, and report the ſame to the houſe.

4th. Colonel Stringer reported from the ſaid committee, that he was directed by the ſaid committee to move the houſe, that they may have power to enquire into any other letters ſent to the ſaid borough of the ſame nature.

Ordered, the committee have power to enquire into any other letters of the ſame nature ſent to the ſaid borough.

12th. Mr. Stringer reported from the ſaid committee, that they had examined into the matters referred to them, and taken the examinations of ſeveral perſons.

Mr. Thomas Waller attended, and produced a letter dated 17th of December, 1700, from one William Clifton his uncle ; wherein amongſt other things is written ; " I have a perſon that is ſuitable " for a member to ſerve for your town of Bramber: " I will fling away 100 l. on ſuch a thing unknown " to him : If you can be his friend, I can fling " 200 l. into the river at Bramber."

Mr. Waller ſaid, he never anſwered the ſaid letter, nor ever aſked Clifton, who the perſon was he had recommended, looking on him to be a dangerous man.

That Clifton was preſent and buſy about the election, and told him he took it unkindly he had not anſwered the letter :

That Clifton was ſummoned to attend the committee, but the ſerjeant's meſſenger, who went to ſummon him, acquainted the committee, that Mr. Clifton's landlady told him, he had left his lodgings the Friday before, and ſhe heard ſince he was gone to Scotland.

Mr. Harvey ſaid, being at Bramber at the election, he was with Clifton, who ſhewed him a letter he ſaid he received from Mr. Milman, by the hands of one Mr. Cutting ; who was thereby directed to apply himſelf to Clifton for 10 l. and Clifton was to place it to account of Mr. Shepherd.

Cutting ſaid, he did receive a letter from Mr. Milman the week after Chriſtmas, to apply to Mr. Clifton for ten pounds, for which he had given Mr. Milman a note when in town ; and believes the money was to be placed to Mr. Shepherd's account, had it been paid ; but Clifton pretending he had not the money, he brought the letter back to Mr. Milman, and took up his note : that Clifton told him Mr. Milman was to have 100 l. for his intereſt in the ſaid election.

Mr. Milman attending, owned the writing of the letter, but ſaid there was no direction to place the 10 l. to Mr. Shepherd's account ; and being aſked for the letter, ſaid he burnt it by the advice of Mr. Perris of the Six Clerks office a week ſince, becauſe there was an indorſement written thereon (as he believes by Clifton) and ſigned S. S. which he thought would do Mr. Shepherd a prejudice; but that he kept a copy of the letter without the indorſement, and produced a paper which he ſaid imported ſuch letter: but Mr. Harvey confronting him, ſaid, it was not a true copy of the letter he ſaw Clifton had from Cutting, becauſe the direction of placing the ten pounds to Mr. Shepherd's account was omitted.

Mr. Milman farther ſaid, that, on the 27th of December laſt, Mr. Martin, a member of the houſe, aſked him to go to a coffee-houſe; and in a private room above ſtairs was Mr. Shepherd, who applied himſelf to him (Milman) as he knew the great intereſt he had at Bramber; and therefore deſired his recommendation of a gentleman he ſhould propoſe, but refuſed then to name him, and deſired the recommendation might be by letter, and he would leave a blank for the name; which he did do after Mr. Shepherd told him the gentleman was Mr. Paſchall, and the name put in the blank of the letter ſent to Clifton: that Shepherd ſaid, he hired a coach for Cutting to go to Bramber, and put 20 guineas in his pocket: but Clifton having wrote to Dalby Thomas, who communicated it to Mr. Shepherd, that money was to be ſpent, and it would coſt two or three hundred pounds more; Shepherd ſaid he had given Clifton money, and would not ſend any more, nor go any farther in the election.

Milman ſaid further, he had an account from Cutting of the ſaid election, who ſaid, Mr. Aſgill had not fair play, and the town would petition againſt the election; and that he had got a petition drawn; upon which Mr. Shepherd came to Milman, and deſired he would ſtop the petition, for it would make a clamour; and he did ſtop it: that on the 1ſt of March at night, he met Mr. Shepherd (by deſire) where were preſent Mr. Shepherd, his two ſons, Mr. Martin, Mr. Dalby Thomas, and one Mr. Lawton; which Lawton propoſed a method of interrogation and anſwers, upon a ſuppoſition of an examination of the ſaid letter, and told him he might ſay, as he was at the coffee-houſe, a gentleman came to him, a ſtranger, and told him he had heard of his intereſt at Bramber, and therefore deſired his letters of recommendation; and Milman anſwering him, Clifton would contradict him, he was told Clifton was gone on a commiſſion to Yorkſhire; and Mr. Shepherd deſired him ſeveral times not to mention his name upon any examination; and if he would be reſolute, they could make nothing of the letter; and that when he ſaid he muſt ſpeak truth, they upbraided him with being timorous and fearful: that they had ſeveral meetings to prevail on him (at Mr. Shepherd's deſire) not to name Mr. Shepherd; that upon applying to Mr. Dodd, Mr. Dodd adviſed him to ſpeak the whole truth: that upon examination of other letters, there was one from Cutting, dated Jan. 1700, whereby amongſt the reſt who were candidates, he writes, "and your friend which is not here;" and farther writes, "here is money brought down, and I believe delivered among your tenants;" and Mr. Cutting, who wrote the letter, being aſked to explain it, ſaid, he believed the contents to be true, becauſe theſe tenants refuſed to vote for Mr. Stringer, but did vote for Mr. Owen, a perfect ſtranger to the borough, which occaſioned his ſuppoſing they were bribed; that by another letter from Mr. Cutting to Milman, dated Jan. 4th, 12 at night, 1700, wherein it was written, "I have two votes promiſed, which is their own houſes: I have promiſed them ten pounds a-piece to mend their houſes: It has coſt me 13 l. already: I hope you have returned me money: it is too late to ſend a meſſenger on purpoſe."

Cutting ſaid, the meaning of the letter was, that Mr. Milman told him, if he ſent a meſſenger, he could return an 100 l. to repair the tenants houſes; and that was no bribery; but that money was not ſent, becauſe Milman's intereſt miſcarried.

Reſolved, that it appears to this houſe, that there have been many indirect and corrupt practices in order to procure an election at the ſaid borough of Bramber.

Reſolved, it appears to the houſe, that there has been endeavours and tampering with the witneſſes, in relation to the evidence to be given concerning the corrupting the electors for the ſaid borough.

The houſe being informed, Mr. Lawton, named in the report, was at the door, and deſired to be heard concerning the matter charged upon him:

He was ordered to be called in, charged, and heard, and withdrew.

Reſolved, Mr. Lawton is guilty of tampering with the witneſſes, and endeavouring to ſuppreſs the evidence to be given concerning the corrupting the electors of the ſaid borough.

Ordered, that Mr. Lawton be for his offence taken into the cuſtody of the ſerjeant at arms.

Ordered, Mr. Dalby Thomas, named in the ſaid report, be ſummoned to attend this houſe to-morrow morning.

That Mr. Milman, named in the ſaid report, be ſummoned to attend to-morrow morning.

Reſolved, it appears that Mr. Alexander Cutting hath endeavoured by bribes, and other indirect practices, to corrupt the electors of the ſaid borough.

Ordered, the ſaid Mr. Alexander Cutting be for the ſaid offence, taken into cuſtody of the ſerjeant at arms.

Reſolved, this houſe will to-morrow morning take the ſaid report into farther conſideration, and Samuel Shepherd, ſenior, Samuel Shepherd, junior, Francis Shepherd, and Joſeph Martin, eſquires, do then attend in their places.

13th. The houſe proceeded in conſidering the ſaid report.

Mr. Stringer acquainted the houſe, that, ſince the report made, there was come to his hands the original of the letter, whereof the copy is mentioned in the report; and he delivered the ſame in at the clerk's table, where it was read.

"To Mr. Thomas Waller at Bramber, near Steyning,
in Suſſex."

"Mr. Waller,"

"I writ to you laſt night, to deſire you and the tenants not to oppoſe Mr. Aſgill, if he ſtands; but I likewiſe deſire my tenants would give me their votes, for the other repreſentative. I underſtand the houſes are much out of repair, and I have deſired the bearer to view them, in order to make them tenantable, to the liking of the tenants. As to the approaching election, if you find that Mr. Aſgill is not like to prevail, then I deſire you will promote my intereſt, and the intereſt of my friend, who Mr. Clifton ſhall name unto you, being John Paſchall, eſquire, ſo that he and myſelf may be choſen; wiſhing you and all my tenants an happy Chriſtmas, and merry new year, and expecting to hear from you; and am,

"Your friend at command,
"William Milman."

Inner Temple,
Dec. 27, 1700.

And Mr. Samuel Shepherd, ſenior, Mr. Samuel Shepherd, junior, Mr. Francis Shepherd, and Mr. Martin, attending, the report was read, and they heard thereupon: and Mr. Milman called in and examined; and one Mr. Holland called in and examined; alſo Mr. Dalby Thomas was called in and examined, and heard as to the charge againſt him: after which Mr. Shepherd, ſenior, was heard and then they withdrew.

Reſolved, that it appears to this houſe, Samuel Shepherd, ſenior, eſquire, is guilty of ſeveral unwarrantable and indirect practices, in order to obtain an election of a member to ſerve in parliament for this borough.

Reſolved, that Samuel Shepherd, ſenior, eſquire, is guilty of ſending out of the way a witneſs, and endeavouring to ſuppreſs evidence, touching matters under examination of this houſe. Ordered him to attend in his place to-morrow morning.

That Mr. Richard Sherewood, Mr. Peter Bolton, and —— Perkins of Foſterlane, do then attend.

14th. Mr. Samuel Shepherd, ſenior, attended, and was heard in regard to the borough of Wooton Baſſet; and ordered to attend the next day. [See Wooton Baſſet.]

15th. He attended again, and charged with matters of the ſame kind at Malmſbury and Ilcheſter. [See Malmſbury and Ilcheſter.]

Ordered to attend on Monday.

17th. Attended again, and heard in reſpect of the borough of Andover. [See Andover.]

18th. Ordered to attend again next day.

Attended, and heard again, as to the borough of Newport in Hants. [See Newport in Hants.]

And the ſeveral other reſolutions of the houſe againſt the ſaid Mr. Shepherd, ſenior, being read, viz.

Reſolved, that Samuel Shepherd, ſenior, eſquire, is guilty of ſeveral unwarrantable and indirect practices in order to obtain an election of a member to ſerve in this preſent parliament for this borough.

Reſolved, that Samuel Shepherd, ſenior, eſquire, is guilty of ſending out of the way a witneſs, and endeavouring to ſuppreſs evidence touching matters under examination of this houſe.

Ordered, the ſaid Samuel Shepherd, ſenior, eſquire, be committed priſoner to his Majeſty's Tower of London.

Reſolved, on this day-ſeven-night to conſider further in regard to the crimes whereof Mr. Shepherd is convicted.

25th. The ſerjeant at arms acquainted the houſe, that Mr. Alexander Cutting, who was ordered into cuſtody in relation to this borough, had abſconded.

Reſolved, an addreſs to the King for a proclamation for apprehending him.

Reſolved, that it appears to the houſe, Mr. William Clifton hath endeavoured by bribery, and other corrupt practices, to procure an election of members of parliament for this borough.

Ordered, the ſaid Mr. Clifton be for his offence taken into cuſtody of the ſerjeant at arms.

Jan. 8, 1701. The petition of John Aſgill, eſquire, was preſented and read; ſetting forth, he was duly choſen a burgeſs for this borough, but John Jupp, the conſtable, hath returned Thomas Owen, eſquire, in prejudice of the petitioner.

Ordered to be referred to the committee of privileges and elections to examine the matter, and report it with their opinion. Never heard.

Nov. 29, 1703. A petition of Thomas Viſcount Windſor of the kingdom of Ireland, was preſented to the houſe and read; ſetting forth, that the petitioner was duly choſen a burgeſs for this borough, in the room of the Lord Conway, and ought to have been returned; but Edward Sharp, conſtable of the ſaid borough, polled ſeveral perſons who had no legal votes, for John Middleton, eſquire, and hath returned him in wrong of the petitioner.

Ordered, that it be referred to the committee of privileges and elections to examine the matter, and report it with their opinion.

Jan. 13. Ordered to be reported on Tueſday.

18th. Mr. Bromley reported, that the right of election was agreed to be in the perſons inhabiting in antient houſes, or in houſes built upon antient foundations, paying ſcot and lot.

That upon the poll the numbers were equal; but the petitioner's counſel inſiſted, they ſhould add three to his poll, and take off four from Mr. Middleton's poll.

Called evidence: who proved three, who inhabited antient houſes, and were charged to the poor's rates, were refuſed: and as to four others, they did not live in ſuch houſes, or in houſes built on the foundations of ſuch houſes; that one lived in part of an houſe with another perſon who voted; that others inhabited in houſes, made into tenements from a Smith's forge, malt-houſe, and a tan-barn. The witneſſes alſo added, that the petitioner declared, ſome time before the election, againſt bribery, and that he would turn out any of his tenants who ſhould take money.

To anſwer this, evidence was called: who ſaid, the three votes, who were added for the petitioner, came into town not long before the election; and warrants had been granted to remove two of them. This, the counſel on the other ſide argued, was an indirect practice to take off their votes: but the witneſſes for Mr. Middleton ſaid, as to their being charged to the poor, it was done by the threats of the petitioner, upon making a levy on Sunday before the election; and it was only ſigned by the miniſter and overſeers of the poor; and affirmed, they never demanded to vote at this election.

That the divided houſe had been in two tenements about ſeven years, and the inhabitants of them had voted in former elections; though once Mr. Aſgill objected to one of them, and he was refuſed.

That the ſmith's forge, the tan-barn, and malt-houſe, had been dwelling houſes; one of them 16 or 17, one of them 15, and one above 30 years; and their inhabitants voted till the year 1700.

They then called witneſſes to prove indirect practices in the petitioner.

John Hudſon produced a letter from Mr. Craven (who came with the petitioner to Bramber) dated the 27th of July laſt; deſiring him to give 24 buſhels of malt to Lady Jeffrys's tenants, and one Finch, who voted in her intereſt at the laſt election; and ſaid, the letter was brought by the petitioner's ſervant, who left three guineas to pay for it: that the malt was diſtributed to eight; and the remainder of the money, being eight ſhillings, he gave to Finch, by order of the petitioner, after the election: that this witneſs did not vote for the petitioner.

Waller ſaid, the petitioner gave him five guineas (two days after St. James) to drink his health with the borough; and the voters were at the ſpending of the money.

Mary Emery ſaid, the petitioner gave her and her huſband a guinea each, on the day they were married: that her huſband has a vote; but the petitioner ſaid nothing then, of his being a candidate: that about three weeks after he gave her another guinea, and deſired her to engage her huſband's vote: that her huſband did not vote for him: alſo, ſhe was at an entertainment with many freemen, and paid nothing.

Churcher ſaid, he was invited to the ſaid entertainment, by ſome of the petitioner's ſervants; where was boiled and roaſt beef, and veniſon paſty: that they were together ſeven hours, and paid only ſixpence each.

Parſons ſaid, Edward Witcher, who voted for the petitioner, three days before the election, brought him five guineas to weigh and change; ſaying, he could get more money by burgeſſing, than all his corn was worth: and, after the election, he brought ſeventeen and an half more; and told him, he had been with the petitioner; and had them for burgeſſing.

In reply.—Mr. Craven ſaid, he went the firſt time with the petitioner to Bramber; there was then no talk of his being a candidate: owned, that by the petitioner's directions he ordered the malt for Lady Jeffrys's tenants; which he thought had been uſually done.

Mr. Ruſſell ſaid, the petitioner went to Bramber, to ſee Lady Jeffrys's eſtate, to whom he is ſince married; and that the entertainment was for her's, and Mr. Aſgill's tenants, who paid their club. Upon the whole, the committee reſolved;

That John Middleton is not duly elected a burgeſs, to ſerve in parliament for this borough.

That Thomas Lord Viſcount Windſor is duly elected a burgeſs, to ſerve in parliament for this borough.

The firſt of theſe reſolutions being read again, was agreed to by the houſe.

The ſecond reſolution being read again, was diſagreed to.

Reſolved, the late election, for a burgeſs to ſerve in parliament for the ſaid borough, is a void election.

Feb. 12, 1703. A petition of the Lord Viſcount Windſor was preſented and read; ſetting forth, that, at the laſt election for this borough, the petitioner, and Samuel Sambrook, eſquire, were candidates; and the petitioner had a majority of legal votes, though the conſtable of the ſaid borough polled ſeveral for Mr. Sambrook, who had no votes; and Mr. Owen, and his ſon, procured ſeveral votes for him, who otherwiſe would have voted for the petitioner.

Ordered, it be referred to the committee of privileges and elections to examine, and report the matter with their opinion.

21ſt. A petition of Richard Finch, and other burgeſſes of this borough, was preſented and read; ſetting forth, the rights of the borough had been greatly violated, of late years, in their elections of members to ſerve in parliament, and particularly by Samuel Sambrook, Mr. Owen, and his ſon, and their agents; who, by bribery and other indirect practices, did procure Mr. Sambrook to be returned a member, to ſerve in this preſent parliament, for this borough, although he was not duly choſen: and praying they may be permitted to prove the ſaid matters, in order to prevent the like practices for the future, and preſent redreſs therein.

Ordered to be referred in like manner, and reported together.

March 8. Ordered to be reported on Friday next.

10th. Colonel Bierly reported, the right of election was opened by the petitioner's counſel, as in the former hearing, and not controverted by the other ſide. The poll was,

For Mr. Sambrook 18,
For the petitioner 14.

The petitioner's counſel, to prove indirect practices, called William Clifton; who ſpoke to offers made by Mr. Sambrook before the former election.

They alſo called Winter, Conſtable, Biſhop, and others: the firſt of whom ſpoke of money offered by Mr. Owen, junior, in caſe Mr. Sambrook ſhould be elected; and the others ſpoke as to what they had heard from ſome perſons, who voted for the petitioner.

They then excepted to ſome who voted for the ſitting member, and called ſeveral witneſſes: who ſaid, Thomas Churcher, ſenior, lived in an houſe, formerly a ſmith's forge: that Richard Weſt lived in an houſe, formerly a malt-houſe: Edward Budd in an houſe, formerly a tan-yard: Thomas Churcher, junior, lived in a ſplit houſe: and Sharp, the conſtable, voted for the other part of it.

In anſwer, Sturt ſaid, theſe houſes had been lived in 14 or 15 years, and allowed votes till 1700, without objection: that young Churcher and Sharp lived in two diſtinct houſes, and paid two ſeveral quit-rents.

To prove illegal and corrupt practices, they called Mr. Sturt and Joſeph Hobtrough: who ſaid, Joſeph Hobtrough was threatned by the petitioner to be turned out of his houſe, if he did not vote as the other tenants: that Hobtrough voted for Mr. Sambrook, and was arreſted at the ſuit of the petitioner, after he was ſummoned to attend the committee.

Upon the whole, the committee reſolved;

That Samuel Sambrook, eſquire, is duly elected a burgeſs, to ſerve in this preſent parliament, for this borough: to which the houſe agreed.

Nov. 3, 1705. A petition of William Penn, eſquire, was read; ſhewing, that at the laſt election of members, to ſerve in this preſent parliament, for this borough, the honourable the Lord Viſcount Windſor, John Aſgill, Samuel Sambrook, eſquires, and the petitioner, were candidates: that the ſaid Lord Windſor, and Mr. Aſgill, did, by themſelves and agents, by bribery, treating, and other illegal practices, procure ſeveral of the electors to vote for them, who would otherwiſe have voted for the petitioner: notwithſtanding which, the ſaid petitioner had a majority of legal votes, and ought to have been returned; but the Lord Windſor, and Mr. Aſgill, have procured themſelves to be returned, in wrong to the petitioner, and in violation of the laws againſt bribery and treating: and praying &c.

Ordered, that it be referred to the committee of privileges and elections to examine the matter, and report the ſame with their opinion.

Dec. 7. Ordered, that Mr. Penn have leave to withdraw the ſaid petition.

Nov. 10, 1707. Mr. Speaker acquainted the houſe, that he had received a letter from John Aſgill, eſquire (a member of this houſe) from the Fleet priſon; complaining, that he was detained from attending the ſervice of this houſe, by reaſon of two judgments executed upon him, at the ſuit of John Holland, Thomas Matthews, and John Wetton, and other meſne proceſs; and that he deſires the ſame may be communicated to the houſe: which was read to the houſe, and is as follows, viz.

“ Fleet Priſon, Nov. 7, 1707.”

“ SIR,

“ I think it my duty to make known to the houſe, that I am detained from attending their ſervice in the priſon of the Fleet, by reaſon of two judgments executed upon me, by procurement of John Rice, and Hezekiah Benſon, his attorney: the one, at the ſuit of John Holland; and the other, of Thomas Matthews, and John Wetton, truſtees for the ſaid Rice of lands by him purchaſed, with debentures granted him by parliament, and as ſuch ſince veſted in her Majeſty; and of ſome other meſne proceſs; from which I had delivered myſelf by bail, if not diſabled by theſe executions.

“ I am adviſed, the proper method of advertiſing the houſe, is by letter to yourſelf; but if, upon communicating of this, they ſhould pleaſe to ſignify their pleaſure for any other way of addreſs, my obedience is ready for their commands.

“ SIR,

“ Your moſt humble ſervant,

“ JOHN ASGILL.”

“ To the right honourable John Smith, eſquire, ſpeaker of the honourable houſe of commons.”

Ordered, that a committee be appointed to examine the matter of the ſaid complaint, and ſearch precedents, in relation thereto.

13th. A petition of John Holland, of Breewood in the county of Stafford, gentleman, was read; ſhewing, that John Aſgill, eſquire, a member of this houſe, being indebted to the petitioner, was (after great trouble and expence, both in England and Ireland, for many years) taken in execution in Trinity term laſt, when his privilege of parliament was expired: that he is now in cuſtody, and there is no poſſible means for the petitioner ever to get any thing from him, but by detaining his perſon: and praying that the houſe will not allow Mr. Aſgill any privilege, until he hath made the petitioner ſatisfaction for his debt.

Ordered, that the petition do lie upon the table, until the report be made from the committee, to whom the matter of the complaint of the ſaid Mr. Aſgill is referred.

15th. Sir Henry Dutton Colt, acquainted the houſe, that the committee, to whom the matter relating to Mr. Aſgill (a member of this houſe, in priſon of the Fleet) was referred, had directed him to make a report thereof, when the houſe will pleaſe to receive it.

Reſolved, that the report be now received.

Accordingly Sir Henry Dutton Colt, reported the matter to the houſe, and afterwards delivered the ſame in at the clerk's table; where the ſame was read, and is as followeth, viz.

That it appeared, upon the examination of the high bailiff, and keeper of the Gatehouſe, Weſtminſter, one Elderton a bailiff, and the warden of the Fleet, that a warrant was ſent from the ſheriff of Middleſex to the high bailiff of Weſtminſter, dated the 11th of June, 1707, for arreſting the ſaid Mr. Aſgill, at the ſuit of John Holland, for 6390l. debt; and at the ſuit of John Taylor, for 2500 l. debt.

That, purſuant to the ſaid warrant, Mr. Aſgill was arreſted, the 12th of June aforeſaid, by one Elderton, a bailiff to the ſaid high bailiff of Weſtminſter, and by him detained till the 14th of the ſaid June; and then he delivered the ſaid Mr. Aſgill to the cuſtody of the Gatehouſe priſon, charged in execution, at the ſuit of the ſaid John Holland and John Taylor.

That the ſaid Mr. Aſgill, the 23d of October, 1707, was removed, by habeas corpus, from the Gatehouſe to the priſon of the Fleet, then charged with actions upon meſne proceſs, at ſeveral perſons ſuits, in the ſum of 2284 l. and on executions, in the ſum of 9890 l. as by the original return, annexed to the ſaid writ of habeas corpus, appeared.

Then the committee proceeded to ſearch for precedents of the method of proceedings, which this houſe has uſed in caſes of privilege; and the method of freeing their members under arreſts: which, in point of time as they ſtand upon the Journal of this houſe, are, viz.

The firſt precedent, is the caſe of Sir Thomas Shirley, in 1 Jac. as follows; viz.

The parliament, 1 Jac. was ſummoned to meet on the 19th of March (four days before the parliament met) Sir Thomas Shirley, who was elected burgeſs of Steyning, was arreſted, and committed to the Fleet.

Upon a motion made on his behalf, the houſe ordered a warrant ſhould be directed, under the hand of Mr. Speaker, to the clerk of the Crown, for a writ of habeas corpus, to bring the body of Sir Thomas into the houſe upon Tueſday following, 22 March, 1603.

It appeared, upon examination of the fact, that the execution was taken forth the 30th of January, 1603, a day before the teſte of the writ, and was delivered to the ſerjeant the 11th of February before Sir Thomas was elected: the heads of the debate, upon this occaſion, appear upon the Journal; and concluded, with appointing a committee to conſider all the queſtions and doubts in this caſe, 27 March, 1604.

Upon report of the committee, the houſe ordered that Sympſon, at whoſe ſuit Sir Thomas was committed, and the ſerjeant that arreſted him, ſhould be committed to the Tower; and that they would hear counſel on all parties on theſe points:

1ſt. Whether privilege be allowed, ſince the execution was taken forth before the parliament ſat.

2d. Whether the action was diſcharged.

3d. Where the loſs ſhould lie. April 9, 1604.

The argument of the counſel, and the precedents they uſed, appear in the Journal; viz. that of Hyde, 14 Edw. IV; of Larke, 8 Hen. VI; and of Clerk, 29 Hen. VI.

Upon reading theſe precedents, three queſtions were put:

1ſt. Whether Sir Thomas Shirley ſhould have privilege?

2dly. Whether preſently, or deferred till further order?

3dly. Whether we ſhall be petitioners to his Majeſty, according to former precedents, for ſome courſe of ſecuring the debt of the party, and ſaving harmleſs the warden of the Fleet?

Which were all reſolved in the affirmative.

A bill for ſecuring Sympſon's debt was twice read, and committed.

The ſame bill read a third time, and paſſed.—Sent up to the lords.

A bill for the relief of plaintiffs, where the defendants in execution are ſet at liberty, altered in the ſtile, and ordered to be engroſſed.

On the ſecond of May a motion was made, to appoint a committee to conſider of all ſuch precedents, as ſhall be offered in the particulars of Sir Thomas Shirley's caſe of privilege; and there are the copies of ſeveral records in your Journal.

“ Reſolved, that Sir Thomas Shirley be preſently delivered.

“ Ordered, upon the queſtion, that a writ of

“ *habeas corpus* ſhall preſently be awarded, for the bringing of his body (being priſoner in the Fleet) into the houſe to-morrow, at eight of the clock of the morning; and a warrant, containing the effect of the order, under the hand of Mr. Speaker, directed to the clerk of the Crown accordingly.”

Upon the 4th of May a petition was tendred, and read in the houſe, to be exhibited to his Majeſty, for the royal aſſent to Sir Thomas Shirley's bill preſently to be had.

Upon the reading it was not approved, nor thought fit by the houſe to proceed in that manner; being, as it was conceived, ſome impeachment to the privilege of the houſe. The petition itſelf is entered in the Journal, and is according to the form of thoſe acts that paſſed in the time of Edward the fourth: but the houſe reſolved, that a habeas corpus be awarded as before.

But the warden of the Fleet denied to execute the writ of habeas corpus, before the King's royal aſſent was procured to the bill for the ſecurity of Sympſon, and himſelf; and was committed to the ſerjeant, May 7, 1604.

The ſame day, an act for new executions to be ſued after the parliament, when the defendants, &c. was read a third time, and paſſed.

The warden of the Fleet continuing obſtinate, and refuſing to deliver Sir Thomas, unleſs he would give ſecurity; it was ordered to commit the warden of the Fleet to the Tower cloſe priſoner: to ſend the ſerjeant to-morrow (ſitting the court) to require the delivery of Sir Thomas Shirley.

May 8, 1604. The ſerjeant returns from the Fleet, and ſays the warden's wife refuſeth to deliver him.

Mr. Secretary Herbert reports, that his Majeſty, upon reading of the precedent of Ferrers, was graciouſly pleaſed to leave it to their liberty, to proceed in the caſe of Sir Thomas Shirley as they thought fit.

May 9, 1604. The firſt bill for ſecuring the debt of Sympſon being found faulty, after it had paſſed both houſes, a new bill was drawn, and paſſed the houſe in one day.

Sir Roger Aſton delivered from the King, that, *in verbo principis*, he will give his aſſent at the end of the ſeſſions.

May 10, 1604. The warden and his wife continuing obſtinate, the houſe at laſt committed him to the priſon of Little Eaſe in the Tower; and, upon the 15th, cauſed Sir Thomas to be delivered, and he was inſtantly admitted to ſit in the houſe.

The ſecond precedent is:

Sabbati, 9 April. 12 Jac. I.

Sir John Strangewith moveth, that Sir William Bamfield, burgeſs for Bridport, is committed by my Lord Chancellor ſince the time of the ſummons of the parliament, but before the election; and prays the direction of the houſe: which was referred to the conſideration of the committee for privileges.

Jovis, 14 April. prædict.

Mr. Fuller reports Sir William Bamfield's caſe; that he was committed before his election for a contempt, for not accepting the offer of Sir John Wentworth.

“ Upon the queſtion, whether Sir William Bamfield, committed after the ſummons, and before his election, for a contempt;

“ Ordered, upon the queſtion, that he ſhall have his privilege, by writ of *habeas corpus*.”

The third precedent, is Sir John Prettyman's caſe; viz. the parliament was prorogued from the 10th of November, 1674, to the 13th of April, 1675.

On the 14th of April, 1675, information being given to the houſe, that Sir John Prettyman, a member thereof, is detained priſoner in the priſon of the King's bench, in one execution, and upon ſeveral other meſne proceſſes.

“ Ordered, that the marſhal of the King's bench do bring Sir John Prettyman, to-morrow morning, to this houſe, together with the cauſe of his being detained in priſon from the attendance of this houſe.”

April 15, 1675. The marſhal of the King's bench being called into the houſe, to give an account of the order ſent to him to bring Sir John Prettyman into the houſe; and having given an account why he had not at preſent obeyed the order, the matter was referred to the committee of privileges.

“ April 20, 1675. Reſolved, that Sir John Prettyman be delivered out of the cuſtody of the marſhal of the King's bench, to attend the ſervice of the houſe.

“ Reſolved, that Sir John Prettyman be delivered from ſuch cuſtody, by ſending the ſerjeant at arms, attending on the houſe with the mace, to attend the ſervice of the houſe.”

The fourth precedent, is Sir Robert Holt's caſe; viz.

Feb. 16, 1676. Information was given to the houſe, that Sir Robert Holt, a member of the houſe, was detained priſoner in the Fleet, at the ſuit of Mr. Edmund Prideaux, and thereby hindered from attending the ſervice of the houſe.

A petition of the ſaid Mr. Prideaux was alſo tendered and read.

And a debate enſuing;

“ Reſolved, that Sir Robert Holt's caſe (he being taken in execution, and detained priſoner in the Fleet, and thereby hindered from attending the ſervice of this houſe) be referred to a committee.”

“ The 22d of Feb. 1676. Reſolved, that the matter of Sir Robert Holt's caſe (being detained in the priſon of the Fleet in execution, and thereby hindered from attending the ſervice of this houſe) be referred to the committee of elections and privileges; and they are to ſearch precedents in the caſe.”

On the 2d of April, 1676, upon the report from the committee of privileges,

“ Reſolved, that Sir Robert Holt be delivered out of the cuſtody of the warden of the Fleet, to attend the ſervice of this houſe.”

“ Reſolved, that Sir Robert Holt be delivered from ſuch cuſtody, by ſending the ſerjeant at arms, attending this houſe with the mace, to bring him to the ſervice of the houſe.”

Ordered, that the ſaid report be taken into conſideration upon Thurſday morning next.

20th. The order of the day being read for taking into conſideration the report, relating to Mr. Aſgill (a member of this houſe) in priſon in the Fleet;

Ordered, that the conſideration of the ſaid report be adjourned till Tueſday morning next.

25th. The order of the day being read for taking into conſideration the report, relating to Mr. Aſgill (a member of this houſe) in priſon in the Fleet;

Ordered, that the ſerjeant at arms, attending this houſe, do go with the mace into Weſtminſter-hall, and courts there, and court of Requeſts, and places adjacent, and ſummon the members there to attend the ſervice of the houſe.

And he went accordingly:

And being returned,

The report relating to Mr. Aſgill was again read.

Ordered, that the report be recommitted.

The houſe being informed of a printed book, or pamphlet, ſigned J. Aſgill, intitled, "An argument, proving that, according to the covenant of eternal life revealed in the Scriptures, man may be tranſlated from hence into that eternal life, without paſſing through death, although the human nature of Chriſt himſelf could not be thus tranſlated, till he had paſſed through death;" ſeveral paragraphs whereof are contrary to, and reflecting upon the Chriſtian religion.

The book was brought up to the table, and the title and ſeveral paragraphs thereof, read.

Ordered it be referred to the committee, to enquire into the author of the ſaid book.

26th. Mr. Harley reported from the ſaid committee, that they had directed him to move, that it may be alſo enquired into, who was the printer and publiſher of the ſaid book; and may alſo report what paſſages therein, which are contrary to, and reflecting upon, the Chriſtian religion.

Ordered, that the ſaid committee do examine, who was the printer and publiſher of the ſaid book, and report the paſſages therein which are contrary to, and reflecting upon, the Chriſtian religion.

27th. Mr. Speaker acquainted the houſe, that he had received a letter from Mr. Aſgill, in relation to the book under examination; and the ſame was read, and is as follows; viz.

"Fleet, Nov. 26, 1707.

"SIR,

"Obſerving your votes for enquiring into the author of the book ſigned with my name, I think it my duty to prevent the houſe loſs of time in that enquiry.

"What I wrote, I am ready to produce and recognize, whenever the houſe pleaſe to admit me to anſwer it in my place; and not doubting, but they will adjudge my right to that admiſſion, I hope they will alſo pleaſe to reſpite any further cenſure upon it, till then.

"SIR,
"Your moſt humble ſervant,
"JOHN ASGILL."

"To the right honourable John Smith, eſquire, ſpeaker of the houſe of commons."

Ordered, the ſaid letter do lie upon the table until the report be made from the committee, to whom the ſaid book is referred.

29th. Mr. Edward Harley reported from the ſaid committee, what paſſages are therein contrary to, and reflecting upon, the Chriſtian religion; that the committee had examined, and collected the matters directed, and had ordered him to report the ſame to the houſe; which he read in his place, and afterwards delivered in at the clerk's table.

Reſolved, to conſider the report on Thurſday next.

Dec. 4. Ordered to be conſidered on Tueſday next.

9th. Mr. Speaker acquainted the houſe, that he had received another letter from Mr. Aſgill; which was read, and is as followeth; viz.

"Fleet, December 9, 1707.

"SIR,

"I hope the call of the houſe (or the report on my book) will occaſion the judgment of the houſe in calling me to my place.

"As an additional help to obſtruct that, I underſtand there is a cloſe application made againſt me, as being guilty of a breach of truſt in purchaſe of Lord Kenmare's eſtate in Ireland.

"Againſt this, I have no way of defence, but by letter to your chair, which yet I ſhould not have done, had not ſome members been pleaſed to declare, what influence this hath had on them in the matter of my privilege now depending; which I hope will plead my pardon for the following narrative.

"Several years ſince, I was expelled the houſe of commons in Ireland, on pretence of the book now to be reported.

"But about three days after, the true cauſe of this expulſion appeared, by delivering a petition into that houſe againſt me for breach of this truſt, which was heard at the bar of the houſe; where there appeared againſt me four witneſſes, two counſel at the bar, and four managers in the houſe, who had been chief ſticklers for my expulſion.

"Againſt theſe, I made my defence alone, having my innocence for my counſel, and the contradiction of their own witneſſes for my evidence; and after the petition had been expoſed, to be as ridiculous as it was falſe, it was rejected.

"Ever ſince that, I have offered them to wave my privilege to any bill.

"And having been lately ſhewn a petition, prepared (as is ſaid) for this houſe, I have preſſed them to deliver it, flattering myſelf, that the hearing of the cauſe may prove ſome diverſion to the houſe for all the trouble (ſo unwillingly) occaſioned to them by "SIR,
"Your moſt humble ſervant,
"JOHN ASGILL."

"To the right honourable Speaker of the houſe of commons."

The order of the day being read,

Ordered, that the houſe be called over upon Thurſday the 15th day of January next, and that ſuch members as ſhall not then attend be ſent for in cuſtody of the ſerjeant at arms, attending this houſe.

Ordered, that Mr. Speaker do write his letters to the ſheriffs of the reſpective counties, to ſummon the members who are in the country to attend the ſervice of the houſe, upon the 15th day of January next.

A motion being made, and the queſtion being put, that this houſe do now proceed in the conſideration of the report from the committee, to whom it was referred to examine, who was the author, printer, and publiſher of a book, intituled, "An argument proving, that according to the covenant of eternal life revealed in the Scriptures, man may be tranſlated, from hence into that eternal life without paſſing through death; although the human nature of Chriſt himſelf could not be thus tranſlated, till he had paſſed through death:"

It paſſed in the negative.

Ordered, that the ſaid report be conſidered upon this day ſeven-night, and nothing to intervene.

12th. Sir Henry Dutton Colt reported from the committee to whom a former report was re-committed, relating to Mr. Aſgill a member of this houſe, (in priſon in the Fleet) the precedents they had found concerning members diſcharged out of priſon, which they had directed him to report; and which he read in his place, and afterwards delivered in at the clerk's table.

Ordered, that the ſaid report be taken into conſideration upon Tueſday morning next.

December 16th. The houſe, according to order, proceeded to take into conſideration the report from the committee, who were appointed to examine the matter of the complaint, in a letter ſent from John

Aſgill, eſquire, a member of this houſe, that he was tained from attending the ſervice of the houſe; and who were to ſearch precedents what hath been done for diſcharge of any members impriſoned upon execution, and meſne proceſs.

And the report was read, and is as followeth, viz.

That it appeared upon the examination of the high bailiff, and keeper of the Gatehouſe, Weſtminſter; one Elderton a bailiff, and the warden of the Fleet; that a warrant was ſent from the ſheriff of Middleſex to the high bailiff of Weſtminſter dated the 11th of June, 1707, for arreſting the ſaid Mr. Aſgill, at the ſuit of John Holland for 6,390 l. debt, and at the ſuit of John Taylor for 2,500 l. debt.

That, purſuant to the ſaid warrants, Mr. Aſgill was arreſted the 12th of June aforeſaid, by one Elderton a bailiff, to the ſaid high bailiff of Weſtminſter, and by him detained till the 14th of the ſaid June; and then he delivered Mr. Aſgill to the cuſtody of the Gatehouſe priſon, charged in execution at the ſuit of the ſaid John Holland, and John Taylor.

That the ſaid Mr. Aſgill the 23d of October, 1707, was removed by *habeas corpus* from the Gatehouſe to the priſon of the Fleet, then charged with actions upon meſne proceſs, at ſeveral perſons ſuits, in the ſum of 2,284 l. and on executions in the ſum of 9,890 l. as by the original return, annexed to the ſaid writ of *habeas corpus*, appeared.

That then the committee proceeded to ſearch for precedents of the method of proceedings, which this houſe has uſed in caſes of privileges, and the method of freeing their members under arreſts; which, in point of time as they ſtand upon the Journals of this houſe, are; viz.

Thomas Thorp, 31 Hen. VI.

The moſt noted precedent, is that of Thomas Thorp, ſpeaker, in 31 Henry VI, and the caſe was this:

That the parliament being adjourned from Reading, the 12th of November to the 11th of February, from thence to the 14th following, Richard Duke of York ſued Thomas Thorp, the ſpeaker, in the Exchequer; got a verdict and judgment againſt him for 1,000l. damages, and 10l. coſts, between the 12th of November and 11th of February; and took and detained him priſoner in the Fleet: whereupon, when the parliament met, the whole houſe of commons preſented a petition for his enlargement; which being entered in the Parliament rolls, the committee ordered it to be reported at large; viz.

Requeſta facta per communes pro deliberatione prolocutoris ſui.

Fait a rememberer, que le quatorziſme jour de feveſer tan ſuiſditz les communes per certeines de tour compagniones ſirent requeſt au Roy, et les ſeigneurs eſpirituetz et temporetz, en le dit parliament eſteantz, queur peuſſent avoir et anjoier totz tit tielz libertes et privileges, come ount eſte accuſtomez et dauncien temps uſez, pur venanter au parlament; [et concordaunt a meſmes le libertes et privileges] que Thom. Thorp lour commune parlour, et Walter Rayle, membres de la dit parlemont, a donquès eſteantz in priſon, peuſſent aller allour large et liberte, pur le boon eſploit du dit parlemont. Rot. Parl. 30 *et* 32 *Hen. VI. num.* 25. 26 *Parlam.* 31 *Hen. VI.*

Declaratio facta ex parte Ducis Ebor. contra deliberationem prædicti prolocutoris. 26.

Item, the Friday, the 15th day of February, it was opened and declared to the lords ſpiritual and temporal, being in the parliament chamber, by the counſel of the Duke of York; that where Thomas Thorp, the Monday the day of the month of , the year of the reign of King Henry the ſixth, and 31ſt, came to the palace of the biſhop of Durham, and thence and there to be, and bear away certain goods and chattles of the ſaid Duke's, againſt his will and licence; and thereupon the ſame Duke tamed, and took an action by will, in Michaelmas term laſt paſt, againſt the ſaid Thomas, in the court of Exchequer, according to the privilege of the ſame court; for ſo much that the ſame Thomas was one of the court, by which privilege he ought to be enpleted in that court of Exchequer in ſuch caſes, and in none other court: to the which bill the ſaid Thomas wilfully appeared, and had divers days to imparle, at his requeſt and deſire; and to the ſaid bill and action anſwered, and pleted not guilty: whereupon there was awarded, in the ſaid Exchequer, a *venire facias* to the ſheriff of Middleſex, retornable in the ſaid Exchequer; and there, by the jury, that paſſed between the ſaid Duke and the ſaid Thomas, it was found that the ſame Thomas was guilty of the treſpaſs contained in the ſaid bill; and the ſame jury aſſeſſed the damages to the ſaid Duke, for the ſaid treſpaſs, to a M. li. and for his coſts 10 l. and thereupon judgment was given in the ſaid Exchequer; and the ſaid Thomas, according to the courſe of law, was committed to the Fleet, for the fine belonging to the King in that behalf: and thereupon it was prayed humbly, on behalf of the ſaid Duke, that it ſhould like their good lordſhips, conſidering, that the ſaid treſpaſs was done and committed by the ſaid Thomas ſince the beginning of this preſent parliament; and alſo, the ſaid bill and action were taken and tamed, and by proceſs of law judgment thereupon given againſt the ſaid Thomas in time of vacation of the ſame parliament, and not in parliament time; and alſo, that if the ſaid Thomas ſhould be releaſed by privilege of parliament, or the time, that the ſaid Duke be ſatisfied of the ſaid damages and coſts, the ſame Duke ſhould be without remedy in that behalf: and that the ſaid Thomas, according to law, be kept in ward till the time that he hath fully content, and ſatisfied the ſaid Duke of his ſaid damages and coſts.

The lords ſpiritual and temporal, not intending to impeach, or hurt the liberties and privileges of them who were commons for the ſaid commonalties of this land, to this preſent parliament, but legally, after the courſe of law, to miniſter juſtice, and to have knowledge what the law will weigh in that behalf, opened and declared to the juſtices the premiſes, and aſked of them, whether the ſaid Thomas ought to be delivered from priſon by force and virtue of the privilege of parliament, or not? To the which queſtion, the chief juſtice, in the name of all the juſtices, after ſad communication and mature deliberation had amongſt them, anſwered and ſaid, that they ought not to anſwer to that queſtion; for it had not yet been uſed aforetime, that the juſtices ſhould, at any time, determine the privileges of this high court of parliament; for it is ſo high, and ſo mighty in this nature, that it may make law, and that, that is law, it may make no law; and the determination of that privilege belongeth to the lords of the parliament, and not to the juſtices: but as for declaration of proceeding in the lower courts, in ſuch caſes as writs of *ſuperſedeas*, of privilege of parliament, be brought and delivered; the ſaid chief juſtice ſaid, there be many and divers *ſuperſedeas* of privilege of parliament brought into the courts; but there is no general *ſuperſedeas* brought to ſurceaſe all proceſſes; for, if there ſhould be, it ſhould ſeem, that this high court of parliament, that miniſtreth all juſtice and equity, ſhould lett the proceſs of the common law; ſo it ſhould put the parties complainant without any remedy, for ſo much as actions at common law be not determinable in this high court of parliament; and if any perſon, that is a member of this high court of parliament, be arreſted in ſuch caſes, as be not for treaſon, or felony, or ſurety of the pleas, or for a condemnation had before the parliament, it is uſed, that all ſuch perſons ſhould be releaſed of ſuch arreſts, and make an attorney, ſo that they may have their freedom and liberty freely to entend upon the parliament. After which anſwer, and declaration, it was thoroughly agreed, aſſented, and concluded, by the lords ſpiritual and temporal, that the ſaid Thomas, according to the law, ſhould remain ſtill in priſon for the cauſes aboveſaid, the privilege of the parliament, or that the ſame Thomas was ſpeaker of the parliament, notwithſtanding; and that the premiſes ſhould be opened, and declared to them, that were comen for the commons of this land, and that they ſhould be charged and commanded, in the King's name, that they, with all goodly haſt and ſpeed, proceed to the election of another ſpeaker. The which premiſes, for as much as they were matters in law, by the commandment of the lords, were opened and declared to the commons by the mouth of Walter Moyle, one of the King's ſerjeants at law, in the preſence of the Biſhop of Ely, accompanied with other lords in notable number; and there it was charged and commanded to the ſaid commons, by the ſaid Biſhop of Ely, in the King's name, that they ſhould proceed to the election of another ſpeaker with all goodly haſt and ſpeed; ſo that the matters, for which the King called this his parliament, might be proceeded in, and this parliament take good and effectual concluſion and end.

That the King himſelf was not preſent during this ſeſſion, but the Duke of York did all things in this parliament by a ſpecial commiſſion from the King, as followeth; viz.

Ex Rotul. Parl. 31 *Hen. VI. R. S. num.* 24.

De procedendo in parliamento.

Memorand. Pro eo quod d'nus Rex, qui preſens parl'tum ſuum nuper apud Reding inchoavit, et tenuit, et uſque quartum decim' diem Februarii, anno dicti d'ni Regis triceſimo s'c'do, apud palacium ſuum Weſtm. adjornari ordinavit, propter certas juſtas et r'onabiles cauſas in eodem parl. in perſona ſua intereſſe non potuit; idem d'nus Rex, de adviſamento et aſſenſu conſilii ſui, quaſdam literas patentes, ſub magno ſigillo ſuo ſignatas, coram d'nis ſpi'alibz et temporalibz in preſenti parl'to dicto quarto decimo die Feb. exiſten' legi fecit in hæc verba: Henricus Die gra. Rex Anglie et Francie, et d'nus Hib'nie, omnibus, ad quos preſentes l'ræ prevenerint, ſalutem. Sciatis, quod cum pro quibuſdam arduis et urgentibus negotiis, nos, ſtatem et defenſionem regni n'ri Angliæ, et eccleſiæ Anglicanæ, contingentibz quoddam parliamen. n'rum nuper apud Redyng teneri, et uſque quartum decimum diem hujus inſtantis menſis Februarii ad palacium n'r'm Weſtm. adjournari ordinavimus; quia vero dicto parliamento n'ro, propter certas juſtas et rationabiles cauſas in perſona n'ra non poterimus intereſſe; nos de circumſpectione et induſtria cariſſimi conſanguinei n'ri Ric'i ducis ebor. plenam ſeduciam reportant. eidem conſanguineo n'ro ad parliament. predict. no'ie n'ro tenend. et in eodem precedend. et ad faciend. om'ia et ſingula, que pro nobis et per nos, pro bono regimine et gubernatione regni n'ri pred'cti, ac alioru' d'minioru' n'ror' eidem regno n'ro pertinen. ib'em fuerint faciend. nec non ad parliamentum illud faciend. aut diſſolvend. de aſſenſu conſilii n'ri, plenam tenore preſentiu' committimus poteſtatem; dantes ulterius, de aſſenſu ejuſdem conſilii n'ri, tam univerſis et ſingulis archiep'is, ep'is, ab'atibz, prioribz, ducibz, comitibz, baronibz, et militibz, cum o'ibz aliis, quorum intereſt, ad parliamentum n'r'm predict. conventur, ſi'l't tenore preſentium firmiter in mandatis, quod idem conſanguineo n'ro intendant in premiſſis in forma predict. In cujus rei teſt. has l'ras n'ras fieri fecimus patentes. Teſte meip'o apud Weſtm. 13 *die Feb. anno r'ni triceſimo ſ'c'do. Per ipſum regem et conſilium.*

Convenit cum recordo,
WILL. PETYT.

That the committee had likewiſe before them a private act of parliament 1 Henry VII. wherein is ſet forth,

That where Richard ſometime Duke of York, by the excitation, ſtirring, and moving, of one Thomas Colt, eſquire, being nigh counſel with the ſaid late Duke, grievouſly maligned againſt Thomas Thorp, for the true and faithful ſervice that he had done and owed to the ſaid late King Henry the VIth; and thereupon the ſaid late Duke affirmed a bill of treſpaſs againſt the ſaid Thomas Thorp, in the court of King's Exchequer; ſuppoſing by the ſame bill, that the ſaid Thomas Thorp ſhould have taken from the ſaid Duke divers goods and chattles, to the value of 2,000 l. where in truth the ſaid Thomas Thorp never took no ſuch goods of the ſaid Duke's by only the commandment of the King, the ſaid Thomas Thorp arreſted ſeveral harneſs and habiliments of war of the ſaid Duke; to which action the ſaid Thomas Thorp, by the ſpecial labour and untrue means of the ſaid Thomas Colt, was condemned to the Duke in 1,010 l. &c. And after, that the ſaid Thomas Thorp was with the ſaid King Henry the ſixth, in the field of Northampton, and there was taken priſoner, and after, cruelly and contrary to law and conſcience beheaded and put to death in Hyringy park, *Rot. Parl.* 1 Henry VII. number 26.

That this was the caſe of Thomas Thorp; and there are ſeveral other precedents in the time of King Henry the ſixth, and Edward the fourth; where members, arreſted and taken in execution, ſitting the parliament, were obliged to procure acts of parliament for their enlargement; viz.

William Lark, menial ſervant, an attendant on William Milrede, one of the citizens of London for the parliament of 8 Hen. VI, was arreſted at Weſtminſter, whilſt attending there on his maſter, ſitting the parliament; and upon the petition of the commons, there was a ſpecial act of parliament for his enlargement. *Rot. Parl.* 8 *Hen. VI.* num. 57.

That there was a like act of parliament for the enlargement of Walter Clerk, burgeſs of Chippenham in Wiltſhire. *Rot. Parl.* 39 *Hen. VI.* num. 9.

Another for William Hyde burgeſs of Chippenham, *Rot. Parl.* 14 *Edward IV.* num. 55.

Another for John Atwill burgeſs of Exeter, *Rot. Parl.* 17 *Edward IV.* num. 35.

All which were arreſted and taken in execution, during the ſeſſion of parliament, and their attendance on this houſe, yet releaſed by ſpecial acts of parliament.

But in the time of Henry the eighth the houſe proceeded in another manner, as in the caſe of George Ferrers; who being arreſted during the parliament of 34 Hen. VIII, was ſet at liberty by the ſerjeant; and the ſheriffs of London refuſing to deliver him, were ſent to the Tower. *Hollinſhed*, p. 1582.

Another precedent that the committe conſidered, was the caſe of Chamond, 35 Hen. VIII, as it is reported by my Lord Dyer, as follows:

35 Hen. VIII. Trewinard was arreſted upon an *exigent*, at the ſuit of Skewis; and a writ of privilege of parliament iſſuing forth to Chamond ſheriff of Cornwall, ſetting forth, that Trewinard was a burgeſs, and declaring the cuſtom of the privilege of parliament, the ſheriff ſet him at liberty: upon this, the executors of Skewis brought an action againſt Chamond the ſheriff: to this he demurred, and upon this demurrer, theſe three points were argued:

1ſt. Whether privilege be grantable in this caſe, where a burgeſs of parliament is arreſted in an *exigent*:

2d. Whether if privilege be grantable, the party ſo ſet at liberty, ſhall be for ever diſcharged from the execution of the plaintiff, or only during the parliament.

3d. Admitting that privilege is not allowable in this caſe, whether the writ and warrant of the King proceeding from parliament be not a ſufficient excuſe and diſcharge for the ſheriff againſt the plaintiff.

For the firſt it was alledged, that for as much as the King and the whole realm had an intereſt in the body of every one of the ſaid members, the private intereſt of every particular man ought not to be regarded; for it is a maxim, *quod majus dignum trahit ad ſe, minus dignum*, as was adjudged in the caſe in 6 Edward IV. That if a man was condemned in a treſpaſs or rediſeiſine, and in execution for a fine to the King; if he was out-lawed of felony, his body ſhould not be impriſoned at the ſuit of the party, becauſe the King had an intereſt in his body.

And it is concluded, that the court of parliament is the higheſt court, and has more privilege than any court in the realm.

And that in every caſe, without any exception, every burgeſs is privileged againſt arreſts at the ſuit of any ſubject: and this caſe is the better, for as much as the execution was ſued during the parliament, in which caſe the plaintiff was at liberty to ſue execution of his body, or of his lands, or goods: and alſo every privilege is by preſcription, and every preſcription that is for the advantage of the common weal is good, although it be prejudicial to any private perſon.

Therefore in the time of Edward IV. it was held a good preſcription to dig in the ground of any man near the ſea, to make bulwarks againſt the King's enemies.

Dyer 59. That that was the argument in my Lord Chief Juſtice Dyer.

That the committee likewiſe obſerved by the record, that the parliament, in which Trewinard was a burgeſs, was firſt ſummoned and begun the 16th of January, 33 Henry VIII. was prorogued to the 22d of January, 24 Henry VIII. and was afterwards prorogued to the 14th of Jan. 35 Hen. VIII.

That the bill brought by Skewis againſt Trewinard was in Michaelmas, 31 Henry VIII. two years before the ſummons to parliament; that the *exigent* awarded againſt him after judgment, was dated the 30th of June, 35 Henry VIII. that his rendering himſelf was the 12th of November, 25 Henry VIII. about two months before the ſeſſions began on the 14th of January, 25 Henry VIII. So that the granting a writ of privilege on the 22d of February, 35 Henry VIII. was contrary to the practice in the caſe of Thorp.

That there is likewiſe obſervable, a ſpecial clauſe in the writ of privilege which iſſued forth at this time; and runs thus,

Cum ſecundum conſuetudinem in regno n'ro Angliæ hactenus obtentam, et approbatam, d'ni magnates, et milites comitatuum, et civis et burgenſis civitatum et burgorum, ad parliamenta n'ra de ſummonitione noſtra venientis, ſeu venire intendentes, aut in eiſdem circa ardua negotia, ſtatum et utilitatem regni n'ri prædicti concernantia, attendentes, ſub protectione n'ra liberi, &c. Hill 39 Hen. VIII. *rot.* 39 *in B. Regis.*

And that, by this, privilege is not limited to *eundo, morando, et redeundo*; but is allowed to them that deſigned to come up to parliament; *venire intendentes*.

That the next caſe in time, is that of Thomas Fitzherbert, which is thus reported by Moor, viz.

Fitzherbert 25 Eliz. was arreſted in execution on the 3d Feb. at ſeven of the clock of the forenoon, and at ten o'clock in the forenoon was elected burgeſs for Newcaſtle under Line, to ſerve in parliament, which was to meet on the 19th day of February; and the houſe of commons did agree, that for as much as he was arreſted before he was choſe burgeſs, he ought not to have the privilege of the houſe; my Lord Cook, who was then ſpeaker, alledging the caſe of Thorp, who being ſpeaker of a parliament in the time of Henry VI. adjourned by prorogation; the ſpeaker was arreſted in execution at the ſuit of the Duke of York; and the parliament meeting again, it was reſolved, that the ſpeaker ſhould not have privilege, but they elected a new ſpeaker, *Moor's reports*, p. 340.

That that caſe is likewiſe related by Sir Simon D'Ewes, who ſays he was arreſted two hours after his election, but before his indenture was returned to the ſheriff; upon which matter they drew two queſtions:

1ſt. Whether Mr. Fitzherbert were a member of the houſe:

2d. Admitting he were, yet whether he ought to have privilege. And the judgment of this houſe was, that Thomas Fitzherbert was by his election a member thereof; yet he ought not to have a privilege in three reſpects: firſt, becauſe he was taken in execution before the return of the indenture of his election: ſecondly, becauſe he had been outlawed at the Queen's ſuit, and was now taken in execution for her Majeſty's debt: thirdly and laſtly, in regard he was ſo taken by the ſheriff, neither *ſedente parliamento*, nor *eundo*, nor *redeundo*. Thus it is related by Sir Simon D'Ewes from the anonymous journal, which he ſo often quotes, pages 479, 490, 502, 516, 518.

That the next precedent, is the caſe of Sir Thomas Shirley 1 *Jac.* as follows, viz.

The parliament 1 *Jac.* was ſummoned to meet on the 19th of March; and on the 15th of March, four days before the parliament met, Sir Thomas Shirley, who was elected burgeſs for Steyning in Suſſex, was arreſted and committed to the Fleet, page 39.

Upon a motion made on this behalf, the houſe ordered a warrant ſhould be directed under the hand of Mr. Speaker, to the clerk of the Crown, for a writ of *habeas corpus* to bring the body of Sir Thomas into the houſe upon Tueſday following, March 22, 1603, page 39.

It appeared upon examination of the fact, that the execution was taken forth the 30th June 1603, a day before the teſte of the writ, and was delivered to the ſerjeant the eleventh of February before Sir Thomas was elected.

The heads of the debate upon this occaſion, appear upon the journal; and conclude by appointing a committee to conſider of all the queſtions and doubts in this caſe. March 27, 1604, page 58.

Upon report of the committee the houſe ordered, that Simpſon, at whoſe ſuit Sir Thomas was arreſted, and the ſerjeant that arreſted him, ſhould be committed to the Tower; and that they would hear counſel on all parties on theſe points:

1ſt. Whether privilege were to be allowed ſince the execution was taken forth before the parliament ſat:

2d. Whether the action was diſcharged:

3d. Where the loſs ſhould lie. April 9, 1604, page 108.

The argument of the counſel, and the precedents they uſed, appear in the Journal, page 128, viz.

That of Hyde, 14 Ed. IV. of Lark, 8 Hen. VI. and of Clark, 29 Hen. VI.

Upon the reading of theſe precedents, were put;

1ſt. Whether Sir Thomas Shirley ſhould have privilege:

2d. Whether preſently, or deferred till further orders:

3d. Whether we ſhall be petitioners to his Majeſty according to former precedents, for ſome courſe of ſecuring the debt of the party, and ſaving harmleſs the warden of the Fleet:

Which were all reſolved in the affirmative. p. 131.

A bill for ſecuring Simpſon's debt, was twice read, and committed. Page 134, April 17, 1604.

The ſame bill read a third time, and paſſed, page 144: ſent up to the lords. p. 148, April 21, 1604.

A bill for the relief of plaintiffs, where the defendants in execution are ſet at liberty, altered in the ſtile, and ordered to be ingroſſed. April 27, 1604.

On the 2d of May a motion was made to appoint a committee to conſider of all ſuch precedents as ſhall be offered in the particulars of Sir Thomas Shirley's caſe of privilege, and there are the copies of ſeveral records in your Journal.

“Reſolved, that Sir Thomas Shirley be preſently delivered.”

“Ordered upon the queſtion, that a writ of *habeas corpus* ſhall preſently be awarded for the bringing his body, being priſoner in the Fleet, into the houſe to morrow at eight of the clock in the morning; and a warrant containing the effect of the order, under the hand of Mr. Speaker, directed to the clerk of the Crown accordingly.”

1ſt. Upon the 4th of May, a petition was tendered and read in the houſe to be exhibited to his Majeſty, for the royal aſſent to Sir Thomas Shirley's bill preſently to be had: upon the reading, it was not approved; nor thought fit by the houſe to proceed in that manner, being, as was conceived, ſome impeachment to the privileges of the houſe; the petition itſelf is entered in the Journal, and is according to the form of thoſe acts that paſſed in the time of Edward IV. but the houſe reſolved, that a *habeas corpus* be awarded as before.

But the warden of the Fleet denied to execute the writ of *habeas corpus* before the King's royal aſſent was procured to the bill for the ſecurity of Simpſon and himſelf, and was committed to the ſerjeant the 7th of May, 1604.

The ſame day an act for new executions to be ſued after the parliament, when the defendants, &c. was read a third time, and paſſed. 209.

The warden of the Fleet continuing obſtinate, and refuſing to deliver Sir Thomas unleſs he would give ſecurity, it was ordered to commit the warden of the Fleet to the Tower, cloſe priſoner: 2. To ſend the ſerjeant to-morrow (ſitting the court) to require the delivery of Sir Thomas Shirley. 8th of May, 1604, page 213.

The ſerjeant returneth from the Fleet: ſays the warden's wife refuſes to deliver him.

Mr. ſecretary Herbert reports, that his Majeſty upon the reading the precedent of Ferrers, was graciouſly pleaſed to leave it to their liberty to proceed in the cauſe of Sir Thomas Shirley, as they thought fit. May 9, 1604. page 2107.

The firſt bill for ſecuring the debt of Simpſon, being found faulty, after it paſſed both houſes, a new bill was drawn, and paſſed the houſe in one day.

Sir Roger Aſton delivered from the King, that *in verbo principis* he will give his aſſent at the end of the ſeſſion. May 10, 1604. page 219.

The warden and his wife continuing obſtinate, the houſe at laſt committed him to the priſon of little eaſe, within the Tower, May 11, 1604. p. 222. And upon the 15th cauſed Sir Thomas to be delivered, and he was inſtantly admitted to ſit in the houſe. Page 232.

That there was but three caſes ſince the ſtatute of King James, that the committee were acquainted with.

The firſt of Sir William Bampfield, as follows; viz.

Sabbati, April 12, *Jac.*

Sir John Strangewith moved, that Sir William Bampfield burgeſs for Birdport, is committed by my Lord Chancellor, ſince the time of the ſummons of the parliament, but before this election; and prays the direction of the houſe: which is referred to the conſideration of the committee for privileges.

Jovis 14 *April,* 12 *Jac.*

Mr. Fuller reports Sir William Bampſield's caſe: that he was committed before the election, for a contempt, for not accepting the offer of Sir George Wentworth.

“Queſtion, Whether Sir William Bampfield committed after the ſummons and before the election, for a contempt:—

“Ordered upon the queſtion, that he ſhall have his privilege by writ of *habeas corpus.*”

The 2d is that of Sir John Prettyman, as follows; viz.

The parliament was prorogued from the 10th of November, 1674, to the 13th of April, 1675.

On the 14th of April, 1675, information being given to the houſe, that Sir John Prettyman, a member of this houſe, is detained priſoner in the priſon of the King's Bench;

“Ordered, that the marſhal of the King's Bench do bring Sir John Prettyman to-morrow morning to this houſe, together with the cauſe of his being detained in priſon from the attendance of this houſe.”

April 15, 1675. The marſhal of the King's Bench being called into the houſe, to give an account of the order ſent to him to bring Sir John Prettyman to the houſe; and having given an account why he had not at preſent obeyed the order; the matter was referred to the committee of privileges.

20 April, 1675.

“Reſolved, that Sir John Prettyman be delivered out of the cuſtody of the marſhal of the King's Bench, to attend the ſervice of this houſe.”

“Reſolved, that Sir John Prettyman be delivered from ſuch cuſtody, by ſending the ſerjeant at arms, attending on the houſe, with the mace, to bring him to the ſervice of this houſe.”

The third, is that of Sir Robert Holt, as followeth; viz.

Upon the 16th of February, 1676, information was given to the houſe from Sir Robert Holt, a member of the houſe, that he was detained priſoner in the Fleet, at the ſuit of Mr. Edward Prideaux, and thereby hindered from attending the ſervice of the houſe.

A petition of Mr. Edward Prideaux was alſo tendered and read; and a debate enſuing,

“Reſolved, that the matter of Sir Robert Holt his caſe (being taken in execution, and detained priſoner in the Fleet, and thereby hindered from attending the ſervice of this houſe) be referred to a committee.” Feb. 16, 1676.

On the 22d of February, 1676.

“Reſolved, that the matter of Sir Robert Holt's caſe (being detained in priſon in the Fleet in execution, and thereby hindered from attending the ſervice of this houſe) be referred to the committee of elections and privileges; and they are to ſearch precedents in the caſe.”

On the 2d of April, 1677.

“Reſolved, that Sir Robert Holt be delivered out of the cuſtody of the warden of the Fleet, to attend the ſervice of the houſe.”

“Reſolved, that Sir Robert Holt be delivered from ſuch cuſtody, by ſending the ſerjeant at arms, attending this houſe, with the mace, to bring him to the ſervice of the houſe.”

And alſo the ſtatute of King James the firſt, cap. 13. intitled, “An act for new executions to be ſued againſt any which ſhall hereafter be delivered out of execution by privilege of parliament, and for diſcharge of them out of whoſe cuſtody ſuch perſons ſhall be delivered,” was read.

Reſolved, that John Aſgill, eſquire (detained a priſoner in the Fleet) ought to have the privilege of this houſe, as a member thereof.

Reſolved, that John Aſgill, eſquire, be delivered out of the cuſtody of the warden of the Fleet, to attend the ſervice of this houſe.

Reſolved, that John Aſgill, eſquire, be delivered from ſuch cuſtody, by ſending the ſerjeant at arms, attending this houſe, with the mace, to bring him to the ſervice of the houſe.

Reſolved, that this houſe will, upon Thurſday morning next, take into conſideration the report from the committee, who were to examine who was the author, printer, and publiſher of a book, intitled, “An argument, proving that, according to the covenant of eternal life revealed in the Scriptures, man may be tranſlated from hence into that eternal life, without paſſing through death, although the human nature of Chriſt himſelf could not be thus tranſlated, till it had paſſed through death.”

Dec. 18. The houſe proceeded to take into conſideration the ſaid report.

And the report was read, and is as followeth; viz.

That the committee having ſummoned ſeveral perſons before them, in order to the diſcovery of the author, printer, and publiſher of the ſaid book.

Mr. John Darby, a printer, ſaid, that he was ſent for this morning by Mr. Aſgill, and when he came to him, Mr. Aſgill was writing a letter; which, when he had finiſhed, he read over to him, and then encloſed in it one of the ſecond impreſſions of his book, and deſired him to deliver the ſame to the chairman of this committee. Which letter was read to the committee, and is marked A. The ſaid Darby ſaid, that he printed the firſt impreſſion of the book encloſed in the ſaid letter, having the copy from Mr. Aſgill, to whom he gave no conſideration for it, but that what books Mr. Aſgill had from him, he paid for; and that Mrs. Abigail Baldwyn publiſhed the ſaid books for him.

Robert Stevens, meſſenger to the preſs, ſaid, upon ſight of one of the ſaid books, that Mr. John Darby was the printer, and Mrs. Abigail Baldwyn was the publiſher thereof.

Then the committee took into conſideration what paſſages are in the ſaid book which are contrary to, and reflecting upon, the Chriſtian religion; which they ſaid to be as followeth; viz.

Page 7th.—“Now the aſſertion of Chriſt concerning himſelf was, that man by him may live for ever.

“And this is that magnetick, which hath drawn the world after him.”

Page 8. “Now if theſe words of his are words only, then was he an impoſtor, and his doctrine is falſe:

“But if this aſſertion of himſelf be true, that man by him may live for ever; then all our attempts beneath this are mean and cowardly, as counting ourſelves unworthy of eternal life.”

Page 24. “Such was the death of Chriſt, without a precedent, without a name, without a reaſon, without a cauſe; they hated me without a cauſe: but they were all againſt him, becauſe God was againſt him.”

Page 30. “Men charge God as an humouriſt, for condemning the whole race of mankind for ſo ſmall an offence, as eating a little forbidden fruit.”

Page 35. “Had Chriſt thus become man, and died and roſe again, all voluntarily, to try an experiment, he had only ſaved his own life, and left all the world to ſhift for themſelves.

“But this would have been knight errantry in tempting God, againſt which he hath ſufficiently declared himſelf.”

Page 36. “The devil told Eve, that they might eat, and not die.

“And theſe were the firſt words ſpoken to man by God, or the devil, upon the truth or falſehood whereof the very beings of them both were to depend for ever; for which ever of them could maintain the truth of his word againſt the other, he muſt have been God, and the other the devil.

“And therefore God having turned the lie upon the devil, he is from thence called a lier from the beginning, and the father of it, and will never be believed again for ever.

“God could not have diſpenſed with his word, without complimenting the devil with his Godhead, in taking the lie upon himſelf; and this he could not do: for God cannot lie without undeifying himſelf; and this he can't do, becauſe all his qualities being of his eſſence, he can't change them.”

Page 51. “And after that, it was no matter to man, whether Chriſt had ever given ſatisfaction to God, or not: we might have ſaid to God, look thou to that.”

Page 78. “We don't think ourſelves fit to deal with one another in human affairs, till our age of one-and-twenty; but to deal with our Maker, thus offended, to counterplot the malice of fallen

“ angels, and to reſcue ourſelves from eternal ruin,
“ we are generally as well qualified for, before we
“ can ſpeak plain, as all our lifetime after.”

Page 82. “ But what is it, that you do or would
“ believe of him, or in him?
“ Why, we believe him for our Saviour.
“ Save you from what?
“ Why, from our ſins.
“ Why, what hurt will ſin do you?
“ Why, it will kill us.
“ How do you know?
“ Why, the law of God ſaith ſo: in the day
“ thou eateſt thereof thou ſhalt die.
“ Why, but then will not this Saviour ſave you
“ from this law, and from this death?
“ No, no: he'll ſave us from ſin.
“ Why, then it ſeems you have got a pardon
“ from horſeſtealing, with a *non obſtante* to be
“ hang'd.
“ Do but ſee now, what a jeſt you have made of
“ your faith; and yet I defy the order of prieſthood
“ to form a better creed than this, without admit-
“ ting the truth of my argument, or to make
“ ſenſe of their own faith, without adding mine
“ to it.
“ It is much eaſier to make a creed, than to be-
“ lieve it, after it is made.”

Page 95. “ But when that is done, I know no
“ buſineſs I have with the dead; and therefore do
“ as much depend, that I ſhall not go hence, by
“ returning to the duſt, which is the ſentence of that
“ law from which I claim a diſcharge; but that I
“ ſhall make my exit by way of tranſlation, which
“ I claim as a dignity belonging to that degree in
“ the ſcience of eternal life, of which I profeſs my-
“ ſelf a graduate, according to the true intent and
“ meaning of the covenant of eternal life, revealed
“ in the ſcriptures.
“ And if after this I die like other men, I de-
“ clare myſelf to die in no religion.”

Page 98. “ Therefore, to be even with the world
“ at once, he that wonders at my faith, I wonder
“ at his unbelief.
“ And, ſtare at me as long as you will, I am ſure
“ that neither my phyſiognomy, ſins, nor my miſ-
“ fortunes, can make me look ſo unlikely to be
“ tranſlated, as my Redeemer was to be hang'd.”

Then John Aſgill, eſquire, was heard in his place, in relation to the ſaid report, concerning the ſaid book.

And the title of the ſaid book was read.

Reſolved, that in the book intitled, “ An argu-
“ ment, proving that, according to the covenant
“ of eternal life, revealed in the Scriptures, man
“ may be tranſlated from hence into that eternal
“ life, without paſſing through death, although the
“ human nature of Chriſt himſelf could not be
“ thus tranſlated, till he had paſſed through death,”
are contained many profane and blaſphemous expreſſions, highly reflecting upon the Chriſtian religion.

Ordered, that the ſaid book be burnt by the hands of the common hangman, in the New Palace-yard, Weſtminſter, upon Saturday next, between the hours of twelve and one o'clock; and that the ſheriffs of London and Middleſex do aſſiſt the ſerjeant at arms, attending this houſe, in ſeeing the ſame done.

A motion being made, and the queſtion being put, that the houſe be adjourned till to-morrow morning, nine o'clock.——

It paſſed in the negative.

Ordered, that John Aſgill, eſquire, having in his place owned himſelf to be the author of the ſaid book, be expelled this houſe.

19th. Ordered, that Mr. Speaker do iſſue his warrant to the clerk of the Crown, to make out a new writ, for the electing a burgeſs, to ſerve in this preſent parliament, for this borough, in the room of John Aſgill, eſquire, expelled this houſe.

Nov. 24, 1708. A petition of William Hale, eſquire, was read; ſhewing, that the petitioner was duly choſen a burgeſs, to ſerve in this preſent parliament, for this borough, by a majority of legal voters; yet the Lord Windſor, and William Shippen, eſquire, have procured themſelves to be returned, in prejudice to the petitioner: and praying &c.

Ordered, that the merits of the ſaid election and return be heard upon the 11th day of December next.

A petition of Sir Cleave More, baronet, was read; ſhewing, that at the laſt election of burgeſſes, to ſerve in this preſent parliament, for this borough, he was duly elected for one of the burgeſſes; notwithſtanding which, the Lord Windſor, and William Shippen, eſquire, by indirect means, procured themſelves to be returned burgeſſes for the ſaid borough, in wrong to the petitioner: and praying &c.

Ordered, that it be heard on the 11th day of December next.

Jan. 15. The houſe proceeded to hear the merits of the ſaid election and return; and the counſel on both ſides were called in; and the ſeveral petitions of Mr. Hale, and Sir Cleave More, were read; and the counſel were heard, and ſeveral witneſſes were examined; and being withdrawn, it was reſolved,

That Thomas Lord Viſcount Windſor is not duly elected a burgeſs, to ſerve in this preſent parliament, for this borough.

That William Shippen, eſquire, is not duly elected a burgeſs, to ſerve in this preſent parliament, for this borough.

That William Hale, eſquire, is duly elected a burgeſs, to ſerve in this preſent parliament, for this borough.

That Sir Cleave More is duly elected a burgeſs, to ſerve in this preſent parliament, for this borough.

And the return was ordered to be amended.

Dec. 5, 1710. A petition of ſeveral burgeſſes and inhabitants of this borough, having right of election of members, to ſerve in parliament for this borough, was read; ſhewing, that Thomas Lord Viſcount Windſor, and —— Windſor, eſquire, his brother, by arbitrary and illegal proceedings, procured themſelves to be returned members for the ſaid borough, to ſerve in this parliament, without being duly elected; whereby the petitioners are deprived of their right of voting at the ſaid election: and praying &c.

Ordered, that it be referred to the committee of privileges and elections to examine, and report the matter with their opinion.

March 26, 1715. A petition of Edward Minſhull, eſquire, was read; ſhewing, that at all the elections for this borough, Sir Thomas Styles, Sir Charles Kaymes, bart. Sir Richard Gough, knight, and the petitioner, were candidates: that John Jupp, conſtable of the ſaid borough, was very partial, in behalf of the ſaid Sir Thomas Styles, and admitted ſeveral perſons to poll for him, who had no right; and refuſed others for the petitioner, who had a right of polling: and the ſaid Sir Thomas Styles, and agents, were guilty of illegal practices, in procuring the ſaid Sir Thomas to be returned; who was returned accordingly, notwithſtanding the petitioner was duly elected, and ought to have been returned: and praying &c.

Ordered, it be referred to the committee of privileges and elections to examine the matter, and report the ſame with their opinion.

May 30. Ordered the report to be received on Wedneſday morning next.

June 1. Mr. Hampden reported the matter relating to the ſaid election, as follows:

It was agreed, that this is a borough by preſcription, and the right of election is in the inhabitants of antient houſes, or in houſes built upon antient foundations, paying ſcot and lot. The poll was,

For Sir Thomas Styles	17,
For the petitioner	13.

The counſel objected to ſeven of Sir Thomas Styles's votes; and ſaid, they ſhould add four to their poll

Richard Parſons, Philip Caplin, and Thomas Potter, ſaid, John Steward, eſquire, came down an hour or two before the election, and went away immediately after it; that he voted for an empty houſe belonging to Lord Windſor, and never was an inhabitant at this borough; but it appeared, that Mr. Steward was rated to church and poor for an houſe: And

Waller ſaid, Mr. Steward had a burgage houſe ſome years, for which he had voted before, and Mrs. Symonds lives in it; but as his ſervant only:

That Mr. Steward came down about a week before the election, and called at his (Waller's) houſe, but would not ſtay there to lie.

Potter, Parſons, and Caplin, ſaid, that Mr. Thompſon is Lord Windſor's ſteward; he now voted for the houſe where Symonds lives: in former elections, he voted ſometimes for one, and ſometimes for another houſe: he never came but at an election, and never was an inhabitant. By the rates it appears, Thompſon was rated, and paid to church and poor for an houſe.

Waller ſaid, Thompſon had voted for an houſe in the borough at two or three elections: it goes in his name, but could not ſay whether he lodged there or not.

Caplin and Potter ſaid, that Stephen Ruſſell was no inhabitant: he voted for an empty houſe: he came an hour or two before the election, and went away ſoon after. But

Waller ſaid, Ruſſell had an houſe in town, for which he pays ſcot and lot; and voted before for the ſame houſe: that he came ſome days before the election, and had lived in the houſe more than two hours at a time: that he had ſeen him there, but could not ſay what day; and a widow keeps the houſe for him only as a ſervant.

Potter ſaid, Chipper is not an inhabitant; has no houſe in the borough; is a ſervant to a farmer, who lives ſix miles off; and voted for Mrs. Norris's houſe: but ſaid, he voted once or twice before, and was then a yearly ſervant to one who lived within the borough. But

Waller ſaid, Chipper had voted in former elections: that he lived with a farmer but ſometimes, when he pleaſed, and was not an yearly ſervant to the farmer: that he had been four or five years an inhabitant in the pariſh; paid ſcot and lot; has an houſe within the borough, for which he voted, and lived therein at the time of the election: that he has known him live in the borough half an year together: that the widow Norris keeps it for him.

Potter and Budd ſaid, that John Griffith was no inhabitant: he lived a mile out of the borough; came two or three nights before the election to the widow Pelham's, and voted for her houſe: but Pick ſaid, he let this houſe to John Griffith half a year ago; that he came into it ten days before the election; and has reſided there ever ſince.

Hogtrough and Hodges ſaid, that Evan Griffith is not an inhabitant within the borough: he lives at a farm within the pariſh of Steyning, but a mile out of the town of Bramber; and he voted for the widow Pelham's houſe, where he never lived: But

Waller ſaid, that Evan Griffith pays to church and poor, and has voted often: and Pike ſaid, Griffith's farm is out of the borough, but the houſe he lived in, at the time of the election, is within the borough; and he has polled for ten years paſt, and never objected to by any candidate: that the widow Pelham would have taken the houſe, but he had let it to Griffith before; upon which ſhe went to Griffith, who let her live therein, and take care of it as his ſervant, and not to be paid for her ſo doing.

Potter and others ſaid, that Bawcombe lives in the borough of Steyning; is no inhabitant of this borough; and voted for the new end of an antient houſe, where a widow lives; and he never inhabited, or had any goods there.

But ſaid, it appeared by the rates, that he is rated, and paid the rates within the borough: and Pike ſaid, he knew the houſe wherein he lives to be within the borough, and a burgage houſe; and that he had voted for it at two former elections.

For the petitioner, Hodges ſaid, that when theſe perſons came to the poll, they made a great cry for the church, though they do not frequent it.

Churcher and Potter ſaid, that Nicholas Wilkins is an inhabitant of an houſe near Potter's; which are diſtinct tenements, and pay ſeparate rents, and always had two votes; and Lord Windſor gave Churcher, ten years ago (who then lived in Wilkins's part) 20 pounds for his vote.

But Waller ſaid, Wilkins lived in part of widow Potter's houſe: that both are but one burgage, and never had but one vote, till about ſix or ſeven years ago, when it was divided, and two have a vote ever ſince: And

Mr. Pyke ſaid, they never pretended to give two votes till 1708: that Lord Windſor, after he bought it, would never admit but of one; and always thought, the giving two was wrong.

Hodges and Potter ſaid, that the houſe, wherein Wheeler lives in, is two diſtinct tenements, held by two different tenants, and both voted till it was laid into an inn, and held by one tenant for ſome time; after which, twelve years ago, it was divided into two tenements, as it had been before; and both tenants have ſince voted, and had right ſo to do. But Waller ſaid, he lived in part of this tenement ſixteen years: that the houſe is held of one landlord, and the ſtables of another: that the ſtable tenant had ſometimes offered his vote, but it was never taken; and no more than one vote was allowed, and that for the houſe: that the houſe pays two ſhillings and ſixpence yearly to the Duke of Norfolk, and five ſhillings and ſixpence to Magdalen college.

Wheeler ſaid, that Churcher's houſe is a new built houſe on an old foundation: the witneſſes, about ſix or ſeven years ago, cleared the foundation, and found mortar and ſtones in the old foundation: But

Pyke ſaid, it was not an old burgage, but a cottage, built about five years ago: a ſmall part of it is within the church yard, and the reſt on the waſte of the manor; and he had a leaſe of it for 99 years at 2 s. 6 d. yearly.

Yeomans ſaid, Richard Parſons was an inhabitant within the borough at the time of the election, and for above a year and half before; but could not ſay whether his houſe had a vote: but Waller and Pyke ſaid, Parſons had been ejected from this houſe three years ago; and after the writs were out he broke into the houſe again, and pretended to vote for it under ſuch forcible entry; and before the election, application had been made to a juſtice of the peace to remove the force.

That, on the head of ill practices, were called,

Mary Potter: who ſaid, the petitioner and his fellow candidate deſired the conſtable to make a fair poll, and that Pyke bid the conſtable mind his buſineſs, and not be bubbled out of the election by them.

Hunt ſaid, about a fortnight before the hearing, Bawcombe had told him Lord Windſor would be kind to him, and order him 20 l. if he would prove bribery againſt the petitioner; but he knew of no ſuch bribery, neither did he tell Bawcombe ſo.

The counſel for Sir Thomas Styles, obſerved upon the poll, that he had the greateſt number, and the petitioner the leaſt of all the four candidates; ſo there was an intervening majority allowed againſt the petitioner; and inſiſted they could not queſtion the ſuperiority of Sir Thomas Styles; and then objected to ſix of the petitioner's voters, againſt whom they produced

A leaſe dated the 28th of September, 1703, to Edward Benton and Ann his wife, for 99 years, determinable on their lives: and Pyke ſaid, Benton is dead, and his widow lives in the houſe; and Heaver, who voted, lives with her; but believed he did not rent the houſe of her, and ſaid he had voted before.

Laſhmer ſaid, Heaver had been three years an inhabitant in a borough houſe, which always had a vote.

Waller ſaid, James Bennet is a yearly ſervant within the pariſh, but out of the borough, and is no wiſe an inhabitant; and never lived in any burgage tenement within the borough, but ſaid he was rated to the poor.

Laſhmer ſaid, Bennet is an inhabitant in one of their houſes, for which a former tenant had voted for Lord Windſor, and his Lordſhip aſſerted it was as good a vote as any.

Waller ſaid, Stephen Green is not rated, and is a ſhepherd to one who lives out of the borough: But,

Laſhmer ſaid, Green is an inhabitant, was put in by Lord Windſor, who aſſerted he had a vote.

Evan Griffith ſaid, John Hunt lives with his father, and is not rated.

Waller ſaid, Joſeph Hogtrough is rated, but has not paid to church and poor theſe two years: that Thomas Potter, about a year ago, had relief under an execution, but returned the money; is now rated and pays to church and poor.

The committee reſolved,

That Sir Thomas Styles, baronet, is not duly elected a burgeſs to ſerve in this preſent parliament for this borough.

That Edward Minſhull, eſquire, is duly elected a burgeſs to ſerve in the preſent parliament for this borough.

The ſaid reſolution was read twice, and agreed to by the houſe.

Oct. 18, 1722. A petition of the honourable Andrews Windſor, and John Gumley, eſquires, was read; ſhewing, that at the laſt election of members to ſerve in parliament for this borough, the petitioners, Sir Richard Gough, and Meenheer William Charles Van Huls, were candidates: that the ſaid Mr. Van Huls being born out of his Majeſty's dominions, and of foreign parents, the petitioners were adviſed, that he was not capable to ſit as a member, and did object to the ſame: that one George Laſhmer pretended to be, and acted as, conſtable of the ſaid borough, and admitted ſeveral perſons to vote for the ſaid Sir Richard Gough, and Mr. Van Huls, who had no right to poll; and at the ſame time refuſed ſeveral other perſons to poll for the petitioners, who had right to vote; and by many arbitrary and corrupt practices, the ſaid Sir Richard Gough, and Mr. Van Huls procured themſelves to be returned, in prejudice to the petitioners: and praying &c.

Ordered, that it be referred to the committee of privileges and elections to examine the matters thereof, and to report it with their opinion.

County of BRECKNOCK.

THIS is one of the 12 Welſh counties, who claim, and have right to ſummons for election of knight to repreſent them, by virtue of the ſtatute of the 27th of Henry the eighth.

See gleſa

The memoirs concerning the elections I have met with, are as follow,

In 1660, there was a conteſt between Sir Herbert Price, and Sir Henry Williams, which was referred to the committee of privileges and elections, and heard before them.

July 19, 1661. Information was given to the houſe, that Colonel Melburne Williams, attending as a witneſs for Sir Henry Williams, was arreſted at the ſuit of one —— Page, by George Watſon, one of the bailiffs of Weſtminſter, on a *capias ad reſpondendum*.

Ordered, that the ſaid Mr. Williams have his privilege and be diſcharged, without paying any fees.

July 25. Serjeant Charleton reported from the committee, touching the difference between Sir Herbert Price, and Sir Henry Williams in the election for this county, ſeveral miſcarriages therein; and the opinion of the committee, that the ſaid election was void: which was agreed to by the houſe.

Ordered, that Mr. Speaker do iſſue a warrant to the clerk of the Crown, to make out a new writ for the election of a knight for this county.

And this houſe debating, whether the ſheriff ſhould be ſent for in cuſtody, or ſummoned to appear to anſwer his miſcarriage: ordered to be adjourned till next morning.

27th. Ordered, that the ſheriff of this county do attend on the ſecond Monday in the next meeting of the parliament, after this receſs, to anſwer his miſcarriage in the election for this county; and to be at the charge of the ſummons.

30th. The houſe then adjourned to the 20th of November next.

Nov. 20. A complaint was made in regard to the laſt writ ordered for the election of a knight of the ſhire for this county.

Ordered, that the committee of privileges and elections, at their ſitting to-morrow in the afternoon, the firſt buſineſs, do ſend for the clerk of the Crown and examine the abuſe in ſuppreſſing the writ iſſued for the election of a knight of the ſhire for this county, and do make report of it the next morning after to the houſe.

22d. Ordered, that Walter Vaughan, eſquire, late ſheriff of this county, who was ſummoned touching ſome miſcarriages alledged to have been in the laſt election of a knight for this county, be diſcharged of farther attendance, paying his fees.

Serjeant Charleton reports, as to the buſineſs in ſuppreſſing the writ for this county; that the clerk of the Crown did, on the 14th of Auguſt laſt, receive Mr. Speaker's warrant for iſſuing the ſaid writ, by the hands of Cole Jeffreys, to whom he delivered the ſaid writ the next day, being the 15th of Auguſt laſt; and that the ſaid writ is now delivered to the ſheriff, and the election is to be on Wedneſday next.

Ordered, that for the future, when any writ ſhall be delivered for a new election of any member to ſerve in parliament, the party that doth receive the writ ſhall deliver, or cauſe the ſame forthwith to be ſent to the proper officer of the place, for which the election is to be made.

Upon this election Mr. Jeffereys was choſen, and Mr. Progers lodged a petition againſt him, which was conſidered by the committee: and

Jan. 31. Mr. ſerjeant Charleton reported, touching the election for this county; that, upon the petition of Mr. Progers, complaining of the undue election of Mr. Jeffereys as a knight for this county, the committee had examined the witneſſes on both ſides; and are fully ſatisfied the writ was long detained, and the election not made in the uſual place; that many who were for Mr. Progers were refuſed, diſcouraged or delayed, and the poll adjourned to his prejudice; and divers indirect means uſed to advance the numbers of election for Mr. Jeffereys, and to diminiſh the number of thoſe who were for Mr. Progers, who would have had the majority if the election had been fairly carried; and the opinion of the committee; that the election of the ſaid Mr. Jeffereys is void: in which the houſe agreed.

Ordered, that Mr. Speaker do iſſue his warrant, &c. to make out a new writ for the election of a knight for this county.

Nov. 26, 1695. A petition of Sir Rowland Gwynn was preſented and read; ſhewing, that, at the election of a knight of the ſhire for this county to ſerve in this preſent parliament, the petitioner was choſen by a majority of the freeholders of the ſaid county; but by the partiality of the ſheriff, and ſeveral illegal practices uſed by him and others, many perſons were admitted to vote who were not freeholders, and others were deterred and influenced in giving their votes; and at laſt a falſe return was made of Edward Jones, eſquire, in prejudice of the petitioner and freeholders of the county: and praying the houſe would take the ſame into their conſideration.

Ordered to be referred to the committee of privileges to examine and report the matter, with their opinion.

Feb. 20. Ordered, the report to be received on Saturday next.

22d. Colonel Granville reported, that the committee had examined the merits of the election. That upon the poll the numbers were,

For Mr. Jones 812.
For the Petitioner 717.

It was inſiſted, for the petitioner, that there were many ill practices at the election; and called,

Mr. Daniel Williams, Mr. Powell, and others: who ſaid, that the poll at this election laſted ſix days, whereas it uſed to be but two: that, on the Saturday, about 500 appeared, and but 62 polled: that the poll was adjourned at three o'clock, at Mr. Jones's requeſt; and there were ſeveral who were ready to have polled for Sir Rowland Gwynn; and, by reaſon of the market on the Monday following, were not polled:

That there was a Court Leet of the Biſhop of St. Davids, ante-dated, and made at the time of the election, as believed, to take off Sir Rowland Gwynn's voters; for that ſeveral who were for him, were ſummoned to that court:

That on Tueſday, the laſt day of the poll, the ſheriff diſmiſſed the country, without proclamation, at three o'clock, though deſired to continue the poll, and adjourned till ſix; then caſt up the poll; by which many of the petitioner's votes were left unpolled, particularly one Thomas Davis, who was preſent:

That before the ſheriff adjourned on Tueſday, Mr. Daniel Williams deſired him to call ſeveral of the petitioner's votes; but he (the ſheriff) refuſed:

That when the poll was over, he deſired to be preſent, when the poll was caſt up, but was denied; and no body was preſent for the petitioner, though a ſcrutiny was promiſed:

That they deſired to make good ſeveral exceptions, taken at the time of the polling; but this was not granted.

But it appeared to the committee, that there was one of each ſide did attend to ſee the poll fairly taken; and if any was accepted to, they were ſworn.

That one, who voted for the petitioner, was preſently impriſoned by the under ſheriff:

That ſeveral perſons, who voted for Mr. Jones, had owned, that ſeven ſeveral voters were threatned by ſeveral perſons, or they would have voted for the petitioner:

That George George had no freehold, though he ſwore he had forty ſhillings a year; and ſaid, he did it at the preſſing inſtance of Mr. Jones, and his friends; and that Mr. Jones gave him five ſhillings for voting:

That Watkin Beavor promiſed to vote for the petitioner, but voted for Mr. Jones; and ſaid, he was perſuaded to it by Mr. Jefferey's, and his mother, who releaſed him of 38 ſhillings rent:

That John Morgan was fined twenty ſhillings, and voted for Mr. Jones, upon the promiſe of Owen Morgan to get him diſcharged:

That David Beavan had four ſhillings to buy ſhoes, for voting for Mr. Jones:

That John Watkins was promiſed a grey coat, and an horſe:

That one ſcrupled to ſwear, but Jenkin perſuaded him:

That the petitioner ſaid, he could diſqualify ſeveral of Mr. Jones's votes; but the committee did not admit him, becauſe contrary to the former votes of the houſe.

For Mr. Jones were called,

Mr. Henry Williams, and Mr. Winter: who ſaid, the candidates agreed, and caſt lots which hundred ſhould be polled firſt, and it came to Mr. Jones's lot to chooſe the firſt: that the qualifications of the electors were ſettled; and, amongſt the reſt, it was agreed, that thoſe who had leaſes, and

Quakers who could make out their eſtates, ſhould vote:

That, before the country was diſmiſſed, the ſheriff aſked if they had any more voters, and Mr. Daniel Williams called ſeveral, but they did not appear; whereupon, at the requeſt of Mr. Manſel, who appeared for the petitioner, the ſheriff diſmiſſed the country:

That the ſheriff did ſay, he was offered 100 l. to make a double return.

Mr. William Williams ſaid, the ſheriff aſked if there were any more to poll for the petitioner? And none appearing, he adjourned to caſt up, and examine the poll: that B. James aſked how the election went; and ſaid, 100 l. for 100 voices for the petitioner. Mr. Harcourt denied his threatning one Hughes; and ſaid, he only deſired him to vote for Mr. Jones, as his neighbour; and Edward Hughes denied he was threatned, as charged by the petitioner's evidence.

Mr. Jones then offered to diſqualify ſome of the petitioner's votes, but the committee did not admit him ſo to do, for the reaſons before: that, upon the whole, the committee reſolved,

That Edward Jones, eſquire, is duly elected a knight of the ſhire for this county: to which the houſe agreed.

Oct. 22, 1722. A petition of Roger Jones, eſquire, was read; ſhewing, that at the election of a member to ſerve in parliament for this county, the petitioner, and William Gwyn Vaughan, eſquire, were candidates: that many corrupt and illegal practices were made uſe of by, and in favour of the ſaid Mr. Vaughan, in order to procure him to be elected; and he is returned, in prejudice of the petitioner: and praying &c.

Ordered it to be referred to the committee of privileges and elections to examine the matter, and report the ſame with their opinion.

BRECON Town.

See Angleſea in Append. Willis's 1749. 75. Cart. 2 Mariæ.

THIS is the ſhire town of the county, and is entitled to ſend one burgeſs to parliament. It was incorporated in 1555 by charter of Queen Mary; has two bailiffs, twelve aldermen, and fifteen common-council men. The memoirs relating to the elections of its members in parliament, are theſe.

The firſt conteſt that I meet with was in 1640; of which the Journal takes this notice.

Jan. 6, 1640. Reſolved, upon the queſtion, that Mr. Herbert Price, returned a burgeſs for this borough, ſhall ſit here as a member, till his election be avoided.

Reſolved, upon the queſtion, that Mr. Robert Williams ſhall not ſit, as a member of this houſe, till his election be decided.

May 17, 1661. Serjeant Charleton reported from the committee, touching the double return of this town; that Sir Herbert Price was returned by one indenture, and Kingſmell Lucy, eſquire, by another; and the opinion of the committee, that Sir Herbert Price, being returned by the proper officer, ought to ſit till the merits of the cauſe, touching the ſaid election, be determined: to which the houſe agreed.

March 22. Serjeant Charleton reported from the committee, touching the election for this town, that the committee was of opinion, that Sir Herbert Price was duly elected, and ought to ſit as a burgeſs for this town: to which the houſe agreed.

March 19, 1678. A petition of Thomas Manſel, eſquire, complaining of undue practices uſed by the bailiff of this town, in returning of John Jeffreys, eſquire, to ſerve in this preſent parliament as a burgeſs for this borough, in injury of the petitioner, who was duly elected, and is returned by another indenture affixed to the writ, and filed in the Crown office, was read.

Ordered to be referred to the committee of privileges to examine, and report the matter thereof with their opinion.

April 1, 1679. Sir Thomas Meers reported, that the committee had taken into conſideration the matter of the return for this borough; and it appears, that to the writ for Brecon is affixed an indenture, dated the 28th of February laſt, between Richard Jones, and Lancelot Herbert, aldermen of this borough, and many other burgeſſes of the ſaid borough, of the one part; and Thomas Bulcot, ſheriff of the ſaid county, of the other part; witneſſeth, that, by virtue of a mandate to the bailiff of the ſaid borough directed, the ſaid aldermen and burgeſſes had choſen Thomas Manſel, eſquire, burgeſs for the ſaid borough: in witneſs whereof, the ſaid aldermen and burgeſſes had ſet their hands and ſeals: and accordingly there are the hands and ſeals of the ſaid aldermen, and a multitude of others; but the bailiff is neither party, nor hath ſet his hand and ſeal to it. Alſo,

Another indenture is affixed to it, dated the ſame day, between the ſaid ſheriff of the county of Brecon, of the one part; and John Walters, eſquire, bailiff of the ſaid borough, of the other part; witneſſing, that the ſaid bailiff, with the whole aſſent and conſent of the burgeſſes there, by virtue of a warrant of the ſaid ſheriff to the ſaid bailiff directed, hath made choice and election of John Jeffreys, eſquire, to be the burgeſs of the ſaid borough: in witneſs whereof, the ſaid bailiff and burgeſſes have not only ſet the common ſeal of the ſaid borough, but alſo their own hands and ſeals: and accordingly there is a broad ſeal affixed to it, and it is ſubſcribed, John Waters, bailiff; and many other hands and ſeals are ſet thereunto. Whereupon the committee reſolved;

That the indenture wherein John Jeffryes, eſquire, is returned to ſerve in this preſent parliament for the ſaid borough, is well and duly returned, and by the proper officer; and that thereupon he ought to ſit, as well and duly returned to ſerve in this preſent parliament for the ſaid borough: with which the houſe agreed.

April 5, 1690. A petition of Charles Morgan, eſquire, was read; ſetting forth, that he was duly elected for this town by a majority of qualified votes, but by ſeveral ill practices, Jeffrey Jeffryes, eſquire, procured ſeveral votes, and thereby hath obtained to be returned, in prejudice to the petitioner: and praying the conſideration of the houſe.

Ordered, that it be referred to the committee of privileges to examine, and report the matter of the ſame to the houſe, with their opinion.

Dec. 17, 1698. A petition of Jeffrey Jeffryes, eſquire, was read; ſetting forth, that the petitioner had the majority of legal votes at the laſt election of members, to ſerve in this preſent parliament, for this borough; and many illegal practices were then uſed on the behalf of Thomas Morgan, eſquire; particularly, by the ſheriff of Brecon, who acted very partially againſt the petitioner, and returned Mr. Morgan, in wrong of the petitioner: and praying relief of the houſe.

Ordered to be referred to the committee of privileges and elections to examine the matter, and report the ſame to the houſe, with their opinion.

Nov. 27, 1699. This petition was again preſented and referred: but never reported.

March 3, 1713. A petition of Edward Jefferyes, eſquire, was read; ſhewing, that at the election for this town and borough, the petitioner, and Roger Jones, eſquire, were candidates, when the petitioner was duly elected: that, at the ſaid election, ſeveral perſons were admitted to poll for Mr. Jones, who had no right; by which means, bribery, and other undue practices, of the ſaid Mr. Jones and agents, hath procured himſelf to be unduly elected, in wrong of the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections to examine the matter, and report the ſame with their opinion.

Oct. 25, 1722. A petition of the burgeſſes of this town was read; ſhewing, that at the election of a member to ſerve in parliament for this borough, William Morgan, eſquire, by ſeveral unwarrantable proceedings, procured himſelf to be returned, in manifeſt prejudice of the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections to examine the matter, and report the ſame with their opinion.

Dec. 4. A petition of divers perſons, whoſe names are ſubſcribed, being the major part of the legal burgeſſes of this town, or borough, relating to the petition of the burgeſſes of the ſaid town, complaining of an undue election and return for the ſaid town (which was referred to the committee of privileges and elections, the 25th day of October laſt) being offered to the houſe;

And the queſtion being put, that the ſaid petition be brought up to the table;

It paſſed in the negative.

BRIDGEWATER.

THIS is an antient borough in the county of Somerſet, ſo created in the time of King John, as appears by the charter in the Appendix. It has been repreſented in parliament ever ſince the 26th of Edward the firſt. The return of burgeſſes, 12, 17 Edw. IV, was, *Quod burgenſes burgi de Bridgewater, unanimi aſſenſu eligerunt:* but before this time, they were choſen by deputation in the county court. See Appendix return for the county. —Theſe are all the antient memoirs concerning the election, thoſe of a more modern date are theſe which follow.

1669. Upon the death of Mr. Tynt, Sir Francis Roll was returned; againſt which Peregrine Palmer lodged a petition. It doth not appear when it was lodged, but it was referred to the committee of elections, as appears by what follows:

Nov. 13. Reſolved, that the cauſe of the election for the town of Bridgewater be heard by the committee of elections this day fortnight.

29th. Ordered, that the cauſe, touching the election for this town, be heard before the committee of elections, on Thurſday next.

Dec. 3. Ordered, that the report be made on Tueſday next.

7th. Sir Job Charleton reported from the committee of elections the ſtate of this election, between Sir Francis Roll, and Mr. Palmer: that the right of election was in the majority of the corporation, conſiſting of a mayor, aldermen, and capital burgeſſes, in number 24; and that ſo many perſons were preſent, and gave votes in the election: and there being 12 voices for Mr. Palmer, and 11 for Sir Francis Roll, the mayor, as burgeſs, gave his voice for him; whereby the voices were even; and then, as mayor, gave his caſting voice: upon which the return was made for Sir Francis Roll, which Mr. Palmer complains is undue; for that ſome of thoſe, who took upon them to give their voices for Sir Francis Roll, were not elected burgeſſes; neither were they in a capacity to be made burgeſſes, being debarred by the act for regulating corporations; and three of them, by practice and deſign, brought in the very day of election, though not qualified according to the act for corporations; and being all perſons holding conventicles in their houſes, and reſorting to them, in others; and refuſing to conform or reſort to the ſervice of the church, or receive the ſacrament, as the act does enjoin; and one of them being, at the time of his being elected burgeſs, actually excommunicated, and not abſolved till after the election of the burgeſs to ſerve in parliament: which matter, and witneſſes touching the ſame, were examined before the committee: and the next queſtion which did ariſe, was, whether, and how far, the mayor was qualified to give his voice in the election, admitting there was no exception to any other of the electors; and that the committee, upon examination of the whole matter, had agreed on two votes; viz.

1. That Sir Francis Roll was not duly elected.
2. That Mr. Palmer was duly elected: with which the houſe agreed.

In the parliament called in 1678, there were ſeveral returns of Sir Francis Roll, Sir Halſwell Tynt, and Ralph Stawel, eſquire, as appears by the following petitions.

March 20, 1678. A petition of Ralph Staywell, eſquire, complaining of an undue return of Sir Francis Rolle, to ſerve in this preſent parliament as a burgeſs for this borough, in injury of the petitioner, who was duly elected, and alſo returned, to ſerve for the ſaid borough, was read. Sic origin. Stawell.

Reſolved, &c. that the ſaid petition be referred to the committee of privileges and elections to examine, and report the ſame with their opinion.

21. Ordered, that the matter, touching the ſaid election, be referred to the committee of elections: and that it be the firſt cauſe to be heard before them this afternoon.

March 27, 1679. A petition of Sir Francis Rolles, baronet, complaining of an undue return of Colonel Ralph Stawel, to ſerve in this preſent parliament as one of the burgeſſes for this borough, in injury of the petitioner, who was duly elected, and returned by indenture under the hand and ſeal of the mayor of the ſaid town, was read.

Reſolved, that it be referred to the committee of elections to examine the matter, and report the ſame with their opinion.

28th. A petition of Ralph Stawell, eſquire, praying that the merits of this election, and return, may be heard together on the 21ſt day of April next; being the day appointed to conſider the merits of the ſaid return; was read.

Reſolved, &c. that the ſaid petition be referred to the conſideration of the committee of privileges and elections.

A petition of William Clarke, eſquire, complaining of ſeveral undue practices, in the election and return of burgeſſes to ſerve in parliament for this borough, in injury of the petitioner, who had the majority of rightful voices, was read.

Reſolved, &c. that the ſaid petition be referred to the committee of privileges and elections; and that they make a ſpecial report of the ſame.

29th. The houſe being informed, that Sir Halſwell Tynt, baronet, is returned to ſerve in this preſent parliament, for this borough, by two indentures; and that he ought to ſit:

Ordered, that it be referred to the committee of privileges and elections, to examine the matter of the ſaid return the firſt buſineſs; and to report the ſame, with their opinions, to the houſe.

April 1. Sir Thomas Meers reported, that it appeared to the committee, that Sir Halſwell Tynt is returned in an indenture affixed to the writ, with Sir Francis Roll, under a ſeal of this borough, and the mayor's hand alſo to it. And there was alſo produced another indenture; wherein Sir Halſwell Tynt is returned ſingly as one of the burgeſſes for the ſaid borough, under a larger common-ſeal of the ſaid borough.

And Mr. William Harboard, a member of this houſe, in his place, declared, that, on the ſame day this parliament began (viz. the 6th of March laſt) Sir Halſwell Tynt came to him, and ſhewed him this laſt indenture: that thereupon he and Sir Halſwell Tynt went to the ſheriff, to deſire him to affix it to the writ, which he was willing to do; but that he had carried in all the returns of this county to the clerk of the Crown; and therefore could not affix it himſelf, but went with Mr. Harboard, and Sir Halſwell Tynt, to the clerk of the Crown at Weſtminſter, and deſired him to affix it, which he refuſed to do; ſaying, he had already made out his book of returns, and could not then accept this indenture. But the committee, being ſatisfied that Sir Halſwell Tynt was elected, both by the ſelect number of capital burgeſſes, and alſo by the popular; and that the petitioners, who complain of the ſaid election, did admit him to be duly elected; came to the following reſolution, *videlicet*;

That the clerk of the Crown ſhall affix the indenture, wherein Sir Halſwell Tynt is ſingly returned, to the writ for the county of Somerſet; and that Sir Halſwell Tynt ought thereupon to ſit, as duly returned to ſerve in this preſent parliament for this borough: to which the houſe agreed; and the clerk of the Crown, being called in, did affix it accordingly.

The other petitions do not appear to have been heard.

Nov. 4, 1692. A petition of John Gardner, merchant, was read; complaining of an undue return for this borough.

Ordered, that the conſideration thereof be referred to the committee of privileges, to examine, and report with their opinion.

Dec. 7. Ordered, that the report, touching the election for this borough, be made on Saturday next.

10th. Serjeant Trenchard reported, upon the petition of Mr. Gardner, complaining of an undue return of Robert Balch, eſquire, to ſerve for this borough; viz.

That the right of election was agreed to be in the inhabitants, paying ſcot and lot: there was,

For Mr. Balch	84,
For Mr. Gardner	80.

But, at the end of the poll, taken by the petitioner's clerk, there were ſeven voices put down; which (though not allowed by the mayor) Mr. Gardner inſiſted were qualified to vote; ſix of whom voted for him, and would make the numbers,

For Mr. Balch	85,
For the petitioner	86.

That the petitioner then proceeded to diſqualify ſome of thoſe who had voted for Mr. Balch; and firſt excepted to John Trott, as not in the poor's book: but Mr. Hoar proved, he married, before the election, the relict of one Roberts, who was in the poor's book, and had an eſtate. Then Mr. Gardner excepted to John Webber, and produced the out-lawry book, whereby it appeared he ſtood outlawed, by meſne proceſs, ever ſince 2 Jac. II: but it was ſaid the debt was paid, and was pardoned by the general pardon.—Coleman ſaid, that William Symonds, who voted for Mr. Balch, was only rated for his ſiſter's eſtate; and ordered, by the mayor, to be ſtruck out: but that Mr. Bicknell ſaid, he was lately poſſeſſed of an eſtate, by adminiſtration of the goods of one Robert Symonds. —He alſo ſaid, that Edmund Raymond had no eſtate; and was ordered, by the mayor, to be ſtruck out of the poll. But on the other ſide it was ſhewed he was in the poor's book; and Mr. Hoar ſaid, he did live in the confines of the antient borough, had an eſtate within the corporation, and was rated to the poor of the pariſh of the borough.

Exception was alſo taken to John Offield, junior, who voted for Mr. Balch, as having perſonated his father: but Mr. Hoar ſaid, that he had the eſtate, and not his father.

That Mr. Chance ſaid, he promiſed Mr. Gardner his vote, but, Mr. Gardner owing him ſome money for a reckoning, Mr. Balch's agent, Mr. Popham, engaged to ſee him paid, and thereby prevailed with him to vote for Mr. Balch. On the other ſide;

That Mr. Popham ſaid, that Chance informing him, that Mr. Gardner's people had drank to the amount of four pounds fifteen ſhillings; and that he was afraid of its being paid; he only told him, that they were liable to pay it; and he would aſſiſt him in getting it. Mr. Hoar ſaid the ſame, and that Chance had ordered an action.—That Pym ſaid, he ſhould have voted for Mr. Gardner, but he was carried by Denham to Mr. Balch, who promiſed to ſtrike him out of the poor's book, and give him a life in his eſtate: but Denham ſaid, he met him in the ſtreet; and that he told him, he was willing to be for Mr. Balch; and, in order to be freed from importunity of Mr. Gardner's people, he deſired to be carried to Mr. Balch's houſe; but he was under no reſtraint: and Mr. Popham ſaid the ſame, and that his tenement at the election was full-ſtaved.

Then the petitioner proceeded to make good the votes refuſed by the mayor.

And it appeared, that Mr. Glaſs, that voted for Mr. Gardner, and was ſo refuſed, had two tenements in the town, and paid the King's taxes; but was not rated to church and poor; was 22 years old, an apprentice, and lived with his ſiſter.

That William Alloway, was a great merchant in the town, and paid all other taxes; but could not ſay he paid to church and poor; but, as to that, Mr. Hoar ſaid, there was one Gatcomb in the ſame circumſtances, who voted for Mr. Balch; and both waved by conſent.

That Coleman ſaid, that though John Mills, another of Mr. Gardner's refuſed voters, was not on the poor's rate, yet kept a ſhop, drove a trade, and had an houſe of freehold; and that Thomas

Luffe, ſince deceaſed, had an eſtate of five or ſix pounds *per annum*, and paid all other taxes, but church and poor: but to that, Mr. Hoar ſaid, Luffe was a poor man, and attended the maſons; and that Mills was a minor.

That Coleman ſaid, that Samuel Strode, another of Mr. Gardner's refuſed voters, was on the poor's rate: that Mr. Hoar anſwered, that, though he was on the poor's rate, he had not paid for three years; and that he was relieved in 1689, and owned he had ſold his eſtate three years before. He alſo ſaid, Charles Bell married Elizabeth Seward, who was on the poor's rate, and that the marriage was the day before the election: but Mr. Bicknell ſaid, he went to ſearch about the marriage, and the miniſter told him, he knew what he came for; but he ſhould not ſee the book until his clerk had done ſomething to it.

For Mr. Balch was alſo called,

Richard Stradling: who ſaid, he was at the election, and had promiſed Mr. Balch; but had ſeven or eight meſſengers from Mr. Gardner; and that Mr. Gardner had ſent him, by Coleman, one ſhilling, and one ſhilling and ſix-pence for a brace of birds; and had promiſed, he ſhould make his biſcuit; and kept him locked up.

That Drake ſaid, he heard Organ, one of Mr. Gardner's voters, declare, he could have 5 l. of Mr. Gardner, and heard Mr. Gardner promiſe him money. That Baker ſaid, when Mr. Bull's election was over, Mr. Gardner gave one Wogy a guinea, and deſired him to ſpend it among his friends; and ſaid, if there was another election, he hoped he would vote for him.

That Nathanael Gilpin ſaid, Lawrence Bryan had promiſed Mr. Balch; but was taken off by Mr. Gardner's promiſing to take his eldeſt ſon.

That William Manchep, Pleyar, and Mills told him, they voted for Mr. Gardner, becauſe he had promiſed to bring their brothers from beyond ſea.

That Mr. Hoar ſaid, Tremaine (one of Mr. Gardner's voters) his ſiſter, owned the houſe and paid all taxes. That Horier, had no eſtate: but that Mr. Palmer ſaid, he was a butcher, had a good trade, and was liable to be rated for that.

Upon the whole, the committee reſolved,

That Robert Balch, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for this borough: to which the houſe agreed.

Nov. 15, 1709. A warrant was ordered for a new writ, for electing a burgeſs to ſerve in this preſent parliament for this borough, in the room of George Doddington, eſquire, made a commiſſioner of the admiralty.

April 2, 1724. Ordered a warrant for a new writ for electing a burgeſs to ſerve in this preſent parliament for this borough, in the room of George Doddington, eſquire, made a commiſſioner for executing the office of treaſurer of the exchequer.

BRIDGENORTH.

P. R. inden- in pen-

THIS borough is ſituate in the county of Salop, and ſent members to parliament from the 28th of Edward the firſt. The memoirs concerning their elections which I have met with, are as follow,

Feb. 20, 1609. Bridgenorth:—A writ, before the ſeſſion, to the ſheriff:—The ſheriff dies before the election.

Reſolved, the new ſheriff to return, when he comes;—the bailiff cannot.

21ſt. A letter from Bridgenorth to the Lord Chancellor, touching the election of a burgeſs for that town.——Diſturbance to the election. The two bailiffs of Bridgenorth to be ſent for.

March 7. Motion, touching the return of Bridgenorth.——

Sir Francis Lacon already returned, before the letters ſent by Mr. Speaker.

Sir Francis Lacon, Sir George Haward, both pretending to be returned, come in, by order of houſe, their counſel.—Mr. Hitchcock, for Sotherne, the bailiff, beginnith.—Writ came.—Capper:—Every child of a burgeſs, a burgeſs:——Children of every burgeſs.—

Sotherne, for inhabitants:—The other not warrantable.—*De Burgen' inhabitant' reſiden'*——Capper, in the abſence of the other, proceedeth to an election.—Catcheth two ſeals; the ale ſeal, and town ſeal.—The return made by the ale ſeal, without hands of the burgeſſes.

Mr. Richiſon:—Matter of foreign burgeſſes denied.—Elder than Sir George elected on the other part.——The return being made, not to make averment againſt the ſheriff.—If the ſheriff raſe after election:—If he return without election:—No averment.

The counſel retired.

Mr. Holt,—againſt the return, *pro* Sotherne.

Mr. Moor,—Capper.—

Mr. Fuller:—The return to be ſtayed, if it be not returned.

The committee for privileges to examine it:—To ſee the return—To-morrow, 7 o'clock.

March 9. Serjeant Barker reporteh the examination of the order for Bridgenorth.——Suppoſed to be miſtaken.

That the writ was ſent over night, but none could be found:——After ſent, and delivered.

The writ and indenture read in the houſe.

Sir Roger Owen, Mr. Fuller, Mr. Hoſkins:——Raſure:——No good ſeal:——No bailiff's hand. Mr. Attorney:——Though miſcarriage, yet the return good.—No queſtion of the validity.

Mr. Fuller:—If returned, the houſe hath power.

Mr. Recorder:—The return to be examined:—This houſe not concluded.

Sir Edwad Grevill—The lawyers of the houſe to adviſe.—Mr. ſerjeant Barker——

Sir Robert Harley:—That—

Q. Whether recommitted:—Reſolved.—Committee named—To examine the validity of the return:—Whether to be accepted.

10th. Sir Robert Hitcham—Bridgenorth.——Agreed, that the return was good in law, by queſtion.——If any miſdemeanour, reſolved, to be examined by the houſe.

12th. Committees for privileges to examine the abuſes of election for this borough:—To-morrow morning in the court of wards.

The committees to conſider, whether an oath may be miniſtered.——Referred to the committee of privileges.——The entry of the judgment in the caſe of this borough.

13th. Mr. Pulleſton:——That the committee for privileges met, for Bridgenorth:——Differed in the manner of proceeding, whether by oath, or not.

Re-committed, to conſider, whether by oath.

14th. Sir George Moore reporteth, that the committees, about the oath for this borough.—No lawyers met.——To be debated in the houſe.——

The bailiffs have ſtaid long:—To go home, and return again.

Mr. Hoſkins: — Firſt, to examine it, — The abuſe,—According to order.

Reſolved, to go home, and to return within eight days after the aſſizes.

Mr. Tate:—to examine and puniſh.

Reſolved, to come again upon notice.

Q. Whether the bailiffs, upon publick notice, ſhall come:——Reſolved.

March 28, 1679. A petition of John Wolrich, eſquire, complaining of undue practices in the bailiffs of Bruges, otherwiſe Bridgenorth, in the electing and returning of Sir William Whitemore, and Sir Thomas Whitmore, to ſerve in this preſent parliament as burgeſſes for the ſaid borough, in injury of the petitioner, who was duly elected one of the burgeſſes of the ſaid borough, and ought to have been returned;——

Reſolved, &c. That it be referred to the committee of privileges to examine, and report the matter therein, with their opinion to the houſe.

Dec. 14, 1698. A petition of Roger Pope, eſquire, was preſented to the houſe, and read; ſetting forth, that he was candidate at the laſt election for this borough, and ought to have been returned a burgeſs to ſerve in this preſent parliament for the ſaid borough; but Sir Edward Acton, by corrupt and undue practices at the ſaid election, procured himſelf to be returned, in wrong of the petitioner: and praying relief therein.

Ordered to be referred to the conſideration of the committee of privileges and elections to examine the matter, and report the ſame with their opinion.

Dec. 4, 1710. A petition of Sir Humphry Briggs, baronet, and William Whitmore, eſquire, was read; ſhewing, that at the election of burgeſſes to ſerve in this preſent parliament for this borough, the petitioners were duly elected, and ought to have been returned; but by bribery, and other unwarrantable practices of Whitmore Acton, and Richard Creſwell, eſquires, they have procured themſelves to be returned, in wrong to the petitioners: and praying &c.

Ordered, that it be referred to the committee of privileges and elections to examine the matter, and report it with their opinion.

BRIDPORT.

Coker's Hiſt. Dorſetſhire, 22.

THIS borough is ſituate in the county of Dorſet; whether it was a borough at the time of the general ſurvey doth not appear; but it then had within it 120 houſes which paid gelt or tribute to the King, as appears by the record in Doomſday book (which ſee in Appendix.) This record mentions, there was there a mint, and one mint maſter, which by the laws of King Athelſtan, could not be but in walled towns or boroughs; but it is certain it was a borough in King Henry the third's time, being then ſo created by his charter, in the 37th year of his reign (an extract of which alſo ſee in Appendix.) The corporation (which is eſtabliſhed by King Richard the ſecond's charter) conſiſts of two bailiffs, and thirteen burgeſſes. By the charter of King Richard, the burgeſſes had liberty to chooſe one or two bailiffs; and the charter of King Henry the third is thereby confirmed. In the 17th of King James the firſt it obtained another charter, wherein it is recited, that this borough is incorporated by the name of bailiffs, and burgeſſes, and to conſiſt of two bailiffs, to be choſen yearly by the burgeſſes: and the corporation is to conſiſt of fifteen burgeſſes, of which the bailiffs are to be two, and to have power to chooſe a recorder, and other privileges. (See the extract in Appendix.)

Doomſd. book.

Willis, 2 vol. 460.

Car. 37 H. III.

Car. 2 R. II. P. 2. m. 11.

Car. 17 James I.

It has returned burgeſſes to parliament from the 23d of Edward I. who were elected in the county courts by deputation 2 Hen. V. in the 17th Ed. IV. The return is, "*Ballivi et Burgenſes per aſſenſum et conſenſum totius Burgi communitati eligerunt.*" More modern memoirs do not occur until ſince the reformation, of which then are theſe following.

2 Wi 464. See re for D in Ap Brady

Feb. 9, 1575. There was a motion made concerning the Lord John Ruſſell, ſon and heir apparent of the Earl of Bedford, whether (being a peer's eldeſt ſon) he ſhould ſit for this borough; and ordered he ſhould continue, according to a former precedent had heretofore of the preſent Earl.

D'Ew Journ 244

N. B. The ſaid Earl was the firſt inſtance of a peer's eldeſt ſon's ſitting in the houſe of commons. See Journal, 20 Jan. 3 Edw. VI.

Feb. 17, 1625. A petition concerning a corrupt election at Bridport. Sir Richard Strode preſſed to name who was ſo choſen—nameth Sir Lewis Dyve. Upon queſtion, the examination hereof committed to the committee of privileges.

21ſt. Sir Lewis Dyve moveth, the houſe will take conſideration of the petition exhibited by Sir Richard Strode againſt him, for giving a reward to the borough of * * * * to be choſen.

April 10, 1628. A petition from Bridport, about the election, read: deferred, till a report thereof from the committee.

12th. Mr. Hackwill reported from the committee the caſe of this borough. Queſtion, whether the commons, or only the [two] bailiffs, and thirteen capital burgeſſes, are electors [there the;] laſt claiming that ſole power by preſcription, * * * * this proved by two witneſſes for forty years * * * * * claimed it, but were denied. A certificate of diſclaimer, under the hand of eighty commoners; offering to juſtify it upon oath; and affirmed, they could have proved it by forty more. On the other part, records produced: 1ſt, and 6th of Edw. VI, indenture returned the election to be *per ballivos, per aſſenſum communitatis.* 2d and 3d of Phil. and Mar. election returned *accordant.* 1 Eliz. *accordant.* And 1ſt of Jac. *accordant.*—This alſo proved by two witneſſes: 1ſt of Jac. above forty commoners gave voices:—another, that about ſixty years ago the commoners had voice, and he himſelf, then a commoner, gave voice.—Affirmed by one of the members, that one of the now bailiffs confeſſed to him the commoners had voice.—

Sic

Replied to this, that the addition of the commonalty; becauſe that the name of the corporation: though never intended thereby, that ſo they might make their leaſes; yet the commoners never meddle.—

Exception to one of the witneſſes, that he a commoner, and a very aged man, ſcarce could hear or be heard: that the other had been disfranchiſed, and therefore ſpake out of ſpleen.—Alledged further, that, 1ſt of Jac. the commons called, becauſe they were to contribute to Mr. Pitt's wages.—Agreed by the major part of the committee, that the commoners had voice in election.

Reſolved alſo here, no good election; becauſe the commons, having right of voice, had no warning, as they ought to have had: to which the houſe agreed, and ordered a new writ.

On the death of Mr. Strangeways, George Bowerman, eſquire, was elected; but there appears to be a petition againſt him, which was not heard this ſeſſions, but renewed in the next ſeſſions, and then heard.

Feb. 12, 1677. Sir Thomas Meres reported, that the committee of privileges and elections had taken the matter into conſideration, concerning the election for this borough, and had agreed upon a vote; viz.

Reſolved, that George Bowerman, eſquire, is duly elected a burgeſs, to ſerve in this preſent parliament, for this borough: to which the houſe agreed.

March 24, 1680. A petition of Sir Robert Henley, baronet, touching the election for this borough, was read.

Ordered to be referred to the committee of privileges and elections to conſider, and report the ſame with their opininion. Never heard.

May 23, 1685. A petition of John Mitchell, and Richard Broderick, complaining of the undue election and return of Hugh Hodges, and Thomas Chaffe, eſquire, to ſerve in this preſent parliament as burgeſſes for this borough, in injury of the petitioners, who were duly elected, and ought to have been returned, was read.

Ordered to be referred to the committee of privileges to examine the matter, and report the ſame with their opinion. No report.

March 24, 1689. A petition of the principal inhabitants and electors of the ſaid borough was read; ſetting forth, that the bailiff, having the cuſtody of the precept, did, on the 27th of February laſt, give notice, and on the next day proceed to the election; and, without regard to the antient cuſtom of the borough, polled, as electors, ſeveral perſons not inhabitants, and others who are inhabitants, and no houſeholders, and others who received alms, in violation of their antient cuſtoms; and thereupon have returned John Mitchell, and Stephen Evans, eſquires, as duly elected; although John Mitchell, and John Manley, ſenior, were elected by a majority of qualified votes: and praying a ſhort day to have ſuch complaint heard at the bar, and their antient privileges may be continued.

Ordered to be referred to the conſideration of the committee of privileges and elections to examine the matter, and report the ſame to the houſe, with their opinion.

A petition of John Manley, ſen. eſquire, was read; ſetting forth, that the petitioner, and John Mitchell, eſquire, were duly elected for the ſaid borough, by the majority of the inhabitants thereof; yet the bailiff hath returned the ſaid Mr. Mitchell, and Mr. Evans, to ſerve in this parliament for the ſaid borough: and praying conſideration &c.

Ordered to be referred in like manner.

Oct. 6, 1690. The ſame petition of Mr. Manley was renewed, and referred in like manner.

Dec. 22. Mr. Grey reported from the committee, that, upon the poll, the numbers were,

For Sir Stephen Evans 160,
For the petitioner —— 149.

That the queſtion before the committee was, whether the petitioner, or the ſitting member, had a majority of qualified votes; and upon examining the exceptions on both ſides, the committee reſolved, that Sir Stephen Evans is duly elected a burgeſs, to ſerve in this preſent parliament, for this borough: to which the houſe agreed.

Dec. 5, 1695. A petition of Major John Manley was read; ſetting forth, that the petitioner was duly elected one of the burgeſſes, to ſerve in this preſent parliament, for this borough; but that the bailiffs of the ſaid borough, having rejected many of the legal votes for the petitioner, and admitted divers unqualified perſons to vote for Nicholas Cary, eſquire, have wrongfully returned the ſaid Mr. Cary, in prejudice of the petitioner: and praying that the houſe would take the premiſſes into conſideration, &c.

Ordered it be referred to the committee of privileges to examine the matter, and report the ſame with their opinion. Never reported.

March 31, 1715. A petition of Peter Walter, eſquire, was read; ſhewing, that at the election for this borough, the petitioner, William Coventry, John Strangeways, and William Harvey, eſquires, were candidates: that the bailiffs of the ſaid borough did admit, and take, for and in behalf of the ſaid Mr. Strangeways, and Mr. Harvey, the votes of more than fifty perſons who were diſqualified, and alſo of ſeveral other perſons who received the common alms; and the bailiffs did reject more than twenty perſons, who were duly qualified, and offered to vote for the petitioner, under pretence, that ſome of them being Quakers, refuſed to take the abjuration oath, though they offered to make the ſolemn affirmation, to the effect of the ſaid oath: that when the ſaid poll was taken, and a ſcrutiny demanded, the ſaid bailiffs refuſed to finiſh the ſaid ſcrutiny, and unjuſtly declared the ſaid John Strangeways to be duly elected, in wrong to the petitioner: and praying &c.

Ordered the matter of this petition to be heard at the bar of the houſe on the third of May next.

May 3. Ordered to be heard on Thurſday next.

5. The houſe proceeded in the hearing, and the counſel on both ſides were called in; the petition read, and the petitioner's counſel examined ſeveral witneſſes, in order to diſqualify ſeveral perſons who voted for Mr. Strangeways, and for adding ſeveral to the poll for the petitioner, who were refuſed: after which the petitioner's counſel ſummed up their evidence, and the counſel were directed to withdraw.

Ordered the ſaid petition be heard again on Saturday next.

7th. The houſe proceeded in the further hearing, and the counſel for the petitioner deſiring to examine ſome witneſſes, as to the partiality of the bailiffs; which being oppoſed by the counſel for Mr. Strangeways, the counſel were heard, and directed to withdraw.

Reſolved, that the petitioner be admitted to give evidence, in relation to the partiality of the bailiff, at the late election of members to ſerve in the parliament for this borough.

And the counſel were called in, and Mr. Speaker acquainted them therewith.

And the ſaid petitioner's counſel examined two witneſſes upon the ſaid matter.

After which the counſel for Mr. Strangeways proceeded to examine witneſſes, to eſtabliſh votes objected to by the counſel for the petitioner.

And Mr. Arthur Page being called,

The petitioner's counſel objected to his being examined, he having been charged by the petitioner's evidence with having, as agent for Mr. Strangeways, diſtributed money and corn to voters; touching which, the counſel on both ſides were heard, and then withdrew.

Reſolved, that the counſel for the ſitting member be not admitted to examine Arthur Page, touching William Pierce's being at full age, at the time of the laſt election for this borough.

The counſel being called in, Mr. Speaker acquainted them therewith.

That the counſel for Mr. Strangeways examined ſeveral witneſſes, in relation to wheat given by the Strangeways' family; whether the ſame was an uſual charity, as they inſiſted, or bribery, as was inſiſted on by the petitioner's counſel.

And John Tucker being called to be examined, was objected to, for that he was charged by the petitioner's evidence to have diſtributed the wheat.

The counſel were heard on both ſides thereupon, and withdrew.

Reſolved that John Tucker, having been concerned in diſtributing of wheat to the inhabitants before Chriſtmas laſt, be not admitted to be examined as witneſs in this cauſe.

The counſel being called in, Mr. Speaker acquainted them therewith.

And the counſel for Mr. Strangeways proceeded, and examined other witneſſes in juſtification of votes objected to by the petitioner.—

Ordered, the matter to be heard again on Tueſday next.

10th. The houſe proceeded in the hearing.

And the counſel for the ſitting member examined ſeveral witneſſes, to juſtify ſeveral other voters who had been objected againſt; and afterwards to add one to Mr. Strangeways's poll, and to diſqualify ſeveral who had voted for the petitioner; and alſo to examine witneſſes, as to bribery on the petitioner's part, and then they ſummed up their evidence.

And the petitioner's counſel replied, and the counſel withdrew.

And Mr. Strangeways was heard in his place, and withdrew.

Reſolved, that John Strangeways, eſquire, is not duly elected a burgeſs, to ſerve in this preſent parliament, for this borough.

Reſolved, that Peter Walter, eſquire, is duly elected a burgeſs, to ſerve in this preſent parliament, for this borough. And the writ was ordered to be amended.

April 16, 1717. Ordered a warrant for a new writ, for electing a burgeſs for this borough, in the room of William Coventry, eſquire, made clerk comptroller of the houſhold.

Oct. 18, 1722. A petition of William Bragg, eſquire, was read; ſhewing, that at the election of members to ſerve in parliament for this borough, Sir Dewey Bulkley, knight, Peter Walters, eſquire, and the petitioner, were candidates: the petitioner had a great majority of legal votes, and was duly elected, and ought to have been returned accordingly; but by the arbitrary and partial proceedings of John Bull, and Andrew Warren, bailiffs of the ſaid borough,—did not only refuſe a great number of legal voters, who tendered themſelves for the petitioner, but admitted a great number of perſons to poll who had no right of voting, the ſaid Mr. Dewey Bulkley, and Mr. Walters, by the unjuſt management of the bailiffs, and other illegal practices, procured themſelves to be returned, in prejudice of the petitioner: and praying, &c.

Ordered to be referred to the committee of privileges and elections to examine the matter, and report the ſame with their opinion.

BRISTOL.

Br. Parl. Rediviv. 351. THIS was antiently a borough in the county of Glouceſter, and as ſuch returned burgeſſes to parliament in the 26th of Edward the firſt, as appears by a liſt in Prynn's *Brevia Parliamentaria*;
Ibid. 353. from that time to the 47th of Edward the third, when it was made a county within itſelf. (See extract of the charter in the Appendix.)

8 Ed. II. The returns were, firſt——*Quod venire fac. duos burgenſes de villa Briſtol, iſtud breve retorn. fuit cuſtodi libertatis villæ Briſtol, qui ſic mihi reſpond. Eligere feci Robtum Wildemerſh et Thomam le Eſpoter ad eſſend. ad parliamentum apud Weſtm. in octabis Sancti Hillarii, qui manucaptores ad eſſend. ad diem et locum prædictos invenire recuſarunt, per quod propter eorum vim, malitiam et reſiſtentiam de executione iſtius mandati ulterius facienda intromittere non potui.* This particular return of the ſheriff of Glouceſterſhire, to whom the writ was directed, I have thought proper to inſert; but as, from this, it doth not appear, who were the electors, I ſhall add another return, which ſhews, who did elect.

Univerſis ad quorum notitiam preſentes literæ pervenerint, major et communitas villæ Briſtol ſalutem in Domino. Sciatis nos de unanimi conſenſu noſtro eligiſſe dilectos comburgenſes noſtros Johem de Axebruggs et Hugo le Hunt * *latores præſentium de eſſendo pro nobis in inſtanti parliamento domino Regis apud Northampton a dic Paſche prox. ſequent. in tres ſeptimanas convocat. et ad conſentiend. iis et faciend.* 2 Ed. III.

* It ſe they brought this teſti- monial, long wi them.

This, as appears by the marginal note, was returned by themſelves: but I find, in the 20th of Edward the third, that the ſame certificate was returned by the ſheriff of Glouceſterſhire.

The laſt return of burgeſſes for this city made 45 Ed
by the ſheriff of Glouceſterſhire, is as follows.—On III.
the back of the writ for the county, after the return of the knights of the ſhire, are theſe words:—*Nomina burgenſium pro communitatibus burgi Briſtol electorem eſſend. ad dictum parliamentum, Walterus Derby, Johes Stoke.*

After this it became a county, and the writ was directed, *Vic. Briſtol ſalutem &c. Tibi præcipimus firmiter injungentes quod de com. prædict. duos burgenſes de diſcretioribus et magis ſufficientibus, qui in navigio et exercitio merchandiſarum notitiam habent meliorem elegi, &c.*

The return was—*Virtute iſtius brevis elegi et venire feci ad præſent. Parliamentum domini Regis apud Weſtm. in craſtino Sancti Edmundi Regis prox. futur. duos burgenſes de diſcretioribus* (as in the writ) *viz. Walterum Derby, et Thomam Beaupine.*

In the 12th of Henry the fourth, the indenture was between the ſheriff, on the one part, and the mayor, and 29 burgeſſes, by name, on the other part, who choſe Thomas Norton, and David Dudbroke, merchants.

Thus was the form of election and returns, until the 13th of Henry the ſixth; after which, the form of the writ and return was altered, as appears by the extract following.—

Noverint univerſi per preſentes, quod nos major et 14 He
communitas villæ Briſtol. unanimi aſſenſu noſtro et con- VI.
ſenſu conſtituimus et in loco noſtro poſuimus dilectos nobis in Chriſto Thomam Fiſche, et Thomam Thony, comburgenſes noſtros, tam ut milites pro com. Briſtol. quam ut burgenſes villæ et burgi Briſtol. pro eiſdem com. villa et burgo ad eſſend. ad parliamentum &c.

The writ of the 25th of Henry the ſixth is enlarged greatly, by inſerting the new ſtatutes; as alſo the returns, the creating the county, &c. and as the writ and return are very particular, I ſhall inſert both at large in the Appendix.

Thus it continued until the 33d of Henry the eighth, when, being made a biſhop's ſee, it became a city; and ſo remains to this time. I ſhall now ſet down the memoirs I have met with ſince that time, upon conteſted elections.

Jan. 18, 1580. This being the day of electing a D'Ewe
ſpeaker—Mr. Treaſurer declared unto the houſe, Journal.
before their proceeding to election, that he and 280.
others had juſt ſeen, in the upper houſe, one that

is a member of this houſe; to wit, Mr. John Popham, her Majeſty's ſolicitor general, being one of the citizens for this city; and therefore made a motion, that ſome of this houſe might be ſent to their lordſhips, with requeſt, that the ſaid Mr. Popham, being a member of this houſe, might be forthwith remanded and reſtored to this houſe again; which ſome thought not needful to be done before the election; and others again denying, that he or any other could be choſen ſpeaker, except he was preſent himſelf. The clerk was commanded to read the precedent of chuſing Mr. Onſlow in the 8th year of her Majeſty's reign; and thereupon that courſe being agreed upon to be followed, the ſaid Mr. Treaſurer and others, being ſent up to the lords, demanded reſtitution of the ſaid Mr. Popham; and brought anſwer, that their lordſhips had reſolved he ſhould be ſent down, the rather becauſe he was a member of this houſe, and this houſe poſſeſſed of him before he was ſolicitor, or had any place of attendance in the upper houſe. Upon relation whereof, a motion was preſently made, that it was not meet or convenient to chuſe a ſpeaker by perſons that were not of the houſe; and withal, that it was thought of by ſome, that divers perſons being newly returned, in the places of others yet living, were not, or ought not, to be accounted members of this houſe. Whereupon, to avoid length of argument, and the impediment of the election, the ſaid Mr. Treaſurer, by the aſſent of the houſe, pronounced an admonition, that all ſuch as were newly returned, in the places of others yet living, ſhould forbear to repair to the houſe, till their caſe be further conſidered.

Then immediately Mr. Anderſon, the Queen's ſerjeant at law, and Sir Gilbert Gerard, knight, her Highneſs's attorney general, brought, from the lords, the ſaid Mr. Popham her Majeſty's ſolicitor general, one of the citizens for this city, and reſtored him to the houſe as a member of the ſame, and ſo departed; who, after prayer to direct the choice, was choſen ſpeaker.

May 16, 1661. Serjeant Charleton reports from the committee of privileges and elections, concerning the double return for this city, that Thomas Earl of Oſſory, and John Knight, eſquire, were returned as citizens to ſerve for this city, by one indenture; and that Sir Humphry Hook, knight, and John Knight, eſquire, were returned by another indenture; and that Sir Humphrey Hooke ſubſcribed to the election of the Earl of Oſſory, and ſealed to his return, and renounced his own election; and the opinion of the ſaid committee thereupon, that the return was therefore ſingle; and that Sir Humphrey Hook might renounce his return; and that the Earl of Oſſory ought to ſit, till the merits of the cauſe, touching the ſaid election, were determined: whereto the houſe agreed.

This matter reſted till the year 1666, when I find——

Sept. 21, 1666. Reſolved, &c. That the matter concerning a member, to ſerve for this city, inſtead of the lord Oſſory, be referred to the committee of elections; to examine the matter of facts, and to report it to the houſe.

Oct. 6. Sir Job Charleton reports from the committee of elections, touching the election for this city, that the committee had examined the matter referred, and peruſed the report of the committee; and the vote of the houſe thereupon, bearing date the 16th of May, 13th *Car. II. Regis*; which he read in his place to the houſe: and alſo informed the houſe of two petitions; one heretofore preferred by the burgeſſes of the ſaid city to the committee of elections; and another lately by them tendered, to be preſented to the houſe: which he delivered in at the clerk's table.

Ordered, that it be referred to the committee of elections, to hear the merits of the cauſe touching the election for this city.

13th. Reſolved, &c. That this houſe doth agree with the committee of elections, in their order for the mayor of this city's attendance before them.

30th. Sir Job Charleton from the committee of elections reported, that they had examined the merits of the cauſe touching the election for this city; and found, that Sir Humphrey Hooke had much the majority of votes; and that the opinion of the committee was, that Sir Humphrey Hooke was duly elected, and ought to ſit: with which the houſe agreed.

Ordered, that * *, the now mayor, heretofore ſheriff for the city of Briſtol, be committed to the cuſtody of the ſerjeant at arms; for his miſdemeanor, in making a falſe return for the ſaid city.

Oct. 25, 1680. A petition of Robert Henly, merchant was read.

Ordered, that the ſaid petition be referred to the committee of privileges and elections, to examine the matter; and to report the ſame, with their opinion to the houſe.

28th. An information being given the houſe againſt Sir Robert Yeamans of Briſtol, and againſt Sir Robert Cann, a member of this houſe; that they did, in October 1679, publickly declare, that there was no popiſh plot, but a preſbyterian plot;

And Mr. Rowe, ſwordbearer of Briſtol, being called in to the bar, and atteſting the ſame; and the ſame being likewiſe atteſted by Sir John Knight, a member of this houſe;

And Sir Robert Cann, being called upon by the houſe to make his defence therein; who, ſtanding up in his place, did, in making ſuch defence, utter ſeveral reflecting expreſſions againſt the ſaid Sir John Knight; and exceptions being taken by the houſe thereunto; and the words being taken by the clerk in writing; which are as followeth; viz.

“ That, as for the credit of Sir John Knight in Briſtol, it is ſuch, that a jury of twelve men, his neighbours, will not believe his teſtimony;”

And the houſe being informed by ſeveral members, that he immediately added theſe words, “ God damn me, 'tis true;”

Which words being read to Sir Robert Canne; and he, having in his place explained himſelf, was ordered to withdraw.

Ordered, that Sir Robert Canne be brought to the bar of this houſe, and do receive a reprehenſion from Mr. Speaker, upon his knees.——Which was accordingly done.

And Sir Robert Canne being again withdrawn; the houſe proceeded in the further conſideration of the matters charged againſt him.——And after long debate;

Reſolved, &c. that it doth appear by the evidence this day given to this houſe, that Sir Robert Canne is guilty of publickly declaring in the city of Briſtol, in October 1679, that there was no popiſh plot, but a preſbyterian plot.

Ordered, that Sir Robert Canne, a member of this houſe, be committed to the priſon of the Tower.

Ordered, that Sir Robert Canne be expelled this houſe.

And then was brought to the bar of the houſe; and, upon his knees, received the judgment of the houſe, for his expulſion from this houſe, and commitment to the Tower.

Ordered, that Mr. Speaker do iſſue out his warrant to the ſerjeant at arms, for conveying the body of Sir Robert Canne to the priſon of the Tower.

Ordered, that Mr. Speaker do iſſue his warrant to the conſtable of the Tower, or his deputy, to take the body of Sir Robert Canne into cuſtody, and detain him, during the pleaſure of this houſe.

Nov. 8. A petition of Sir Robert Canne, knight and baronet, now priſoner in the Tower, was read; whereby he acknowledges his offence; and begs the pardon of the houſe, and to be releaſed from his impriſonment.

Ordered, that Sir Robert Canne be diſcharged from his impriſonment: and that Mr. Speaker do iſſue out his warrant for the doing thereof.

Dec. 20. Mr. Treby reported, that the committee, having taken the matter of Mr. Henly's petition concerning the election for this city into conſideration, had reſolved, viz.

That, Sir Robert Cann was not duly elected a citizen to ſerve in this preſent parliament for the ſaid city.

That, Robert Henley, merchant, is duly elected a citizen to ſerve in this preſent parliament for the ſaid city.

The firſt of theſe reſolutions was agreed unto by the houſe: but the ſecond paſſed in the negative.

Reſolved, that the election for the ſaid city is a void election.

Mr. Treby alſo reported, that Sir John Lloyd, late mayor, William Jackſon, and William Clutterbuck, ſheriffs of the ſaid city, did, at the time of the ſaid election, impoſe an oath upon the electors, before they came to give their votes, in theſe words; viz. "You ſhall ſwear that you are a freeman, and "that you have not given your voice already."

Ordered, that the ſaid Sir John Lloyd, William Jackſon, and William Clutterbuck, be ſent for, in cuſtody of the ſerjeant at arms attending this houſe; to anſwer at the bar of this houſe, for the miſdemeanors by them committed at the ſaid election.

Ordered, that Mr. Speaker do iſſue his warrant for a new writ, for the electing of a citizen to ſerve in this preſent parliament for the ſaid city.

Jan. 8. Information being given to the houſe, by the ſerjeant at arms, that Sir John Lloyd, and the others, had ſo abſconded, that the order for taking them into cuſtody of the ſaid ſerjeant at arms cannot be executed againſt them;

Ordered, that an humble application be made to his Majeſty from this houſe, by ſuch members thereof as are of his Majeſty's moſt honourable privy council, deſiring his Majeſty to iſſue out his royal proclamation for the apprehending the ſaid ſeveral perſons, in caſe they ſhall not ſurrender themſelves to the ſerjeant by a certain day therein to be limitted. But the parliament was the next day prorogued, and ſoon after diſſolved.

March 24. A petition of Sir Robert Atkins, knight of the Bath, and Sir John Knight, and others, burgeſſes and freeholders of this city, touching the election for the ſaid city, was read.

Ordered, that the matter of the ſaid petition be heard at the bar of this houſe on Monday ſevennight. But, the parliament being in a few days after diſſolved, it was not heard.

March 24, 1689. A petition of William Powlet, ſerjeant at law, and Robert Yate, merchant, was read; ſetting forth, that at the election of citizens for this city, on the 24th of February laſt, divers indirect means were uſed; and many perſons, who had right to vote, were prevented voting for the petitioners; and others admitted for Sir Richard Hart, and Sir John Knight, who had no right to poll; but, notwithſtanding, the ſheriffs returned the ſaid Sir Richard Hart, and Sir John Knight, in prejudice of the petitioners: and praying &c.

Ordered, that it be referred to the committee of privileges and elections to examine the matter, and report the ſame with their opinion.

March 4, 1713. A petition of Sir William Daines, knight, was read; ſhewing, that, at the election for this city, the petitioner, colonel Joſeph Earle, and Thomas Edwards, junior, eſquire, were candidates: that the right of election is in the freeholders, and freemen not receiving alms: that the petitioner had the majority, who did, and others who would have voted for him, had there been a free election; but, by the illegal proceedings of Mr. Edwards, and agents, ſo great a riot aroſe, and ſuch violence was offered to thoſe who would have voted for the petitioner; and likewiſe inſulted the ſheriffs, by a multitude, who were not inhabitants, or had no right to vote; which, to prevent the loſs of blood, the ſaid ſheriffs were forced to break up the poll, although the petitioner had many hundreds more to poll; notwithſtanding which illegal proceedings, one of the ſaid ſheriffs hath unduly returned the ſaid Colonel Earle, and Mr. Edwards; in wrong of the petitioner: and praying &c.

A motion was made to hear it at the bar: but diſagreed to.

Ordered, that it be referred to the committee of privileges and elections to examine the matter, and report the ſame with their opinion.

March 31, 1715. A petition of Philip Freke, and Thomas Edwards, junior, eſquires, was read; ſetting forth, that Sir William Daines, Joſeph Earle, and the petitioners, were candidates for this city: that the petitioners were duly choſen by a great majority, but, notwithſtanding that choice, the ſheriffs have unduly returned the ſaid Sir William Daines, and Joſeph Earle: and praying &c.

Ordered, that it be referred to the committee of privileges and elections to examine the matter, and report the ſame with their opinion.

March 5, 1716. This petition was renewed, and referred in the like manner.

Dec. 4, 1717. This petition was again renewed, and referred in like manner.

BUCKINGHAM Borough.

THIS is the capital, or ſhire town, of the county of this name. It was a borough at the time of the Conqueſt, and had 27 burgeſſes. In the time of King Edward the third, it had a mayor and two bailiffs, and was repreſented by three perſons in council, held in the 11th of that reign, as appears by the precept in the Appendix; but never ſent burgeſſes to parliament, until the 36th of Henry the eighth: from which time, to theſe days, it has continued ſo to do.—The firſt return was between the ſheriff of the county of the one part; and Thomas Atkins, bailiff, and the burgeſſes, of the other part: and in the two parliaments of King Edward the ſixth, they were returned in the ſame manner; but in the firſt of theſe, there are eleven burgeſſes named. After this Queen Mary incorporated it, and appointed therein a bailiff, and twelve principal burgeſſes, and empowered them

Brady.

See Appendix.

Willis, Vol. I. 88.

Br. Parl. 36 Hen. VIII.

Br. Parl. 1ſt and 6th Edw. VI.

Cart. 27 Jan. 1 Mariæ.

them to elect, and return, two burgeſſes to parliament; and theſe have continued ſo to do to this time. The Journals of the houſe of commons afford the following memoirs relating to the elections, and right of electing, and its repreſentatives in that reſpects.

In the year 1660, Francis Ingoldſby, eſquire, petitioned againſt the election of John Dormer, eſquire; which petition was referred to the committee of privileges and elections.

July 12, 1660. Sir Edward Turner reported, upon the return of members to ſerve in this preſent parliament for this borough; that, upon examination of the fact, the difference appeared to be betwixt John Dormer, eſquire, who was returned to ſerve for this borough, together with Sir Richard Temple, and Francis Ingoldſby, eſquire, the petitioner; and the queſtion was, whether the bailiff and twelve burgeſſes, or the freemen at large, had right to elect members to ſerve in parliament; and that, upon view of ſeveral antient precedents, produced by Mr. Dormer, and hearing his witneſſes, and view of the charter of the corporation 1 *Mariæ*, the committee were of opinion, that the bailiff and twelve burgeſſes had right to elect; and that Mr. Dormer, who was choſen by the bailiff and twelve burgeſſes, was duly elected, and ought to ſit: to which the houſe agreed.

March 19, 1678. A petition of Sir Peter Tyrrel, baronet, was read; complaining of an undue return, made by the bailiff of this borough, of Sir Richard Temple, baronet, to ſerve in this preſent parliament, as burgeſs for this borough, in injury of the petitioner, who was duly elected, and returned by the ſheriff of the county.

Reſolved, that the ſaid petition be referred to the committee of privileges and elections to examine the matter, and report it with their opinion.

21ſt. Sir Thomas Meers reported the matter, touching the return for this borough:

That the precept is directed to the bailiff of this borough; to which there is affixed two indentures, both bearing date the 10th of February, 31 *Car. nunc*: one of them made between the bailiff and burgeſſes of the borough and pariſh of Buckingham, of the one part; and Thomas Edgerly, eſquire, ſheriff of the county aforeſaid, of the other part; wherein Edward Viſcount Latimer, and Sir Peter Tyrrell, baronet, are returned; and the common ſeal is affixed thereto: upon which indenture is indorſed thus;

> “The common ſeal within mentioned was put to this preſent indenture, by and with the conſent of George Carter, gentleman, bailiff for the time being, and the major part of the preſent burgeſſes of Buckingham within mentioned, in the preſence of
>
> HENRY BRIDGES, *deput. ſen'lum.*”

The other indenture is between the ſame parties; and therein is returned Edward Viſcount Latimer, and Sir Richard Temple, knight of the Bath, and baronet; wherein it is mentioned, that the common ſeal of the ſaid town, and the ſeals of the bailiff and burgeſſes, are ſet; and to the ſaid indenture are ſeven ſeals affixed, but not the common ſeal; and there are ſix names ſubſcribed thereto, whereof George Carter, bailiff, is one; but there is no indorſement thereon. Whereupon the committee came to the following reſolutions; viz.

That, the indenture wherein Edward Viſcount Latimer, and Sir Peter Tyrrell, baronet, are returned to ſerve in this preſent parliament for this borough, is well and duly returned, and by the proper officer; and that thereupon they ought to ſit in this preſent parliament, as well returned for this borough: with which the houſe agreed.

Ordered, the clerk of the Crown do attend tomorrow morning; and do take off the file the indenture, wherein Edward Viſcount Latimer, and Sir Richard Temple, are returned to ſerve in this preſent parliament for this borough.

Oct. 25, 1680. A petition of Sir Peter Tyrrell, baronet, was read.

Ordered it be referred to the committee of privileges to examine the matter therein, and report it with their opinion to the houſe. Never heard.

March 24. A petition of Sir Peter Tyrrell, baronet, and Charles Blount, eſquire, touching the election for this borough, was read.

Ordered, that it be referred to the committee of privileges and elections to examine the matter therein, and report it with their opinion to the houſe. Never heard.

May 23, 1685. A petition of Edward Viſcount Latimer, and George Grenvill, eſquire, complaining of an undue election and return of Sir Richard Temple, and Sir Ralph Verney, to ſerve in this preſent parliament for this borough, in injury of the petitioners, who are duly elected, and ought to have been returned, was read.

Ordered, it be referred to the committee of privileges and elections to examine, and report the matter therein to the houſe, with their opinion.

Nov. 19. The houſe being informed, that a petition was preſented to the houſe by Edward Viſcount Latimer, touching the election for this borough; which was referred to the committee of elections and privileges; but that neither petitioner, nor any for him, has ſince proſecuted the ſame;

Ordered, that, unleſs the ſaid Lord Latimer, or ſome for him, do proſecute the ſaid petition before the ſaid committee, within four days next enſuing, the ſaid petition be diſmiſſed. Never reported.

Jan. 22, 1688. A petition of Sir Peter Tyrrell, and Richard Atkyns, eſquire, was read; complaining of an undue election and return of members, to ſerve in this preſent convention, for this borough.

Ordered to be referred to the committee of privileges and elections to examine the matter, and report the ſame with their opinion.

April 16, 1689. Colonel Birch reported from the committee, the ſtate of the fact touching the election for this borough: that the counſel for the petitioners inſiſted upon this point; whether there was due notice given of the time of the election; which was the only point inſiſted on in the petition; and put the proof thereof on the ſitting members.

The ſitting members counſel inſiſted, that the petitioners had not entitled themſelves, by their petition, to queſtion the election, having not thereby alledged, that they were either electors, or elected, or candidates for the ſaid election; and therefore prayed, that the petition might be diſmiſſed: the committee, after ſome debate, called in the counſel, and ordered them to proceed on the point of notice, in order to have the whole matter before them. Then the counſel for the ſitting members called,

John Upſton, the under bailiff; who ſaid, that the bailiff, having received the Prince's letter, about nine or ten o'clock on the fifth of January, gave him orders to go to the reſpective houſes of the twelve capital burgeſſes (by whom elections for members of parliament had always been made) on Sunday after evening prayer, to give them notice to meet him on Wedneſday following, at ten o'clock in the morning, at the town-hall, in order to elect two burgeſſes for the convention; and that they ſhould alſo meet him the next morning, being Monday, in the town-hall: which notice, he accordingly gave; and ſpake with ten of them at their houſes; and left notice at the two others houſes, viz. with Mr. Robinſon's wife, and Mr. Maſſin's ſervant; and that this had been the conſtant and uſual way of giving notice for election to parliament ever ſince the reſtoration. And being further aſked, whether it was not the cuſtom to leave notice in writing; he ſaid, it was always left by word of mouth, with themſelves, or ſome of their family; and not otherwiſe; and ſaid, that all the thirteen met at the hall on Monday morning; and alſo on Wedneſday morning, when the election was made; and twelve voted for the ſitting members.

Hugh Etherſey, gentleman, ſaid, he had been bailiff; and made three returns of burgeſſes to parliament; and never gave any other notice, but by the under bailiff, to the twelve capitals, and to no other, at their own houſes, verbally to themſelves, or ſome of their families in their abſence: and that this has been the manner, to his knowledge, of giving notice for forty years paſt: and that the firſt claim of the populacy, that he ever heard of, was in the Reſtoration parliament, when he was bailiff; ſet on foot by Mr. Ingoſby; and was determined againſt him by that parliament.

William Atton ſaid, to the ſame effect as to the notice.

The petitioners counſel called,

Mr. Robinſon, one of the capital burgeſſes, who ſaid; the under bailiff had left notice with his wife, the Sunday evening, to meet on Monday at the hall; but for what account he knew not; nor did ſhe tell him of the meeting on Wedneſday for the election: that he met on Monday with the reſt of the thirteen, when the bailiff told him, he had ordered the under bailiff, the day before, to give them all notice of the election on Wedneſday, but did not hear the Prince's letter read; and if it was, it was read before he came to the hall: that he was at the election, and voted for the petitioners.

Upon the whole, the committee reſolved;

That Sir Richard Temple, and Sir Ralph Verney, are duly elected burgeſſes to ſerve in this preſent parliament for this borough: to which the houſe agreed.

March 24. A petition of Sir Richard Atkins, and others, burgeſſes and inhabitants of this antient borough, was read; whereby ſetting forth, that, 19th of February, being the day of election, the petitioner (Sir Richard Atkins) and Sir Peter Tyrrell, were duly elected by the majority of votes; but, that the bailiff hath returned Sir Richard Temple, and Alexander Denton, eſquire, in prejudice to the petitioners: and praying &c.

Ordered to be referred to the committee of privileges to examine the matter, and report the ſame with their opinion to the houſe.

A petition of the inhabitants of this borough was read; ſhewing, that the petitioner, and others, being inhabitants and houſeholders of the ſaid borough, in purſuance of their right, were preſent at the election there, 19th of February laſt; and then tendered their votes to be taken; and demanded a poll of the bailiff, but were refuſed the ſame; who confined the election to himſelf, and twelve capital burgeſſes, in injury of the petitioners right: and praying the conſideration of the houſe in the premiſſes; that the election may be made void; and a new one granted, wherein the petitioners may be allowed their voices.

Oct. 6, 1690. A petition of Sir Richard Atkins, and Sir Peter Tyrrell, baronets, and of John Rogers, and ſeveral others of the burgeſſes and inhabitants of this borough was read; ſetting forth, that the petitioners, Sir Richard Atkins and Sir Peter Tyrrell, were duly choſen to ſerve as members for the ſaid borough, by the burgeſſes and inhabitants thereof, who have right to elect; but, Sir Richard Temple, and Alexander Denton, eſquire, are returned, as duly choſen, by the bailiff and twelve capital burgeſſes, excluſive to the reſt of the burgeſſes and inhabitants, in injury to the petitioners, and violation of the rights of the borough: and praying the conſideration &c.

Ordered to be referred to the committee of privileges to examine the matter, and report the ſame with their opinion to the houſe.

A petition of the inhabitants of the ſaid borough was read; ſetting forth, that this borough had a right to ſend members to parliament before the preſent incorporation: that the petitioners, in purſuance of ſuch their * * *, with many others, were at the laſt election, on the 19th of February, 1689; and then tendered their voices to be taken, and demanded a poll of the bailiff; who denied the ſame, and confined the election to himſelf, and twelve capital burgeſſes, in injury of the petitioners right: and praying the conſideration of the houſe in the premiſſes; that the election may be made void; and a new one granted, wherein the petitioners may be allowed their voices.

Ordered, to be referred in like manner.

Nov. 11. Mr. Gray reported from the committee, that the queſtion was only on the right of election; which, if in the ſelect number, conſiſting of the bailiff and twelve burgeſſes, then the ſitting members were elected; if in the inhabitants at large, then the petitioners were elected.

For the petitioners were read the following returns:

1 Edw. VI.—Bailiff and eleven burgeſſes (named) elected.——6 Edw. VI.—the ſame.

2 and 3 Phil. and Mar.—*Bailiff. et burgenſ. cum communi aſſenſu et conſenſu eligerunt.*

1 Eliz.—Bailiff and twelve burgeſſes elected.—Alſo the charter, 1 *Mariæ*; *Quod villa de Buckingham de cætero liber burgus ſit*; *et quod erint duo burgenſ. parliamenti.*—

On the other ſide, was produced a record, 27 Edw. III, of a precept to the mayor and bailiff of Bucks, for electing burgeſſes to parliament: alſo determination in the caſe of Mr. Dormer, that the right of election was in the bailiff and twelve burgeſſes. It was alſo proved by one Fourty, a witneſs for the petitioners; alſo, by Mr. Atton, and Mr. Heatherſey, for the ſitting members; that the perſons that ſat on thoſe elections, were always elected by the ſelect number: whereupon the committee reſolved;

That the right of election of burgeſſes, to ſerve in parliament for this borough, is in the bailiff and twelve burgeſſes of this borough only.

That Sir Richard Temple, knight of the Bath, and baronet, is duly elected a burgeſs, to ſerve in this preſent parliament, for the ſaid borough.

That Alexander Denton, eſquire, is duly elected a burgeſs, to ſerve in this preſent parliament, for the ſaid borough: with which the houſe agreed.

Nov. 29, 1695. A petition of divers inhabitants of this borough, on behalf of themſelves and others the inhabitants of the ſaid borough, was read; ſetting forth, that this borough is a borough by preſcription; and that Sir Richard Atkins, and James Tyrrell, eſquire, were unanimouſly choſen members to ſerve in the preſent parliament, by the inhabitants of the ſaid borough: that the bailiff and 12 capital burgeſſes, have, without the conſent of the inhabitants, taken upon them to return Sir Richard Temple, and Alexander Denton, eſquire, as repreſentatives for the ſaid borough, to the manifeſt prejudice of the petitioners right: and praying &c.

Ordered, it be referred to the committee of privileges and elections to examine and report the matter therein, with their opinion to the houſe.

Feb. 29. Ordered the inhabitants of this borough have leave to withdraw their petition.

March 3, 1713. A petition of Sir Richard Temple, and Sir Edmund Denton, baronets, was read; ſhewing, that the petitioners were duly choſen to ſerve for this borough; notwithſtanding which, one Charles Blunt, pretended bailiff of the ſaid borough, refuſing to admit the votes of three undoubted burgeſſes, and admitting others, who had no right to vote, and of allowing 14 burgeſſes, contrary to the charter of the ſaid borough, and other undue practices, hath returned Thomas Chapman, eſquire, and John Radcliffe, M. D. as members for the ſaid borough; and refuſed to return the petitioners, though duly elected; in wrong of the petitioners, and rights of the ſaid borough: and praying &c.

Ordered, that it be referred to the committe of privileges and elections to examine the matter, and report the ſame with their opinion to the houſe.

April 21, 1714. Ordered the report to be received on Tueſday next.

27th. Sir Gilbert Dolben reported the matter of the ſaid election, as follows; that the right of election was agreed to be in the bailiff, and principal burgeſſes; the whole number of which are 13.

The poll was; for Mr. Chapman —— 8.
Dr. Radcliffe —— 7.
Sir Richard Temple 6.
Sir Edmund Denton 5.

For the petitioners it was alledged, they ſhould add three to their poll, who were illegally removed by the bailiff; viz. John Muſcott, William Wiſe, and Hugh Bruce; and take four from the ſitting members poll, who were unduly elected; viz. Edmund Sibthorpe, Robert North, Thomas Bourne, and James Naſeby.

It appeared by the town book, that the 9th of February, 1712, North the bailiff, and four burgeſſes; viz. Purſell, Little, Blunt, and Sheen; declared the places of Muſcot, Wiſe, Bruce, and Sibthorpe, to be void, for their not having received the ſacrament, according to the corporation act: and that ſeven other burgeſſes; viz. Maſon, Turpin, Pully, Carter, Muſcot, Wiſe, and Bruce; proteſted againſt this proceeding; except as to Sibthorpe, who ſubmitted as unqualified; and, upon the 11th of the ſame month, the bailiff, and the ſame four who joined with him in the amoval, elected Sibthorpe, North, Bourne, and Naſeby, into the places of thoſe four which they had ſo amoved. It alſo appeared, that in Hillary term, 11th of Anne, an information, in the nature of a *quo warranto*, was brought againſt Sibthorpe; and that he diſclamed: and, that Harriſon was elected in the room of Sibthorpe, by the votes of the ſeven who proteſted againſt the amoval of Muſcot, Wiſe, and Bruce, in Eaſter term, 12 Anne, brought a *mandamus* againſt Mr. North the bailiff, to ſwear him into the office; and obtained a verdict; and had judgement, upon a return of *non fuit electus*; and, upon a peremptory *mandamus* granted thereupon, he was ſworn into the office 29th of June, 1713.

That Muſcot, Wiſe, and Bruce, always acted till their amoval, and brought *mandamus*'s to be reſtored.

That as to the amoval of Muſcot, Wiſe, Bruce, and Sibthorpe, the petitioners counſel called,

John Warr, William Maſon, John Townſend, junior, and William Mead: who ſaid, that, on the 9th of February 1712, Mr. North, the bailiff, ſummoned the principal burgeſſes: when they were met, he declared, he ſummoned that meeting to aſk ſome queſtions; and aſked Muſcot, Wiſe, Bruce, and Sibthorpe, ſeverally, if they did qualify themſelves to be principal burgeſſes of this borough, by receiving the ſacrament within the year before their election: Muſcot and Wiſe anſwered, that they did qualify themſelves: Bruce ſaid, he did not think himſelf obliged to give an account; but, if he was called before a proper authority, he would give a very good account of his qualification: Sibthorpe owned himſelf unqualified, and ſubmitted himſelf to them: the bailiff replied, he did not believe any of them qualified; and therefore he voted them all out, and their places void.

That four of the principal burgeſſes joined with the bailiff in the amoval; and ſigned a declaration of it in the town-book, though they did not vote:

That ſeven other principal burgeſſes, of which Muſcot, Wiſe, and Bruce, were three, proteſted againſt this proceeding, except as to Sibthorpe; and they likewiſe entered and ſigned that proteſt in the book.

That it was admitted, that, upon the 29th of June, 1713, John Harriſon was ſworn into the office of a principal burgeſs, by virtue of a peremptory *mandamus*, founded upon a verdict, that he was duly elected; and he polled in this election: And,

Mr. Vaux ſaid, he was preſent when the cauſe between Harriſon and North was tried; the queſtion was whether Harriſon was duly elected into the office of a principal burgeſs or not; the nature of the evidence was, that there were ſeven proved to vote for him, and five for Sibthorpe; and the jury allowed the ſeven to be the beſt number; of which Muſcot, Wiſe, and Bruce, were three: but being croſs examined, he ſaid, Muſcot, in that trial as evidence for Harriſon, ſwore, that he himſelf had taken the ſacrament within the year before his election; and ſeveral other witneſſes corroborated his teſtimony.

That the petitioners counſel agreed that Harriſon's right being grounded upon the qualifications of Muſcot, Wiſe, and Bruce, upon whoſe votes he was elected, this evidence of his right is an evidence of their qualifications:

But, as a farther proof, they alſo called,

William Mead and others; who ſaid, Muſcot, Wiſe, and Bruce, have been conſtant churchmen for thirty years, and never went to meetings, or were reputed diſſenters; that they have frequently received the ſacrament ſince they have been burgeſſes; but could not ſay they ever ſaw them do it before, though they often ſaw them at church; and that Muſcot was ten years in office before he was queſtioned. It appeared by the town-book, that

John Muſcot was elected a principal burgeſs upon the 18th of June, 1702: and that Francis Farmer ſaid, in 1702, he was Mr. Muſcot's hoſtler; and obſerving that upon the Eaſter Sunday in that year, he ſtaid at church later than other people, he aſked the exciſe officers that went with him to church, who were ſtrangers, if he received the ſacrament with them; and they told him that he did: that, he particularly remembers, this was in the year of the Queen's acceſſion to the throne.

John Parnell ſaid, that, on the Eaſter day before Muſcot was elected a burgeſs, he ſaw Muſcot, and two exciſemen go to church, and come back together; they ſtaid at church about half an hour after others: he heard the gentlemen over-night deſire Muſcot to go with them to receive the ſacrament the next day; and William Muſcot aſked John Muſcot, whether he did receive the ſacrament with them; and he anſwered, that he did: the officers were ſtrangers; they came in over night, and were lodgers there.

William Purſwell ſaid, he was invited to dinner at Muſcot's on Eaſter day 1702; when he came, Muſcot was not at home; his ſervants, and others in the houſe, told the witneſs, he was gone to receive the ſacrament with two exciſemen: when they came home, thoſe two exciſemen told him, that Muſcot received with them: he remembers, when Muſcot came from church, he was in a paſſion with his wife for ſpoiling the victuals; and ſhe rebuked him for being angry juſt after receiving the ſacrament.

The witneſs, being croſs examined, owned himſelf to be a roman catholick; and that Muſcot is his father-in-law.

Mary Orme ſaid, Muſcot is her father; he invited her to dinner on Eaſter day in the year, when the Queen came to the crown; when ſhe came, her mother told her, he was gone to church to receive the ſacrament with two exciſemen: ſhe remembers he ſtaid a little longer than other people; and when he came in he grew a little angry with her mother about the victuals; but ſhe heard no diſcourſe between them about receiving the ſacrament.

That it appears by the town-book, that William Wiſe was elected a principal burgeſs the 12th of June, 1706; and Hugh Bruce the 8th of October, 1707.

John Baldwyn ſaid, he was apprentice to Wiſe; has known him ſix years and three quarters; and has known him frequently receive the ſacrament in that time.

The ſitting members counſel inſiſted, that Harriſon's vote was admitted, as he was a burgeſs in *de facto*, upon the mandatory writ; and that the verdict was grounded upon the evidence of Muſcot and Wiſe, who ſwore for themſelves.

To prove which, they called,

Merwin; who ſaid, that, at Harriſon's trial, Muſcot and Wiſe gave evidence of their own qualiſication: that there were a great many other witneſſes; but, he apprehends, it turned on Muſcot's evidence, becauſe he ſpoke of his receiving the ſacrament with ſo many particular circumſtances, viz. that he remembered it to be in that particular year the Queen came to the throne; that it was upon the Eaſter Sunday next after the Queen's acceſſion; and that he received it then at Buckingham, with the collector and ſupervisor of the exciſe, who had a ſitting at his houſe at that time: theſe circumſtances, to all which Muſcot ſwore, he believes, prevailed with the jury to find Harriſon's title.

That it was admitted that Muſcot was convicted of perjury; and that the verdict was ſet aſide, by rule of court.

Thomas Antwiſſell ſaid, he was at that time collector of the exciſe for the county of Bucks: that at Eaſter in that year, there was no other collector of exciſe for that county but himſelf; and he finds, by his letters and accounts, he was at that time at Ayleſbury, and not at Buckingham within ten days before or after that Eaſter; if there had been a ſitting at Buckingham, he ſhould have had a memorandum of it in his books, which he has not: nor, did he ever receive the ſacrament with Muſcot.

Poole ſaid, he was one of the jury on Harriſon's trial; and that they gave their vedict on Muſcot's evidence of his receiving the ſacrament at Buckingham, upon the Eaſter day next after the Queen's acceſſion, with the collector and ſupervisor of the exciſe.

Francis Croſſe ſaid, he waited upon Muſcot 36 years ago, when he lived at the Unicorn: that, 17 years ago, he went from thence to the George; and he never ſaw him at church after that time, though he (the witneſs) went generally once a day.

Mr. Paſkler, the miniſter of Buckingham, ſaid, he had known Muſcott above 20 years: ſince he has been a burgeſs, he has frequently come to church; before that, he took notice of him as a frequent abſenter, but not as a diſſenter; he can't remember as to his receiving, or not receiving, the ſacrament in that time; but he ſometimes came to church with ſtrangers that lodged in his houſe:

That Bruce has received the ſacrament ſince his election; but he don't know he did it before: he can't ſay that Wiſe received the ſacrament the year immediately preceding his election; but he did receive it in the courſe of five or ſix years before.

George Wyat ſaid, he had lived at Buckingham ever ſince the coronation of King William; that he is a conſtant frequenter of the church, and receives the ſacrament eight times yearly; and never knew, or ſaw, Muſcot at church before he was elected a burgeſs; he was counted a Roman; and, when he was choſen burgeſs, the common cry was, that now Muſcott muſt come to the ſacrament.

Thomas Lancaſter ſaid, that he attends at the ſacraments, and did receive it at Eaſter 1702; but never knew, that Muſcot received the ſacrament before he was a burgeſs: when he came to receive it afterwards, he was ſo unacquainted, that he ſtood in the middle of the chancel; and did not know where to go, till he was directed: being croſs examined, he ſaid, there is a particular place, where the burgeſſes receive the ſacrament.

Robert Mills ſaid, Bruce has owned to him, that he was not qualified; and that he believed there were others in the ſame caſe.

Upon the whole, the committee reſolved,

That John Muſcot is not qualified, according to the act of parliament for the well governing and regulating of corporations, to be a principal burgeſs of this borough.

That William Wiſe is not qualified, according to the ſaid act, to be a principal burgeſs of this borough.

That Hugh Bruce is not qualified, according to the ſaid act, to be a principal burgeſs of this borough.

That Thomas Chapman, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for this borough.

That John Radcliffe, M. D. is duly elected a burgeſs to ſerve in this preſent parliament for this borough.

The ſaid ſeveral reſolutions, being twice read, were agreed unto by the houſe.

March 26, 1715. A petition of Thomas Chapman, eſquire, was read; ſhewing, that at the laſt election for this borough, Alexander Denton, Abraham Stanyon, eſquires, and the petitioner, were candidates: that the bailiff of the ſaid borough refuſed ſeveral good and legal votes for the petitioner; and admitted ſeveral others for the ſaid Mr. Stanyon, who had no right to vote; and hath returned the ſaid Mr. Stanyon, to the prejudice of the petitioner, who had a great majority: and praying &c.

Ordered, it be referred to the committee of privileges and elections to examine and report the matter, with their opinion.

May 11. Ordered, that Thomas Chapman, eſquire, have leave to withdraw the ſaid petition.

Nov. 21, 1717. Ordered a warrant for a new writ, for electing a burgeſs to ſerve in this parliament for this borough, in the room of Abraham Stanyan, eſquire, made one of the clerks in ordinary of his Majeſty's moſt honourable privy council.

Oct. 15, 1722. Ordered a warrant for a new writ, for electing a burgeſs to ſerve in this preſent parliament for this borough, in the room of Alexander Denton, eſquire, now one of the judges of his Majeſty's court of Common Pleas.

BUCKINGHAMSHIRE.

THIS county was under the ſame ſheriff with Bedford, and hath returned knights of the ſhire from the firſt returns to parliament. Mr. Prynn takes notice of it, 28th of Edward I, as appears by the writ in the Appendix; and his liſt begins the 30th of that reign. The memoirs relating to its elections, I have met with, are as follow.

Jan. 21, 1549. On a queſtion relating to peers eldeſt ſons being qualified to ſit in the houſe of commons, Sir Francis Ruſſel being become heir apparent to the Earl of Bedford, it is entered in the Journal; it is ordered, that Sir Francis Ruſſell, ſon and heir apparent of the now Earl of Bedford, ſhall abide in this houſe, in the ſtate he was before.

March 22, 1603. Sir William Fleetwood, one of the knights returned for this county, on the behalf of Sir Francis Goodwyn, knight, who, upon the firſt writ of ſummons directed to the ſheriff of this county, was elected firſt knight of the ſhire; but, the return of his election being made, it was refuſed by the clerk of the Crown, *quia utlagatus:* and becauſe Sir John Forteſcue, upon a ſecond writ, was elected, and entered in that place; his deſire was, that this return might be examined, and Sir Francis Goodwyn be received, as a member of the houſe. The houſe gave way to the motion; and, for a more deliberate and judicial proceeding, in a caſe of privilege, ſo important to the houſe, ordered, that the ſerjeant (the proper officer of the houſe) ſhould give warning to the clerk of the Crown, to appear at the bar, at eight o'clock the next morning, and to bring with him all the writs of ſummons, indentures, and returns of elections for this county; made, and returned for this parliament: and to give warning alſo to Sir Francis Goodwyn, to attend in perſon; whom their pleaſure was to hear, *ore tenus*, deliver the ſtate of his own cauſe, and the manner and reaſons of the proceeding, in the election of knights of the ſhire for this county.

23d. Sir George Coppyn, knight, clerk of the Crown in the Chancery, this day (according to former order) being attended by the ſerjeant of the houſe with his mace, appeared at the bar, and produced all the writs of ſummons, indentures, and returns, made of the knights for this county for this parliament; which were ſeverally read by the clerk of the houſe; and then the clerk of the Crown commanded to retire to the door: and after, Sir Francis Goodwyn himſelf, whom it ſpecially concerned, attending to know the pleaſure of the houſe, was called in, to deliver the ſtate of his own cauſe, *ore tenus*; wherein he was heard at large; and ordered again to retire, until the houſe had determined what to do.

In this mean time the whole caſe was at large opened, and argued, *pro et contra*, by ſundry learned and grave members of the houſe; and, after much diſpute, the queſtion was agreed upon, and made:

Queſtion, whether Sir Francis Goodwyn were lawfully elected, and returned one of the knights for this county, and ought to be admitted, and received as a member of this houſe?

Upon this queſtion, it was reſolved in the affirmative, that he was lawfully elected and returned; and, *de jure*, ought to be received. Hereupon the clerk of the Crown was commanded to file the firſt indenture and return; and order was given, that Sir Francis ſhould preſently take the oath of ſupremacy uſual, and his place in the houſe; which he did accordingly. After this,

27th. Sir Edward Cook, attorney general, and Mr. Doctor Hone, brought a meſſage from the lords; deſiring, committees may have authority to treat touching the caſe of Sir Francis Goodwyn, the knight for this county, before any other matter be further proceeded on.

The anſwer to this meſſage (as in ſuch caſes is, for the moſt part, uſual) that they would return anſwer by meſſengers of their own. Thereupon,

The queſtion was put; whether they ſhould confer with the lords, touching the caſe of Sir Francis Goodwyn, the knight for Buckinghamſhire?

And reſolved, that they ſhould not.

Mr. ſecretary Herbert, with ſome other of the committees, were appointed to deliver to their lordſhips from the houſe,—That they did conceive, it did not ſtand with the honour and order of the houſe, to give account of any their proceedings, or doings.

To this meſſage, the lords return, that they would ſend an anſwer by their own meſſengers.

Sir Edward Cooke, Mr. D. Carew, Mr. D. Hone, and Mr. Tyndall, delivered from the lords, That their lordſhips taking notice, in particular, of the return of the ſheriff of this county, and acquainting his Majeſty with it, his Highneſs conceived himſelf engaged, and touched in honour, that there might be ſome conference of it between the two houſes; and to that end ſignified his pleaſure unto them, and by them to this houſe.

Upon this, the houſe reſolved; that his Majeſty might be moved for acceſs the next day. And afterwards they underſtood his pleaſure to be, that they ſhould attend at Whitehall, at eight o'clock next morning. Whereupon, the houſe, with Mr. Speaker, was ordered to meet, at ſix o'clock the next morning, in the houſe; and appointed a committee, to ſet down the effect, of what Mr. Speaker ſhould deliver from the houſe to the King.

See the names in the ſtate of this caſe printed from the Journals in 1704.

28th. Mr. Speaker, and many members, aſſembled at ſix o'clock this morning, but the houſe not being then full, they went upon other buſineſs; after which, they named a committee to attend the ſpeaker to the King.

29th. Mr. Speaker reported the conference (which ſee at large in the ſame ſtate of the caſe) and concluded with the King's directions.

1ſt. That the courſe already taken ſhould be truly reported. 2dly. That it be debated, and reſolved amongſt ourſelves. 3dly. To admit of conference with the judges. 4thly. To report all the proceedings to the council.

Reſolved, this be the firſt matter moved the next morning.

30th. The matter was debated (ſee as before) and queſtion, whether the houſe ought to ſatisfy the King in his commandment, debated: and the concluſion of the debate was to proceed to queſtion,

1. Whether the houſe was reſolved in the matter?

Reſolved, by general voice, that the whole houſe was reſolved.

2. Whether the reaſons of their proceeding ſhould be ſet down in writing?

Reſolved, they ſhall be ſet down in writing; and a committee ordered for that purpoſe (ſee ſtate of the caſe) and inſtructions given them.

April 2. It was moved, that a committe might be named to take the examination of the ſheriff of this county, who was ſent for, and now come: and a committee was named. (See as before.)

The examination preſently taken. (See the examination in the ſame ſtate of the caſe.)

Sir Charles Cornwallis moveth in excuſe of Sir Francis Goodwyn's non attendance. (See the caſe.)

Mr. Speaker remembereth the matter of conference with the judges, and put theſe queſtions:

1. Q. Whether the houſe were reſolved in the matter?

2. Q. Whether they ſhould confer with the judges?

But entertained the latter queſtion, which was carried for—no conference: but Mr. Speaker, not by commandment, but voluntarily of himſelf, drew up the reaſons, in a repreſentation to the King; which ſee in Appendix.

3d. They then ſent a meſſage to the lords, to acquaint them they had drawn up the repreſentation, and would ſend it to their lordſhips: who returned for anſwer, they would be at Whitehall in the Council chamber, to receive it. (See as before.)

4th. Sir Francis Bacon reported the delivery of the repreſentation, and what paſſed thereupon. (See as before.)

5th. Mr. Speaker, by private commandment, attended the King at eight o'clock, and ſtaid till ten. He brought a meſſage from the King, wherein he commanded a conference with the judges; which brought on this queſtion,

Whether to confer with the judges in the preſence of the King and council?

Reſolved in the affirmative, and a committee appointed. (See as before.)

11th. Sir Francis Bacon reported the conference (ſee as before) and moved a queſtion, which was reſolved; that Sir John Forteſcue, and Sir Francis Goodwyn, be both ſecluded; and a warrant directed accordingly.

This matter being of ſo particular a nature, I have thought proper to reprint the whole caſe in the Appendix, to which I refer the reader.

1640. It appears there was a petition in regard to the election for this county, but no memoirs by whom: but

Dec. 8. Ordered, that the election for knights for this county ſhall not be queſtioned this parliament.

May 23, 1685. A petition of Thomas Hacket, complaining of the undue election and return of Thomas Wharton, eſquire, to ſerve in this preſent parliament, as knight of the ſhire for this county, in injury of the petitioner, was read.

Ordered, it be referred to the committee of privileges and elections to examine the matter, and report the ſame with their opinion to the houſe.

Feb. 14, 1705. Ordered, a warrant for a new writ, for electing a knight for this county, in the room of Robert Dormer, eſquire, now one of the judges of the court of Common Pleas.

June 23, 1716. Ordered, a warrant for a new writ, for electing a knight for this county, in the room of Richard Hampden, eſquire, made a teller of the Exchequer.

March 20, 1717. Ordered, a warrant for a new writ, for electing a knight for this ſhire, in the room of Richard Hampden, eſquire, made treaſurer of the navy.

CALNE.

THIS borough is ſituate in the county of Wilts, and returned members to parliament from the 23d of Edward the firſt, as Dr. Willis writes; but Mr. Prynn begins his catalogue, and writes, it returned from the 28th to the 36th of that reign, and from thence ceaſed, except in the 1ſt of Edward the ſecond, and 33d, 34th, and 36th of Edward the third; until the ſecond of Richard the ſecond; and ſince hath continued to return to this time. Its repreſentatives were elected in the county court, in 1ſt Hen. V, as appears by the return for the county of that year, which ſee in Appendix. The memoirs I have met with, concerning the elections, and what relates thereto, are as follow.

Nov. 9, 1605. In the Journal of this day it is thus recorded——Weak, and not able to ſerve, by reaſon of age, and not likely to recover:——Swaddon, for Calne in Wiltſhire:—To be removed.

Q. Whether Swaddon for Calne ſhall be removed?—Reſolved, he ſhall; and a new writ to iſſue.

March 19, 1678. A petition of Henry Chevers, eſquire, was read; complaining of an undue return of Sir George Hungerford, and Walter Norborne, eſquire, to ſerve in this preſent parliament as burgeſſes for this borough, in injury of the petitioner.

Reſolved, that it be referred to the committee of privileges and elections to examine the matter, and report it with their opinion.

A petition of John Lawford, eſquire, complaining of an undue return of Sir George Hungerford, and Walter Norborne, eſquire, to ſerve in this preſent parliament as burgeſſes for this borough, to the petitioner's great injury, was read.

Ordered, that it be referred to the committee of privileges and elections to examine the matter, and report the ſame with their opinion.

May 23, 1685. A petition of the burgeſſes of this borough, complaining of the undue election and return of Sir John Ernle, and Thomas Webb, eſquire, to ſerve in this preſent parliament as burgeſſes for this borough, was read.

Ordered to be referred to the committee of privileges and elections to examine and report the matter, with their opinion.

Nov. 6, 1691. A petition of Sir George Hungerford was read; ſetting forth, that the petitioner was, on the 31ſt day of October laſt, elected one of the burgeſſes for this borough, and ought to have been returned, but the ſteward of the ſaid borough hath returned William Wyndham, eſquire, in prejudice of the petitioner: and praying relief in the premiſſes.

Ordered to be referred to the committee of privileges and elections to examine the matter, and report the ſame with their opinion.

Dec. 16. Ordered, that the report be received on Friday next.

17th. Ordered, that it be received to-morrow morning, after the buſineſs touching the Eaſt-India company is over.

18th. Ordered to be received on the morrow morning.

19th. Ordered to be received on Tueſday ſevennight.

29th. Serjeant Trenchard reported, that the committee had examined the merits of the ſaid election, and the right of election appeared to be in the burgeſſes, inhabitants within the ſaid borough; and the queſtion was, who had the majority of theſe voters?

For the petitioner, Walter Foreman produced a poll, which he ſaid he took, at the time of the election, for Sir George Hungerford. Upon which there was

For the petitioner — 15,
For Mr. Wyndham 14.

Dyer, and others, ſaid, that the burgeſſes inhabitants, only, had right to vote: that Henry Foreman, and Richard Ryder, who were burgeſſes, and afterwards went to live out of town, were refuſed at Sir Edward Baynton's election, in 1661: and Harman, one of Mr. Wyndham's votes, lived about a ſtone's throw out of town, at the time of election.

Orchard, a bailiff, ſaid, he was a little before the election deſired by Seagar, who voted for Mr. Wyndham, to arreſt Dyer; and promiſed him, if he would but ſtay and arreſt alſo Blake, Swaddon, and Langton (all of whom voted for the petitioner) and ſecure them, that they might not vote, he ſhould have four or five guineas: that Dyer was arreſted (but got off before the election) for a debt wherein he was bound with Seagar to one Parſons.

Weekes and Goddard declared, that Mr. Haſkins, one of the ſtewards, ſaid, he would return Mr. Wyndham, if he had but ten votes: and Goddard ſaid, that Col. Chivers aſked him to vote for Mr. Wyndham; and Haſkins promiſed him a guinea, and to get him Lady Baynton's cuſtom, if he would ſo vote: that he had voted at two elections, particularly when Mr. Fowler was ſteward; but then there was no diſpute.

For Mr. Wyndham were called,

Fowler; who delivered in a poll, which he ſaid he took by order of the ſteward; which agreed with the other, except John Goddard's name, which was in the other, was omitted: and he alſo ſaid, John Goddard, and Swaddon, were disfranchiſed; and produced the town books, wherein it was recorded.

There was alſo a conviction of forgery produced againſt Swaddon: and as to Dyer, another of the petitioner's votes, Fowler ſaid, he was disfranchiſed; but had got the book, and the leaf was torn out.

That Harman lived in the borough ſome days before the election; but as to his wife and children, they lived at his houſe out of the borough.

They alſo, by the town book, proved Norman, another of the petitioner's votes, to be disfranchiſed. Upon the whole, the committee reſolved,

That William Wyndham, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for this borough: with which the houſe agreed.

Feb. 14, 1700. A petition of Edward Baynton, eſquire, was read; ſetting forth, that the petitioner was duly elected a burgeſs to ſerve in this parliament for this borough, and ought to have been returned; but Walter Long, eſquire, hath, by ſeveral undue practices, procured himſelf to be returned, to the petitioner's great wrong:——the relief of the houſe, &c.

Ordered to be referred to the committee of privileges to examine the matter, and report the ſame with their opinion. No report.

Jan. 9, 1701. A petition of Sir Charles Hedges was read; ſetting forth, that he was duly elected a burgeſs for this borough, to ſerve in this preſent parliament, by the legal and unbiaſſed voters; but it is pretended, that Edward Baynton had an equality of votes with the petitioner, which were obtained by undue practices: and praying relief &c.

Ordered to be referred to the committee of privileges and elections to examine the matter, and report the ſame with their opinion.

Ordered, the merits of the election for this borough to be heard by the committee, with the matter of the double return.

15th. A petition of Edward Baynton, eſquire, was read; ſetting forth, that the petitioner was duly elected to ſerve in this parliament for this borough, and returned as uſual; but Sir Charles Hedges, by indirect practices, procured ſome of the burgeſſes to vote for him at the election, who alſo executed another indenture purporting a return of him, and prevailed on the ſheriff to annex it to the writ with the ſaid other indenture; whereby the petitioner is hindered from ſitting in the houſe, as of right he ought to do: and praying &c.

Ordered, that it be referred to the committee of privileges to examine the matter, and report the ſame with their opinion.

March 5. Ordered the report be received on this day ſeven night.

12th. Sir Rowland Gwyn reported, that the committee had examined the matter, and is as follows; viz.

That the right of election is in the antient burgeſſes: the right of returning in the two ſtewards: the ſenior has the cuſtody of the ſeal, and the junior the books;

That the ſenior voted for Mr. Baynton, and put the common ſeal to the return:

That the junior ſteward was for Sir Charles Hedges, who is returned under the hand and ſeal of the ſaid ſteward and burgeſſes:

That the numbers on the poll were equal, 8 each.

Mr. Seagar delivered in the poll, and ſaid he and the ſenior bailiff had equal power, that the precept was delivered to him, and he gave a receipt for it; and that he himſelf proclaimed the day of election, and his partner joined with him.

It was inſiſted on by Sir Charles Hedge's counſel, that indirect practices had been uſed to gain votes for Mr. Baynton; and they called,

Fowler, who ſaid, that Stephen Blake, one of Mr. Baynton's voters, was at London at the time of the diſſolution, and came home on Wedneſday before the election: he did not ſtay at home, but went to Haſkins, who was the ſteward who returned Mr. Baynton, and who kept a publick houſe; and there was kept by force.——He owned he had a warrant to arreſt Blake, but ſaid, Weeks the attorney had promiſed he ſhould not be arreſted till the election was over.—Fowler ſaid, Haſkins ſollicited votes for Mr. Baynton. He alſo ſaid Walter Doleman, and another man, who was a carpenter, told him before the election (which was before this) that they would not be for Mr. Baynton, but to get their debts paid, which Mr. Baynton's kinſman owed them; and Doleman, before the diſſolution of the parliament, ſaid, he had received 50 l. the remainder of his debt.

Timothy Seagar ſaid, that, after the diſſolution of the laſt parliament, Blake ſaid he would be for Sir Charles Hedges, and make what intereſt he could for him.

Richard Seagar ſaid, that, ſince the diſſolution of the laſt parliament, he went to Doleman, and aſked his vote for Mr. Chivers; and Doleman anſwered, that Mr. Baynton had paid him all his money, and he would be for him: that he dined with Haſkins on the election day, and was told it ſhould coſt him nothing, and Mr. Baynton was there ſeveral days.

Landrick ſaid, that the election before this Haſkins bid him look in a paper in the window, and there were ten guineas; and if he would vote for Mr. Baynton he ſhould have them: he ſaid he ſaw guineas there, but knows not how many. It alſo appeared, that Blake was, after he came down, at Norman's, one of Mr. Baynton's voters, drinking a bowl of punch.

Mr. Baynton's counſel inſiſted, that the returns had always been made under the common ſeal; and called,

Haſkins, who ſaid, he had known this borough 40 years, and four or five elections, and the returns were always made by the ſenior ſteward: that Blake, when he came from London, went firſt to his own houſe; but hearing there were writs out againſt him, he ſent to him to adviſe with him, and next day came to his houſe in order to be ſafe: that there was 100 l. action againſt him: that Mr. Baynton's friends when they came to ſee him, paid their club, and Blake paid for what he had. He ſaid, the town had 130 l. at intereſt, which intereſt is given amongſt poor tradeſmen; and that Landrick, who voted for Sir Charles Hedges, received ſome of it; but cannot ſay, whether it was the laſt year.

Blake ſaid, he was three nights at Haſkins's, and paid for what he had: he ſaid, he was under no force, but underſtood there was a writ againſt him at Sir George Hungerford's ſuit, and was at Mr. Haſkins's for fear of being arreſted; and denied he promiſed Sir Charles Hedges before he went down. He alſo ſaid, the head ſtewards commonly made the returns, and in the town buſineſs had a caſting vote. They then read the precept, which was in the ſingular number; and the under ſheriff ſaid, it was becauſe he did not know there were two ſtewards.

In reply there were produced three returns,

14th of Feb. 31 Car. II. 3d of Feb. 33 Car. II. 21ſt of Feb. 33 Car. II.

The indentures in all theſe were between the ſheriff and both ſtewards.

Upon the whole, the committee reſolved,

That Sir Charles Hedges is not duly elected a burgeſs to ſerve in this preſent parliament for this borough.

That Edward Baynton, eſquire, is not duly elected a burgeſs to ſerve in this preſent parliament for this borough.

Reſolved, that the ſaid election is a void election.

Nov. 2. 1705. A petition of the right honourable Sir Charles Hedges, knight, and John Kirle Ernle, eſquire, was read; ſhewing, that at the election of members, to ſerve in this preſent parliament for this borough, the petitioners, and Edward Baynton and George Ducket, eſquires, were candidates, that the petitioners were duly elected by a great majority of the burgeſſes, who had a right to vote, who (according to the antient cuſtom there) by indenture returned the petitioners to the ſheriff of the county; but Samuel Stevens, and William Langton, both of the ſaid borough, upon pretence of being ſtewards, took upon them to be judges of the poll, and to make another return, and to ſet aſide ſeveral votes for the petitioners; and allowed others to poll for the other candidates, who were under the ſame qualifications; and many other indirect practices were uſed by Mr. Baynton and Mr. Ducket, and their agents; particularly the ſaid Stevens and Langton, together with John Haſkins, and Mr. William Weeks, did, at the ſaid election make a great tumult, to the hindrance of ſuch as would have voted for the petitioners; and Stephens and Langton have procured Mr. Baynton, and Mr. Ducket to be returned, in wrong to the petitioners: and praying &c.

Ordered, that it be referred to the committee of privileges and elections to examine the matter, and report the ſame with their opinion.

Jan. 8. Ordered, that the matter of this election be heard before the committee on Monday next come three weeks.' But no report appears.

Nov. 27, 1708. A petition of the right honourable Sir Charles Hedges, knight, was read; ſhewing, that at the election for this borough, the petitioner, Edward Baynton, and George Ducket, eſquires, were candidates; and the petitioner, and Mr. Baynton were duly elected, and returned to the ſheriff by indenture, to which the ancient ſeal of the ſaid borough was affixed, by the proper officer: that Mr. Ducket, by indirect practices, gained ſeveral voices, and procured himſelf to be returned to the ſheriff, by one that was not the proper officer, and by an indenture ſealed with a new ſeal for that purpoſe: that the ſheriff refuſed to annex the petitioner's indenture to the writ; and hath returned Mr. Ducket, one of the burgeſſes, in wrong to the petitioner: and praying &c.

Ordered, that the merits of this petition be heard at the bar on the 26th day of April next.

Dec. 2, 1710. A petition of James Johnſton, and William Hedges, eſquires, was read; ſhewing, that at the election of burgeſſes, to ſerve in this preſent parliament, for this borough, the petitioners, with Edward Baynton, and George Ducket, eſquires, were candidates; and the petitioners were duly elected, and returned by the proper officer, under the common ſeal of the borough; but one Simkins, who took a pretended poll for Mr. Baynton, and Mr. Ducket, and who polled ſeveral unqualified perſons, hath returned them alſo, as duly choſen, by indenture under a ſeal made on purpoſe, in violation of the rights of the major part of the legal electors: and praying &c.

A petition of Edward Baynton, and George Ducket, eſquires, was read; ſhewing, that the petitioners were duly elected burgeſſes, to ſerve in this preſent parliament, for this borough; and ſo returned to the ſheriff of Wilts, by the two guild ſtewards (who were, by the laſt determination of the houſe adjudged to be the returning officers) under the common ſeal of the ſaid borough, by indenture; but the ſaid ſheriff hath ſince accepted, from one * Seagar a return of William Hedges and * James Johnſton, eſquires; which return was clandeſtinely framed by Seagar, and a ſeal affixed to it, and by him delivered to the ſheriff, as the act and deed of the two guild ſtewards, and burgeſſes, though Seagar was no officer of the borough; and the return, ſo framed, ſealed and delivered, was without the privity of any more than one of the burgeſſes, the ſeal, thereto affixed, having been damned by the corporation, it being loſt about three years ſince; and the ſeal, affixed to the petitioners return, made in its ſtead: of all which matters the ſaid ſheriff had notice, yet he hath returned both the ſaid indentures; whereby the petitioners are much injured, and deprived of repreſenting the ſaid borough in this preſent parliament: and praying &c.

Ordered, the ſaid petitions be referred to the committee of privileges and elections to examine the matter, and report the ſame with their opinion.

12th. Ordered, that Sir Charles Hedges have leave to make a motion, it being after 3 o'clock:

And he moved accordingly, That the books, papers, and writings, relating to this borough, may be left by Mr. Henry Blaake (who hath the ſame in his cuſtody) with the clerk of the houſe, this afternoon, for Mr. Hedges, and Mr. Johnſton, or their agents, to inſpect, in order to the hearing of the merits of the election for the ſaid borough, to-morrow, before the committee of privileges and elections.

Ordered, that Mr. Henry Blaake do attend this evening at 6 o'clock, at the houſe of the clerk of this houſe, with the publick books, papers, and writings, relating to this borough; and alſo to-morrow morning at 9 o'clock, and till the meeting of the committee of privileges and elections, that they may be inſpected by Mr. Hedges, and Mr. Johnſton, or their agents; and that afterwards, the ſaid Mr. Blaake do attend the ſaid committee, with the ſaid books, papers, and writings.

20th. Ordered, that the report be made on Friday next.

22d. Mr. Freeman reported the matter of the election and return, as follows; viz.

That the committee have examined the matter of the ſaid double return, and alſo the merits of the ſaid election. That in the borough are two ſtewards; the ſenior ſteward has the cuſtody of the ſeal, and the junior of the book: that the precept is directed *Seneſchallis burgi de* Calne: that the return of Mr. Johnſton and Mr. Hedges is under the hand of Richard Seagar, ſteward; and is mentioned to be made by him, and thirty-two burgeſſes therein named; and the old ſeal of the corporation is affixed to it.

The return of Mr. Baynton, and Mr. Ducket is mentioned to be made by the burgeſſes; and it is under the new ſeal of the corporation, without any names of ſtewards or burgeſſes in it, or to it.

That the counſel for Mr. Johnſton, and Mr. Hedges inſiſted, that the ſtewards take their office by ſucceſſion, and not by election: that, of courſe, the ſenior burgeſs is ſenior ſteward; and the ſenior ſteward hath the right to make the return.

To prove this, they called John Ladd; who ſaid, he had been a burgeſs 25 years; has lived in the borough 55 years; has ſerved ſteward three times; and that he always took it by turn, as he was in the book, and was never elected: that Seagar was the next ſenior burgeſs to him, and ſucceeded him in the office of ſteward; and at Candlemas, 1708, he delivered the ſame ſeal to Seagar, which he had delivered to him by the former ſteward.

Norman ſaid, he had been a burgeſs 25 years, and had known the borough 40 years; that he has been ſteward four times, thrice by ſucceſſion, and once by election (which laſt was to ſerve a neighbour out of turn) and he was objected to for being elected: that the ſtewards were for one year, and ſeldom continue, unleſs they do not give up their accompts: that Seagar has been ſteward almoſt three years, and Simpkins came in at Candlemas laſt.

Landick ſaid, he has lived in the borough above 60 years; has been a burgeſs above 28 years; has been twice ſteward; and come in both times in turn.

All theſe witneſſes, with Gin (who was aged 60 years, and born at Calne) ſaid, that the uſage is for the burgeſſes to meet in the pariſh hall on Candlemas day, to inſpect the town-book, and declare the ſtewards; and as the burgeſſes ſtand in the book (which is according as they are ſworn at Ogborn court) the ſenior burgeſs is always declared ſenior ſteward, and the next to him junior ſteward: that the ſtewards always take by ſucceſſion; and they never knew of any election, or of any being ſteward out of turn, but John Norman about 10 or 12 years ſince, and the elections, that have been ſince the late diſputes in the borough.

That the counſel for Mr. Baynton, and Mr. Ducket inſiſted, that the ſtewards came in by election; and that both ſtewards muſt make the return.

To prove this, they produced the copy of the report in 1701, wherein it is ſaid, that the right of turn is in the two ſtewards: and called,

Haſkins, who ſaid, he had known the corporation 40 years: that he is a burgeſs and has been ſteward; and that he was elected ſteward, and it was his turn to be ſo: that the old ſtewards direct the hayward to ſummon the burgeſſes to meet at Candlemas, to elect new ſtewards: that Timothy Blake, and Roger Harding were ſtewards in 1685, and there were ten between them, and none refuſed: that they are always made by election, and are always declared before they take their office; and the ſenior burgeſs is generally elected ſteward: that in 1690, John Goddard was disfranchiſed for refuſing to be ſteward in courſe; and that the ſtewards make the return.

Humphry Townſhend ſaid, he had been a burgeſs ſix years: that the ſtewards ſerve by election; and Norman was elected out of turn, about three or four years ſince: that Simkins and Brook were elected ſtewards on the 2d of Februrary laſt: that the ſheriffs ſent the precept to them, and they returned Mr. Baynton and Mr. Ducket.

That, May 5, 1708, an order is entered in the town-book (without any name to it) reciting, that, whereas John Ladd, one of the late ſtewards, had loſt, or at leaſt refuſed to produce, the common ſeal, therefore it was ordered and agreed, by the ſtewards and burgeſſes, that the then return of Mr. Baynton and Mr. Ducket ſhould be made under the new ſeal, then produced by Mr. George Forman, one of the then ſtewards; and that the ſame ſhould from thenceforth be eſteemed the common ſeal of the borough, and the ſeal, ſo loſt, never more to be made uſe of as the common ſeal of the borough.

That there are ſeveral antient entries of ſtewards names in the ſame book: ſome are, that they were choſen; others, choſen and elected; and, in 1699, that they were nominated and choſen ſtewards for the year enſuing, according to the cuſtom of the borough.

That it doth not appear, that any of the ſaid perſons were choſen, or elected out of turn.

That Haſkins's evidence upon the laſt controverted election, was, that he had known Calne forty years, and four or five elections; and that the returns were always made by the ſenior ſteward.

That two polls were taken at this election: one by direction of Seagar, wherein the numbers were 34 for Mr. Johnſton, 44 for Mr. Hedges, 18 for Mr. Baynton, and 17 for Mr. Ducket; the other by direction of Simpkins, wherein there were 17 for Mr. Ducket, 18 for Mr. Baynton, 13 for Mr. Hedges, and 2 for Mr. Johnſton.

That the counſel for Mr. Johnſton, and Mr. Hedges, inſiſted, that the borough is an antient demeſne of the crown: that the inhabitants of the demeſne houſes had right of common, and owe ſuit and ſervice at Ogborn; and that the right of election is in thoſe inhabitants, commoners, who are ſworn at Ogborn court.

That the counſel for Mr. Baynton, and Mr. Ducket, inſiſted, that the right of election is in thoſe inhabitants, who are firſt elected burgeſſes, preſented by Calne ſtewards, and afterwards ſworn at Ogborn court.

And it was admitted by both ſides, that if the election was in the commoners ſworn at Ogborn court, without a previous election at Calne by the burgeſſes, Mr. Johnſton, and Mr. Hedges, were choſen; and, if it was only in ſuch, who were firſt elected burgeſſes at Calne, and preſented by the ſtewards and ſworn at Ogborn, Mr. Baynton, and Mr. Ducket, were duly elected.

That the voters on both ſides, in this election, were ſworn at Ogborn.

That the counſel for Mr. Johnſton, and Mr. Hedges produced a copy of *Domeſday-book*, wherein it is entered, that this borough is *terra Regis*; and that there were 45 *burgenſes et* 25 *burgenſes*: and called,

Sir George Hungerford; who ſaid, he had known the borough ſixty years, and always thought the right to be in the inhabitants, having demeſne, and being ſworn at Ogborn: that they were uſually nominated by the burgeſſes in Calne-hall, and are preſented by Calne ſtewards to the ſteward of Ogborn court, to be ſworn: that, in 1685, four were ſo nominated, and preſented by the ſteward, and ſworn: that Mr. Baynton, and Mr. Blake, then brought twenty more to Ogborn, who were not elected in Calne-hall, or preſented by the ſtewards of Calne: that Ogborn ſteward ſwore them, and ſaid, when ſworn there, they had good votes; and they have ever ſince been thought ſo: that he has ſerved for the borough three times, and, in 1685, he allowed theſe twenty againſt him; and apprehends, that every inhabitant, having right of common, has a right to be ſworn at Ogborn, and when ſworn, they are called burgeſſes; and that the preſentment of them by Calne ſteward, is only to juſtify their being inhabitants, having right of common.

Landrick ſaid, he has been a burgeſs 28 years: that Calne ſteward ſent to him to go to Ogborn, to be ſworn; and told him, if he did not, he ſhould loſe his right of common: that there are about ſix or ſeven ſcore of common houſes, that have right of common in the ſaid borough; and theſe, ſworn in 1685, had always been allowed good votes.

Norman and Ladd ſaid, they were two of the twenty carried by Mr. Baynton, and Mr. Blaake, to Ogborn, in 1685: that they were not excepted to by the Ogborn ſteward; nor were they elected burgeſſes, nor did they go with the Calne ſtewards; and that they have voted ever ſince, without objection.

That, for Mr. Baynton and Mr. Ducket, were produced the town-book of Calne, and minutes of ſeveral courts leet at Ogborn; wherein are ſeveral perſons names, there ſaid to be elected, and ſworn burgeſſes: and called,

Henry Stevenſon, eſquire, ſteward of Ogborn court; who produced a copy of the oath, taken at Ogborn in 1705, where the word "burgeſſes" (which word is in the burgeſſes oath) is left out.

Richins ſaid, that Jeffery and Pearſe were elected burgeſſes about forty or fifty years ago; and the uſual manner is, for the ſtewards and burgeſſes in Calne-hall firſt to elect burgeſſes, and then to ſend them to Ogborn to be ſworn: that he never knew it otherwiſe; and that the hayward (by order of the ſtewards) ſummoned the burgeſſes to meet to elect burgeſſes: that there are about 40 or 60 commoners, and near 3 or 400 houſes in Calne; and he never knew the burgeſſes exceed thirty: that Mr. Blaake's twenty, in 1685, were firſt choſen at Calne.

Doleman ſaid, he had known Calne thirty years; and never knew of any election, but in the hall: that the burgeſſes are ſummoned to elect: that in 1705 ſome were refuſed to be ſworn at Ogborn, becauſe they were not returned by Calne ſtewards: that different oaths were then taken; ſome were only ſworn as commoners, others as burgeſſes; and none ſworn burgeſſes, unleſs preſented by the ſtewards of Calne.

Minſon ſaid, he was elected and ſworn at Ogborn; the word "burgeſs" was not in the oath: that he voted for members of parliament twice; and both times was objected to by all the burgeſſes.

Mr. Blaake ſaid, he had been acquainted with Calne above 35 years; has ſerved in parliament three times for the borough; and that, in all his time, the way to make burgeſſes has been to meet in Calne-hall, and there to chooſe, and give notice to thoſe who were choſen; and at the next court they go to Ogborn to be ſworn: that he never heard, till the late diſpute, any claim to be burgeſſes, who were not all elected: that, notwithſtanding the two charters in 1685, the Ogborn-courters elected members of parliament, for thoſe charters were never accepted: that he, and Sir George Hungerford, went to John Ladd, and ſeveral others, and prevailed with them to act, though they were threatned, there being a new corporation: that, in 1685, all the 24 went, and were ſworn at Ogborn: that they were all elected by majority of burgeſſes; that Sir George Hungerford went with them, and was conſenting to their being ſworn, and would have perſuaded John Ladd to have gone to Ogborn to be ſworn; and that part of the certificate, produced to the committee, of thoſe 24 being ſworn at Ogborn, was of Sir George Hungerford's writing.

Sir George Hungerford, being called, and confronting Mr. Blaake, ſaid, that four only of the 24 were nominated by the burgeſſes in the hall: and ſaid, he wrote no part of the certificate.

Ladd alſo ſaid, Sir George Hungerford did not come to perſuade him; but Mr. Blaake, and Mr. Baynton, about eleven at night, ſent for him to go thither.

Upon the whole, the committee reſolved;

That the right of election of members, to ſerve in parliament for this borough, is in the inhabitants of the ſaid borough, having a right of common, and ſworn at Ogborn court.

That James Johnſton, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for this borough.

That William Hedges, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for this borough.

Which reſolutions, being twice read, were agreed to by the houſe.——And Mr. Ducket's, and Mr. Baynton's indenture ordered to be taken off the file.

March 26, 1715. A petition of Walter Hungerford, and Samuel Robinſon, eſquires, was read; ſhewing, that at the election for this borough, Sir Orlando Bridgman, baronet, Richard Chiſwell, merchant, were candidates, and the petitioners; where Humphrey Townſend, and David Jeffreys, * * * ſtewards; but, notwithſtanding the petitioners had a majority of legal votes, yet Sir Orlando Bridgeman, and Richard Chiſwell, with Humphrey Townſend, junior, John Haſkins, William Weeks, and Walter Foreman, by their illegal practices, prevailed with the ſaid ſtewards to return the ſaid — Orlando Bridgeman, and Richard Chiſwell, to the prejudice of the petitioners: and praying &c.

Ordered, that it be referred to the committee of privileges and elections to examine the matter thereof, and to report the ſame with their opinion.

A petition of Henry James, and John Clarke, on behalf of themſelves, and other inhabitants of the ſaid borough, was read; ſhewing, that the petitioners, with others, have a right to vote for members for the ſaid borough; and that at the laſt election, amongſt others, were candidates, Walter Hungerford, and Samuel Robinſon, eſquires, for whom the petitioners intended to vote; but the ſtewards, who are the returning officers there, refuſed them, whereby the ſaid Mr. Hungerford and Robinſon are greatly injured; and that Sir Orlando Bridgman, and Richard Chiſwell, are unduly returned: and praying &c.

Ordered, that it be referred to the committee of privileges and elections to examine the matter thereof, and to report the ſame with their opinion.

May 9. Ordered leave be given to withdraw the ſaid petitions.

Oct. 18, 1722. A petition of Sir Orlando Bridgman, baronet, was read; ſhewing, that at the election of members to ſerve in parliament for this borough, the petitioner, William Clayton, Benjamin Hoſkins Styles, and George Ducket, eſquires, were candidates: that the major part of the perſons, duly qualified to vote at the ſaid election, gave their votes for the petitioner, who ought to have been returned for the ſaid borough; but by the partiality of Mr. Hoſkyns, and Mr. Dyer, guild ſtewards of the ſaid borough, who declared the election, without caſting up the poll, and refuſed the petitioner a copy thereof, though legally demanded, and by many other illegal practices, hath returned the ſaid Mr. Hoſkins Stiles, to the prejudice of the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections to examine the matter thereof, and to report the ſame with their opinion.

Jan. 18. Ordered, leave be given to withdraw the ſaid petition.

Feb. 19. Ordered, a warrant for a new writ, for electing a burgeſs for this borough, in the room of George Ducket, eſquire, made a commiſſioner of exciſe.

Feb. 24. A petition of Samuel Seager, Charles Webb, Jonathan Nicholls, Edward Steers, and Stephen Wootten, on behalf of themſelves, and other inhabitants of the ſaid borough, was read; ſhewing, that the petitioners, with others, are inhabitants of the ſaid borough, having a right of common there; and that by virtue of a reſolution, paſſed in the houſe in the year 1710, which declares, that the inhabitants of the borough have right of common; and being ſworn at Ogborn court, have a right to elect members to ſerve for the ſaid borough: that at the laſt election of Edmund Pyke Heath, eſquire, to ſerve for the ſaid borough, the petitioners and others did intend to vote; but, notwithſtanding the right they have of voting, founded on the ſaid reſolution, and although they claimed to be polled for the ſaid Mr. Edmund Pyke Heath, the guild ſtewards, who are the returning officers there, utterly refuſed to admit them to vote; whereby the petitioners are greatly injured, and debarred of the right they juſtly claim, founded on the ſaid reſolution: and praying &c.

Ordered, that it be referred to the committee of privileges and elections to examine the matter thereof, and to report the ſame with their opinion.

March 11. A petition of Charles Webb, Jonathan Nicholls, Samuel Seagar, Edward Steers, Stephen Wootten, Walter Doleman, and Edward Batten, in behalf of themſelves, and other inhabitants of this borough, was read; ſhewing, that the petitioners, together with other inhabitants of this borough, having a right of common there; and by virtue of a reſolution, paſſed in the houſe in 1710, which declares, that the inhabitants of this borough, having a right of common, and being ſworn at Ogborn court, have a right to elect members to ſerve for the ſaid borough: that, at the laſt election of the honourable Matthew Ducy Moreton, eſquire, to ſerve for this borough, the petitioners, and others, did intend to vote; but, notwithſtanding the right they have of voting, founded on the ſaid reſolution, they then claimed to be polled for the ſaid honourable Matthew Ducy Morton, eſquire; the guild ſtewards, who are the returning officers there, utterly refuſed to admit them to vote; whereby the petitioners are greatly injured, and debarred of the right which they juſtly claim, grounded on the ſaid reſolution: and praying &c.

Ordered, that it be referred to the committee of privileges and elections to examine the matter thereof, and to report the ſame with their opinion.

Jan. 10, 1723. A petition of Charles Webb, &c. to the ſame effect, was again read, and referred in like manner.

11th. A petition of Samuel Seager, &c. to the ſame effect, was again read, and referred in like manner.

Feb. 19. Ordered, that the reports be received on Tueſday next.

25th. Mr. Gibbon, according to order, reported the matter, &c. viz.

That the committee had examined the matter, and heard counſel for the petitioners, and alſo for the guild ſtewards, and burgeſſes of Calne.

The petitioners counſel admitted, the perſons returned were duly elected, and juſtly returned; but inſiſted, the guild ſtewards, who are the returning officers, ought to have admitted the petitioners votes, in the laſt election; the petitioners being inhabitants of the borough, having a right of common there, and having been ſworn at Ogborn court; upon which foot they claimed a right of voting, founded on the reſolution of the houſe, in the controverted election in the year 1710. The counſel on the other ſide admitted, that the petitioners are inhabitants, have right of common, and have been ſworn at Ogborn court; but inſiſted, that the petitioners, on that foot, had no right of voting, not being burgeſſes: that their pretence was an innovation upon the antient right of the borough;

was never heard of before 1705; had been always oppoſed and denied by the burgeſſes; who inſiſt, that none have a right to vote but the guild ſtewards, and burgeſſes; who, by the antient conſtitution, are to take the oaths to the government at Ogborn court, after they have been elected, and ſworn burgeſſes at Calne.

That the petitioners, without offering any evidence to ſupport their claim, reſted wholly on the reſolution of the 22d of December, 1710; when it was reſolved, that the right of election of members, to ſerve in parliament for this borough is in the inhabitants of the borough, having a right of common, and being ſworn at Ogborn court: againſt which the counſel on the other ſide produced copies of the following antient returns, and other evidences; viz.

28 Eliz. A copy of an indenture of return, between the ſheriff of the county, of the one part; and two perſons named burgeſs-ſtewards of the borough of Calne, and *burgenſes de Calne*, of the other part; expreſſing, that the burgeſs-ſtewards aforeſaid had received the precept for the election; and that the ſaid burgeſs-ſtewards, and burgeſſes, had made the election; and that the burgeſſes of Calne aforeſaid had put their ſeals to the return.

This return appears to have been made under the borough ſeal, without any name to it.

39 Eliz. Copy of an indenture of return, made between the ſheriff of the county, of one part; and two perſons named burgeſs-ſtewards, *atque burgenſes de Calne*, of the other part; expreſſing, that the burgeſs-ſtewards, and burgeſſes aforeſaid, had received the precept for the election; and that the ſaid burgeſs-ſtewards, and burgeſſes, had made the election; and that the burgeſſes of Calne aforeſaid had put their ſeals to the return.

This return appears to have been made under the borough-ſeal, and ſigned by the two ſtewards named in it, and no others.

29 Dec. 3 Will. and Mar. Report from the committee of privileges and elections, in the then controverted election, ſtating to the houſe, That the right of election appeared to be in the burgeſſes, inhabitants in the ſaid borough.

12 March, 1 Ann. Report from the ſame committee ſtating, That the right of election was in the antient burgeſſes, and the right of return in the two ſtewards.

Henry Blake, eſquire, being examined, ſaid; he had ſat in three parliaments for this borough, and known the borough fifty years: that he always underſtood, and had been informed by antient perſons, now dead, that the right of election was in the guild-ſtewards, and burgeſſes, excluſive of all others; and no pretence to the contrary was ever ſet up, or heard of, before 1700; when, and afterwards in the years 1705 and 1710, ſome commoners, who were not burgeſſes, pretended to vote, but they were always denied by the ſtewards and burgeſſes: that all burgeſſes, after their election and taking the burgeſſes oath at Calne, took the oaths of fidelity to the government at Ogborn court; where they are preſented by the guild-ſtewards, or bring certificates of their being duly elected burgeſſes at Calne. That the committee upon the whole reſolved,

That the right of election of burgeſſes, to ſerve in parliament for this borough, is in the antient burgeſſes of the ſaid borough only.

That the right of returning burgeſſes, to ſerve in parliament for this borough, is in the guild-ſtewards of this borough.

The ſaid reſolutions being read twice, were agreed to by the houſe.

County of CAMBRIDGE.

THIS county (which was joined with Huntingdon under one ſheriff) contains alſo the iſle of Ely; and hath been repreſented from the times of the firſt returns to parliament; the iſle being at firſt contributary towards the wages, and, as Dr. Willis ſays, (unwillingly) paid a third part, which was often diſputed; and in Henry the fifth's reign they raiſed and paid 200 l. to be diſcharged therefrom. In this Mr. Prynn agrees; and writes, the agreement between the county and the iſle was confirmed by act of parliament [which, with other acts relating thereto, ſee in the Appendix] and an eſtate was purchaſed with the money, as appears by the conveyances. The memoirs of its elections and conteſts thereupon which I have met with, my reader will have as follows.

2 Reg

Prynn p. 51 ſeq.

April 9, 1614. Mr. Francis Moore reporteth the proceeding of the committee for privileges yeſterday.

A petition from Cambridgeſhire, about the election of the knights of the ſhire, and a day given till this day ſeven night in the afternoon, in the court of Wards.

19th. Mr. Fuller reporteth to the houſe, the caſe of Cambridgeſhire.—That the affidavits (at leaſt 20) written all with ſeveral hands, and apparent, that written by parties—The danger of perjury.—Abuſing the houſe, by leaving out fit words.——That this is a houſe of record.—Examination of returns here; *ergo*, by oath; for allowed in the meaneſt court baron, &c.—A conſequent of examination, to adminiſter an oath.——

That heretofore the lords protected all, and we depended upon them; now of ourſelves, and therefore not to loſe that liberty.——Moveth a conſideration thereof, by the lawyers, and principal gentlemen, that have precedents.

Mr. Aſhley, *accordant*.

Mr. Brooke:—The rule of the houſe, in Sir Francis Goodwyn's caſe.—That there the judges delivered, we but half a court, and the upper houſe the other part.—That the king wiſhed, if we were not ſatisfied, conference ſhould be with the lords: which was refuſed; and, upon argument, agreed here, that this houſe but half a court for making of laws; but a full and whole court for examining returns, and all matters within the juriſdiction of this court.——

Moveth, the committee of privileges may conſider it, and report their opinions: and allowed a good motion.

Mr. Duncombe:—That the return not good, becauſe the foundation, viz. the election, not ſound—The letters could not be, but with privity of the parties.—Moveth, a committee may have authority to ſpeak, at a committee, before another, not of the committee.—Diſalloweth the return of theſe gentlemen; and moveth for a new writ, and then the ſheriff to be judged for his default.

Sir Maurice Berkeley:—*Factum valuit, quod fieri non debuit.*—The queſtion only to be, whether the return good. If good, the gentlemen to be retained, and the ſheriff not to be ſent for.——That no other court hath power to judge of returns here, but this houſe.—The only objection, that the ſheriff refuſed to take a ſcrutiny of the freeholders.——That the ſheriff bound to make a ſcrutiny; not upon the motion of one, or two (for that would trouble the country) not to be moved before the reading of the writ, nor two or three hours after, when the freeholders gone; but in fitting time.

Sir George Moore:—That the ſheriff required by Sir Jo. Peyton to number them, not to examine the freeholds of the electors. That not moved, (till dinner,) by Sir Jo. Cotton.—No queſtion, but we may examine returns.—13 Eliz. the lunatiques caſe.—Fine upon the town, and a new writ.—

Not above 12 committees heretofore; yet every one of the houſe may come, and ſpeak.

Ordered, upon the queſtion, that the two knights of Cambridgeſhire to ſtand: and, upon the ſecond queſtion, ordered, the ſheriff not to be ſent for.

And ordered, upon queſtion, that the power of giving an oath by this houſe concerning the returns, or juriſdictions of the houſe, to be referred to the committee for privileges; and there precedents to be viewed, and the matter to be conſidered of; and to be reported to the houſe, for further order and reſolution therein.

I find, within a month after, a debate in regard to the election, which, as it is in the journals, I thought proper to inſert, it being thus; viz.

May 14. Mr. ſerjeant Harrys:——That the ſheriff now queſtioned, and of perjury, by his falſe returns; for ſworn to execute and return his proceſſes, and writs, duly.——The ſheriff of Huntingdonſhire, not of Cambridge.—Letters from Sir Jo. Cotton, and Sir Jo. Cage, to the ſheriff; none from the other two.——

Upon exception, that there were copyholders, a proclamation made by the ſheriff, that all copyholders, and all others, not freeholders, ſhould avoid. That Sir Jo. Cutts and Sir Thomas Chicheley required, the night before, at all the inns, that all copyholders, &c. ſhould depart home.——

That, upon the election, at the leaſt more for the now knights, by 500 at leaſt.——Moved no calling by the poll, till two hours after.—That the freeholders of Sir Jo. Cutts, and Sir Thomas Chicheley's, were many of them gone.

That Sir Jo. Cage threatned to raiſe them in the ſubſidy, and to put one of their inns, if they did not give their voice that way.

Mr. Martyn:——The queſtion now, not to puniſh the ſheriff; but, whether the knights, now elected, ſhall be admitted to ſerve of this houſe. That apparent proofs againſt the ſheriff, both here, and at the election in Huntingdonſhire.——That they will plainly prove a practice with the ſheriff.——Proveth that, by the letters to gather copyholders and perſonable men.—That theſe courſes, for proclamation, &c. alledged by Mr. ſerjeant Harrys, merely to colour their purpoſe intended by their letters.

Mr. Gerrard:—That he ſpeaketh for the freeholders, who have no benefit by the penalty of the ſheriff, of 100 l.—That the freeholders of Cambridgeſhire have now none to ſerve in parliament for them, and yet muſt be concluded by their voices.

Mr. Richardſon:—Matter in law, and fact.—Wonders at Mr. Gerrard's aſſertion, that Cambridgeſhire hath now none for them.—For the return, *quæſtio facti*. The return of the ſheriff credited here; for made judge of the election here, and no averment againſt it: But yet agreeth, the juriſdiction of this houſe, that they may examine it.—

Voucheth Mr. ſerjeant Harrys his caſe, and Mr. Barker.—That Mr. Barker ſtood, notwithſtanding the return of the ſheriff.——

Sir George Howard, and Sir Francis Lacon, *accordant*.——

Denieth the writing of the pretended letter by Sir Jo. Cutts, or Sir Tho. Chicheley, or ever conſented to by them; but confeſſeth it written by ſome, that [affected] their cauſe, but did what they could to croſs it, ſending to put away all copyholders, &c.—That did by a member of this houſe.——

That he deſireth, for the moſt number of freeholders by 500, the election may ſtand.—

That, after the copyholders ſevered, Sir Jo. Cotton, finding himſelf too weak, drew into his company.——

That this ſome other ſpirit, not Sir Jo. Cotton's.—Eaſt part, and weſt part.—That, by precedents, the weſt part hath uſually had both the knights.—Thirty towns, at leaſt, more in the weſt part; 400, or 500 freeholders more there.—Had all the iſle of Ely; but only ſome drawn away by ſcandalous practice; by pretence, that, if Sir Jo. Cutts, &c. were choſen, their fens would be drained, and a third part given away to the undertakers. That this noiſed in the time, when the election in hand.—The ſcrutiny not required, till two hours after, that the ſheriff at dinner..

Mr. ſerjeant Harrys:—That the reaſon of the guide of the two caſes, vouched by Mr. Richardſon, becauſe no averment againſt the ſheriff's return.

Averment againſt the ſheriff's return, where I ſhall loſe my action, or my lands. No returning againſt the ſheriff's return of *non eſt inventus*. The reaſon, becauſe then an iſſue to be tried between the ſheriff and party, where the ſheriff neither plaintiff, nor defendant.

Mr. Fuller:—* *Action del caſe giſt, et l'jury poet trover verſus l'returne del vicount.*——

Profe des letters deliver per Sir *Jo. Cutts*' ſervant.—

Memorandum, *le copy del letter deliver per* Mr. *Bingley, deny per* Sir *Jo. Cutts et* Sir *Tho. Chicheley*.—

Spectadillia of Mr. Gerrard.

Mr. Serjeant:—That Sir Jo. Peyton's letter, upon his proteſtation, ſhall be refuted by oath.

Sir Edwyn Sands:—That the matters, objected againſt the plaintiffs, not ſo well cleared by them, as the other by the defendants, in the miſdemeanors objected by the defendants againſt them.

Sir Ro. Hitcham:—That the ſheriff not to be ſent for, becauſe the houſe ſatisfied, the two gentlemen choſen by the greater number.

Sir Ro. Owen:——That 50 Ed. III. knights, returned by the ſheriff, turned out, becauſe not elected by the greater number. So, for the like cauſe, a ſheriff, in Hen. VI. time, impriſoned, and fined; and the knights, returned by him, put out.——

That in Serjeant Harrys his caſe, and in the caſe for Bridgnorth, the ſheriff's return bindeth not the houſe.

Thus is the printed journal, upon which is a note between the preceding matter and this. In the original is a blank of two pages: but I apprehend this matter is wrong placed, and that it belonged to the foregoing caſe, wherefore I inſerted it here.

March 5, 1623. Mr. Glanville reporteth from the committee of privileges, who yeſterday, upon adjournment, met in the houſe.

For the knights of the ſhire of Cambridge; 1. That all the committee of opinion, that the election of the two knights there void. The under-ſheriff, Ingray, came to the place in ſeaſon: the writ read: four names called on; Sir Ed. Peyton, Sir Simeon Steward, Sir Jo. Cutts, Mr. Pallevecyne: the view twice taken, between nine and eleven: the poll demanded both times, but not proceeded in: this demand made on both ſides: the ſheriff pretended, he would proceed; but would not. This being the true touch for trial, the election merely holden void: and that a new writ to iſſue, for a new election. This *una voce.* 2dly. That the return, made by the ſheriff, of perſons not elected, a miſdemeanor. Proved by two witneſſes, that, about eleven of the clock, he made no election, nor who was, or ought to be, choſen. That this ſheriff, after twelve, and one, confeſſed, he had committed an error; and would come back, and make an election.——The conſequence of this great to the commonwealth: for all ſheriffs may return whom they pleaſe. His age, being but 22, no reaſon to ſpare his ſending for. 3. The conſideration of affidavits, now produced. 63 affidavits and certificates in this caſe.—That the committee thought not fit to admit affidavits for judicial proof:—1. Maketh us lame without the Chancery: 2. Entitleth the Chancery to judge of returns: 3. For that affidavits cauteloufly made by counſel, or party: 4. Witneſſes, produced *viva voce*, by words, actions, geſtures, &c. diſcover much.—— The committee prayed the direction of the houſe herein.

Upon queſtion, the election of Sir Edward Peyton, and Sir Simeon Steward, void; and a writ for a new choice, *nemine contradicente*; and they diſcharged.

Upon a ſecond queſtion, ... to be ſent for by the ſerjeant.

Mr. Brooke:——The ſheriff did return them, doubting, he had not done well, and thereupon was promiſed to be ſaved harmleſs.

Mr. Dyett:—To admit affidavits, to prove ſome circumſtances, but not the merits of the cauſe.

Mr. Whiſtler:—To declare, that affidavits were never of value here.

Sir Edward Coke:—When he ſpeaker, and ever ſithence, till now of late, affidavits not uſed here. —Sworn only of one ſide:—Drawn by counſel.— Moveth, no affidavits, concerning any election, and return, may be accepted here.

Mr. Sherfield:——Though we examine not by oath (our power wherein will not queſtion) yet we may puniſh any, that ſhall teſtify untruly. So was it laſt parliament, in Mr. Damport's caſe.——

Upon queſtion, all affidavits, to be taken in any court, concerning elections, returns, or any thing depending thereupon, to be rejected, and not hereafter to be uſed.

15th. A petition of the under-ſheriff of Cambridge, read.

Reſolved, this to ſtay till the houſe be full, tomorrow morning, eight o'clock, and then to be heard.

16th. For the under-ſheriff of Cambridgeſhire:— Mr. Glanvylle:——The miſdemeanor of the under-ſheriff, 1. general: that he hath made a return, where no due election, eſpecially, where ſo clear, there was no due election of thoſe he returned. 2dly. That two or three ſufficient witneſſes teſtified, that, after he was gone, he made no election.—This after eleven of the clock.—Two witneſſes, that the poll was demanded, and in ſeaſon, before he went away. 3dly. Proved, he had a dependency upon Sir Edward Peyton; had conference with Sir Edward Peyton.

The under-ſheriff, called in, and at firſt kneeling, and afterwards ſtanding up, was charged by Mr. Speaker, that he had made a return, when he affirmed, after he was gone from the place, he made no election:—That he, being required to do it, would not proceed to the poll.

The ſheriff:—That he can prove, he, before he went away, had declared, Sir Edw. Peyton, and Sir Sim. Steward, had moſt voices.—Denieth all the reſt of the charge.

Mr. Brook:—That the ſheriff, being doubtful he had not done well, had ſecurity offered him, to ſave him harmleſs. That this teſtified by Sir Thomas Steward.

The ſheriff confeſſeth, he was required, by three from Sir John Cutts, to return to the caſtle, to ſpeak with Sir John Cutts: which he refuſed, becauſe he had been ill uſed there.

Mr. Brackynn:—That he required the poll; but the ſheriff went away, and did it not.

Sir William Earle:—Proved at the committee, that Sir John Cutts, and 3 or 400 freeholders, demanded the poll, for a quarter of an hour together.

Henry Pecke, produced a witneſs for Ingery,— That he did not hear the poll demanded. That, between ten and eleven o'clock, he heard the ſheriff declare, that Sir Edw. Peyton, and Sir Simeon Steward, had the greater number of voices.——

That he would have Francis Haſelopp aſked, whether Watſon, and others, did not, when he was going to the poll, pull off his cloak, tread it under foot, and take away his papers.

Haſeloppe, affirmeth this.—Mr. George Beck, and Watſon, two of theſe.—That this done, when he was going to the poll, about ten o'clock.

Haſelopp, demanded, upon whom he dependeth; ſaith, upon no man.

Sir William Herberte:—Either the ſheriff hath offended, or we have erred in our judgment, to make the election void.

Sir John Ellyott:—The ſheriff hath puniſhment already, by ſending for, charges, &c.—To diſmiſs him without a check.

Sir Henry Poole, *accordant.* Mr. Corryton, *accordant.*

Sir A. Ingram:—To be tender of the honour of the houſe; which hath condemned the return, and adjudged the election void; which through the ſheriff's default.

Mr. Mallory:—That the under-ſheriff may not meddle at the next election.

Sir Edward Gyles:—To retain him, till Thurſday paſt; becauſe, at the new election on Thurſday, he will elſe breed a new garboyle.

Sir Robert Phillippes:—To check him for an error, but not for malice.

Sir John Savyle:—That this a thing of dangerous example. That ſheriffs may, by this means, chooſe and return whom they will.

Mr. Price:—To have the ſheriff come in, and, upon his knees, acknowledge his fault.

Mr. Brooke:——To ſend away the ſheriff, is to juſtify him, and condemn ourſelves.——To have him acknowledge his fault, and then fine him 100 marks.

Sir Thomas Jermyn:—To cenſure the ſheriff, or elſe we cenſure ourſelves.—To acknowledge his fault at the bar: and to ſtay him two or three days; the high-ſheriff having power to make another under-ſheriff for the ſervice on Thurſday.

Mr. Glanvyle:—To commit him for a day or two; then, upon his ſubmiſſion, to enlarge him.

Sir Chriſtopher Hyldyard:——That the under-ſheriff hath no power to make the election, but the high-ſheriff is to do it.—To have them both puniſhed.

Sir Edward Coke:—*In juvene medico, cæmeterii incre-*

incrementum: in juvene theologo, conſcientiæ . . . . In juvene legiſta, burſæ detrimentum.—The great confuſion extenuateth his fault.——To have him acknowledge his fault, and remain with the ſerjeant till Thurſday paſt.

Sir William Herberte addeth to this, that the order of this houſe may be read at the next election.

Ordered, 1. upon queſtion, that this under-ſheriff ſhall be committed to the ſerjeant, till Thurſday.

Upon a ſecond queſtion, the under-ſheriff, upon his ſubmiſſion, and acknowledgment of his fault, upon his knees, upon Thurſday next, to be diſcharged from further puniſhment in this place, paying his fees.——Leaving the other queſtion for his puniſhment in the country.

Upon a third queſtion, the under-ſheriff to make the like ſubmiſſion and acknowledgment in the next quarter ſeſſions in Cambridgeſhire.

The under-ſheriff called to the bar, and kneeling, his judgment, as aforeſaid, pronounced to him by the Speaker.

18th. The ſheriff of Cambridgeſhire, brought to the bar, made his ſubmiſſion upon his knees: confeſſeth, he hath committed an error; is very ſorry for it, and craves pardon. Diſcharged, paying his fees; and making his ſubmiſſion and acknowledgment likewiſe in the country, at the open quarter ſeſſions.

Sir Pet. Hayman deſires to have it explained, whether his ſentence ſhall take off that action of 100 l. againſt the high-ſheriff.—Reſolved, not.

May 28, 1624. Mr. Glanvyle reporteth for this county; Scholars, and fellows of houſes, and parſons, vicars, &c. came, and gave voices for knights of the ſhire.————

Reſolved, no ſcholars, or fellows of colleges, halls, &c. having no other freehold, ought to have voice in election of knights of the ſhire.——Reſolved, upon queſtion, as at the committee *ſupra*:—Nor are to have any hereafter.—

2. Reſolved, the ſcholars, or fellows, having chambers above 40 s. yearly value, giveth no voice in elections.—Nor are to have any hereafter.—

He, that hath a chamber, cometh not in by livery and ſeizin, nor by deed enrolled: no aſſiſe lieth: the freehold of it is in the corporation: his fellowſhip like wages, and diet, given a ſervant.——

3. Reſolved, parſons, and vicars, &c. ought to have no voice in election of knights of the ſhire.——Reſolved alſo upon queſtion:——Nor are to have any hereafter.————

Mr. Glanvill reports concerning this county.—Freeholders complain, that the ſcholars and fellows of colleges came to the election, and claimed to have voices.—

Reſolved, that members of colleges, halls, or corporations at large, not having freeholds, ſaving in right of their colleges, or corporations, ought not to have voice in elections. 2. That ſcholars, having chambers above 40 s. a year, ought not to have voice in elections. 3. That parſons and vicars, that have glebe lands————

Reſolved, upon queſtion, that members of colleges, halls, or corporations, not having freehold, ſaving in right of their colleges, halls, or corporations, ought not to have voice in elections of knights or burgeſſes.

Reſolved, upon a ſecond queſtion, that fellows, and ſcholars, that have fellowſhips, and chambers, above 40 s. ought not to have voice in elections.

Reſolved, upon queſtion, that parſons and vicars, that have no other freehold, but glebe lands, ought not to have voice in elections.

Nov. 6, 1640. Ordered a warrant, for a new writ to be ſent to the ſheriff of Cambridgeſhire, for election of the knights of that ſhire; becauſe no county day did intervene, between the receipt of the writ, and the day of appearance in the parliament.

Jan. 4, 1693. A petition of Sir Ruſhout Cullen was read; ſhewing, that the petitioner was duly elected a knight of the ſhire for this county, in the place of Sir Levinus Bennet, deceaſed; but the Lord Cutts, by illegal practices, did procure himſelf to be returned as duly choſen, in wrong to the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, and that they do conſider and report the matter, with their opinion, to the houſe.

Feb. 7. Ordered, the report to be made on Saturday morning.

9th. Ordered, the report to be made on Monday morning next.

12th. Mr. Bowyer reported from the committee of privileges and elections, the matter touching this election, as it appeared to the committee.

The ſheriff gave in a poll: according to which,

The ſitting member had	928
The petitioner —	921
The odds but ——	7.

But this not agreed ſo, but that, by other computations, it was made to amount to 10, or 11.

The poll, taken by the ſheriff's clerk, was all along in his own, and his clerk's, cuſtody; who both teſtified no alterations made: but the books were not ſealed up.

The ſheriff likewiſe proved, that he ſwore all thoſe who polled with him, that they were freeholders, and had 40 s. *per annum*; and gave directions to the other booths to do the like.

Upon this, the counſel and parties being withdrawn, the committee debated, whether they ſhould admit evidence, to unqualify thoſe that ſwore themſelves freeholders, &c.

And, upon a diviſion, it was reſolved to admit ſuch evidence. Whereupon the counſel, being called in, went on, and called, Thomas Newman, and Richard King, who confeſſed they voted for Lord Cutts, and were ſworn: and that one of their freeholds was in Huntingdonſhire; and the other ſaid he voted for his father's freehold; thinking he might ſo do, his father not being preſent to vote for himſelf.

Stern, and Chambers, teſtified againſt 17 for the ſitting member, upon account of their not having freeholds; viz. Joſhuah Noble, who confeſſed he had only a term of forty years in the houſe for which he voted.—Anthony Puncheon, the ſame.—Thomas Payne, for an houſe, becauſe he lived rent-free.—Richard Preiſtly, no freehold eſtate.—Robert Lee, for an eſtate which his mother held for life.—Thomas Walker, in the ſame caſe.—William Braſier, for an eſtate which was his father's.——Cowper, Rivers, Baſſe, and Bacon, for freeholds promiſed to them, but never conveyed.——Band, only a leaſe for years.—Edward Freeman, the ſame.—Stephen Miller, for a tenement which his wife had, as guardian to an infant.—Merchant, for a freehold belonging to a child, and not to him.—Hurrill, for an alms-houſe he lived in, becauſe he paid no rent for it.——Foreman, for an annuity iſſuing out of a copyhold eſtate of his wife's.—All theſe owned they had no other freeholds in this county.

Chambers, alſo proved, that Dogget confeſſed, he voted, but had no freehold at all; but being fuddled was over perſuaded to do ſo. Stern proved, that Mansfield and —— Marſhall confeſſed their eſtates under value, viz. one not worth 20 or 30 s. a year—and the other, only for two thirds of 46 ſhillings a year.—Martindale alſo ſaid, Cradock owned, his houſe he voted for was worth but 20 ſhillings a year, and his mill, only for years. Nor had theſe any other freeholds in this county. —Chambers ſaid, that Wootton was a madman, and had no eſtate; but, Purſer proved him not mad, and that he had 5 l. a year.

They then proved ſeven of the ſitting member's voters to be minors; and proved they had given notice to all theſe 31 to appear at the committee to juſtify their votes; but gave no notice to Lord Cutts. There was alſo exception taken to two who voted by the name of Thomas Porter of Cambridge; and Glen ſaid, there was no ſuch man there.

Charles Graboe ſaid, he voted for the petitioner, but was ſet down for the ſitting member; and John Bolton voted for the ſitting member, and refuſed to tell what freehold he had.

For the ſitting member were called, Joſſelyne, and Dudley, who ſaid, that before the election there were articles ſigned by the candidates, that there ſhould be four booths for polling, and all who polled to be ſworn: minors not to be polled, and each candidate to have a poll book as well as the ſheriff's officers: all which was obſerved; and the ſheriff's clerk making miſtakes was diſcharged, and another put in his ſtead. That the petitioner deſired the poll to be cloſed. That he examined the 3 books himſelf, and found this difference, in his own book: the ſitting member had 14 majority; in the ſitting member's 13, and in the ſheriff's 11.

Heard ſaid, he polled for the ſitting member, but was not ſet down; and that Mansfield, who was excepted to, had a freehold of 40 ſhillings *per annum*.

Pierſon ſaid, Morſon, who voted for the petitioner, owned he had but 33 ſhillings *per annum*, and ſaid he would not do ſo again; and Mr. Wootton, excepted to, was no madman, but had 5 l. a year.

Lucas Brown ſaid, John Banks voted for the ſitting member, but was not in the poll: but it was anſwered, there was a miſtake in the entry. Peckly ſaid, he polled for the ſitting member, but is not in two of the books, but was in the third: it was anſwered, he was wrote by the name of Peake. Stacy ſaid, John Tanet told him he voted for the ſitting member, but was wrote down for the petitioner: and Hitch ſaid the ſame for Panger, as did Joſſelyne for William Clark. John Acton ſaid, Robert Dixon was polled twice in the books taken by Lord Cutts's clerk. Pike proved, two of the petitioner's voters minors; and Dudley ſaid young owned himſelf ſo, and that George Lee's eſtate was his mother's. Mallabar ſaid, Davis had only a barber's place to a college, with a ſalary of 6 l. a year; and a ſinging man's place at Ely, and had no freehold. Maſon ſaid, Benſon's, Nichol's and Calman's freeholds were not 20 ſhillings *per annum:* alſo Harris, the ſame: but Mallabar ſaid, it might be worth 40 ſhillings to dig turf, but not otherwiſe: all theſe were lands where they dig turf, but no notice proved to be given them to come to the committee to juſtify themſelves. Smith ſaid, he had lived at Boxworth 30 years, and knew neither Sparrow nor Hurry, who are entered on the poll of that place for the petitioner; but it was anſwered, he was wrote Sparrow in the ſheriff's poll book, and he did live there, and they believed the other a miſtake. Lowes ſaid, there was no Robert Cooling of Linton; but it was anſwered, it was of Hinton, not Linton, and Cooling was of that place. Joſſelyne proved, there was no Francis Harvey of —— who voted; nor could he hear of any ſuch man as George Palmer, and both theſe are ſet in the poll for the petitioner. The like evidence was offered in regard to Jaggard by Pyke: but the committee would not admit ſuch evidence: and the counſel on either ſide ſaid, they had none but ſuch left, whereof, the counſel on the petitioner's ſide alledged, they had many, if the committee would admit them: but it was admitted on neither ſide. And upon the whole, the committee reſolved;

That the Lord Cutts is not duly elected a knight to ſerve in this preſent parliament for the ſaid county.

That Sir Ruſhout Cullen, baronet, is duly elected a knight to ſerve in this preſent parliament for this county: which reſolutions upon the ſecond reading were diſagreed to by the houſe.

Dec. 23, 1697. A petition of Sir Chriſtopher Hatton, Sir Richard Bennet, baronets; and other gentlemen, freeholders, on behalf of themſelves and other freeholders of this county, was read; ſetting forth, that at an election for a knight of the ſhire for this county, on the 6th inſtant, Granado Pigot, eſquire, was candidate; and about 11 o'clock the poll began, and ſeveral freeholders there deſired to poll for the ſaid Pigot, but were denied; and the underſheriff diſcharged the freeholders about 4 in the afternoon, from their attendance at the county court; and called the *niſi prius* court without Mr. Pigot's conſent: that before five o'clock the ſheriff began to poll again in the Crown-court; and, without proclamation, about 5 o'clock adjourned the poll till 8 the next morning, without Mr. Pigot's conſent, ſeveral freeholders then deſiring to poll for him. The petitioners attended at 8 o'clock, but the ſheriff did not proceed till after 10 o'clock, and gave the petitioners ſuch unneceſſary delays, that many freeholders were forced to go home without polling: that the petitioners have alſo been debarred of their juſt rights and liberties in this election by threats, and treats, by perſons both in the commiſſion of the peace, and taxes: and praying the conſideration of the houſe.

Ordered, it be referred to the committee of privileges and elections to examine the matter, and report the ſame with their opinion.

Feb. 1. Ordered the report to be made on Friday next.

4th. Mr. Norris reported the matter touching the ſaid election; that the petitioners counſel inſiſted on three things; 1ſt. That Mr. Pigot had on the firſt day a great majority of Sir Ruſhout Cullen; and that the poll was not rightfully, nor regularly, adjourned till the next day. 2. That ſome great men had browbeaten and threatned ſome of the freeholders, and uſed indirect means to gain votes for Sir Ruſhout Cullen. 3. That money had been, contrary to the late act, expended upon ſeveral of the freeholders, who voted for Sir Ruſhout Cullen.

That it was agreed, that upon the poll, the firſt day, Mr. Pigot had a majority, and oppoſed the adjournment; and called Welbore and Swan, who ſaid, the poll began at 11 on the 16th of December: that the poll, according to agreement between the ſheriff and candidates, was carried on at four courts till about 2 o'clock in the afternoon, when two of the courts were diſcharged, and the two remaining were the Crown and *niſi prius* courts; and about half an hour after four, the *niſi prius* court, and the perſons attending, were diſcharged by the ſheriff without adjournment till next day, and one was polling at that time; that, after the diſcharge of the *niſi prius* court, there were two polled at the Crown-court, and then it being about a quarter before 5, the poll there was adjourned to next day; that the reaſon the ſheriff gave, was, that ſeveral could not come, becauſe the waters were out, though the witneſſes ſaid, ſeveral came from the ſame place that day. Allen Hurrel ſaid, he heard the high-ſheriff ſay, Mr. Pigott had the firſt day a majority of 150 voices; and believed he would carry the day, let them do what they could. Cook ſaid, the high-ſheriff declared, after the election, he had adviſed upon it, and did not doubt but he was ſafe; and that the Earl of Orford had promiſed to get him 80 pounds conviction money he was out of pocket.—Harriſon ſaid, on the firſt day of election, at the *niſi prius* court, he had his hand upon the book, and intended to have polled for Mr. Pigot, but was hindered by the adjournment; but polled the ſame night in the Crown-court: that, being preſent at a meeting of the commiſſioners of tax, he heard Mr. Loane, a commiſſioner, and juſtice of peace, ſay, Should we elect a man the King hath ſet a mark of diſfavour upon? the King is for having Sir Ruſhout Cullen choſen; but he could not ſay, any one was influenced by it: that he himſelf voted for Mr. Pigot, and that the mark of diſfavour was, the putting Mr. Pigot out of commiſſion.

Thomas White ſaid, he had no money; but his charges were borne to Cambridge by Mr. Marſh, who voted for Sir Ruſhout Cullen, and deſired his vote for him alſo; and that he would not have gone without his charges: that the ſaid Marſh paid near half a crown for him; that Mr. Steward would not do it for Mr. Pigot; that he is a freeholder of 5 l. 10 s. clear.—Varnham ſaid, Mr. Loane ſent for the freeholders, and ſaid there was an act againſt treating, therefore, they paid two pence each; and Mr. Loane deſired the freeholders to be for Sir Ruſhout Cullen.—Mr. Steward ſaid, Mr. Pickering's bailiff paid 29 ſhillings for 20 of thoſe who voted for Sir Ruſhout Cullen, but ſaid he believed they were all of them Mr. Pickering's tenants, or neighbours.—Sparrow ſaid, on the 15th of June, he kept a private court for Mr. Holgate; and Mr. Sizer ſent to him, and they dined together; and Mr. Sizer ſent for ſeveral freeholders; that five or ſix came, of which only three had buſineſs at the court; and on account of the freeholders, they had a quarter of lamb extraordinary; that Mr. Sizer recommended Sir Ruſhout Cullen; and there being ſeveral tenants, he paid 10 s. and Mr. Sizer 6 s. that he voted for Mr. Pigot; but he knew, three of the freeholders then preſent, voted for Sir Ruſhout Cullen.

Baker ſaid, he kept the Crown inn at Cambridge, and, on the election day, Mr. Frampton paid him between 3 and 4 pounds for 20 men who came from Newmarket; but could not ſay, it was by direction of Sir Ruſhout Cullen, or his agents.

Porter ſaid, he was preſent . . a bowl of punch; it being court time, when Mr. Rowland treated his tenants; and Mr. Rowland aſked his vote for Sir Ruſhout Cullen, and he ſaid he would vote as his neighbours. Flavel ſaid, he was a freeholder and came to poll the firſt day for Mr. Pigot, but was hindred by the adjournment of the poll; but ſaid, it was candle-light, and his maſter could not ſpare him next day; ſo he did not poll. Ellington ſaid, he kept the White Bear inn, and a gentleman unknown to him gave to 16 men, who came from Laverington five or ſix ſhillings each, openly in the yard, and heard them ſay they would vote for Sir Ruſhout Cullen; that he told this to ſomebody about 10 days before he attended the committee; but could not remember to whom.

Thomas Dareſly, Robert Nun, and Dr. Creſnall, ſaid, they made a contribution of 36 s. for the freeholders, who voted for Sir Ruſhout Cullen, to drink together before they ſet out, and towards their charges; that it was ſpent at the Bull amongſt 60; but it did not appear that Sir Ruſhout Cullen ordered, or ſubſcribed, towards it. Dingley Aſkham ſaid, he was ill treated by the Lord Cutts at the election.

Barnes and Flack ſaid, that Lord Cutts ſaid Mr. Drake had done ſomething about the adjournment of the court the night before, which would amount to a riot, and he ſhould hear of it in the houſe of commons: and Flack further ſaid, he aſked ſome to vote for Mr. Pigot, but they ſaid, they durſt not, for they were afraid of Mr. Loane; and particularly Hill and Adams ſaid ſo; but he could not ſay, he ever heard Mr. Loane threaten them: Adams ſtaid at home; and Hill voted for Mr. Pigot. Walcham ſaid, ſome of Wiſbich ſide were at the election on Thurſday, particularly Robert Gun, who lived at March, and the ſheriff; and believes the roads were better on Wedneſday than on Friday, becauſe of the froſt; for though there was a break in the middle level, the roads were never the worſe.

The petitioners produced two letters of the Earl of Orford's without ſubſcription, recommending thereby Sir Ruſhout Cullen, and informing that Mr. Pigot had not ſigned the aſſociation.

For the ſitting member was called Sir H. Pickering, who ſaid, he was there all the election; and near five o'clock on Thurſday came a meſſage from the Crown-court to the *niſi prius* court, and bid them adjourn and come to the other court; but one Drake ſaid, we will not be adjourned, we would fain ſee who will adjourn us: upon which, the ſheriff came and adjourned the court till next morning at 8 o'clock; and he thought it time; for the tapſters, &c. were drunk, and the people began to throw ſquibs: that Mr. Pigot was in the court next morning, and polled, as near as Sir H. Pickering could judge, about 80; and after, went into the chamber, where his friends caſt up the poll with the others; that on Friday morning, Mr. Pigot would have had the poll cloſed; but the ſheriff ſaid he was an iſle of Ely man, and he knew it impoſſible for the people of that ſide to come the day before. Baily ſaid, he was at the *niſi prius* court, and when a clerk for Sir Ruſhout Cullen brought orders, it was adjourned; and Drake oppoſed it. Bellamy ſaid, that Twelves, and others brought word to his houſe, the banks were broke; and if they had been broke near them, as he thought at firſt, it would have been impoſſible for them to have ſtirred, and they agreed not to ſtir that day; and ſent a meſſenger to deſire the court might be adjourned till next day.

Mr. Loane ſaid, the meeting, ſpoke of by Harriſon, was to receive the aſſeſſment, but their clerk being abſent, they did no buſineſs that day; that he did declare for Sir Ruſhout Cullen, but uſed no threats, or promiſes of reward; nor treated, nor had any ſuch directions from Sir Ruſhout; that he had no directions from the court, to give a character of Mr. Pigot; but believed he might ſay, that he thought Sir Ruſhout Cullen to be the more proper man; and that it would look like an affront, the King having ſet a mark of diſpleaſure on Mr. Pigot, in ſo lately diſplacing him: that he believed, Mr. Pigot did ſign the aſſociation after it became a law, but not before; having objected againſt the words "rightful and lawful," and the word "revenge."

That, upon the whole, the committee reſolved,

That Sir Ruſhout Cullen, baronet, is duly elected a knight to ſerve in this preſent parliament for this county: which being twice read, was agreed to by the houſe.

A motion was made to reſolve, That the petition was frivolous and vexatious: but diſagreed to.

March 30, 1715. A petition of Granado Pigot, eſquire, was read; ſhewing, that at the election for this county, the petitioner, John Jenyns, and John Bromley, eſquires, were candidates: that before, and at, the ſaid election, the ſaid Mr. Jenyns and Mr. Bromley, and agents, were guilty of bribery, in order to be elected; and they are returned accordingly, although the ſheriff never declared them to be duly elected; and the ſaid Mr. Bromley refuſed to take the oath of his qualification, he being requeſted to take the ſame: and praying &c.

It was moved to be heard at the bar, but diſagreed to.

Ordered, that it be referred to the committee of privileges and elections to examine the matter thereof, and report the ſame with their opinion.

March 5, 1716. The ſame petition again read, and referred in like manner.

April 3, 1717. Ordered, leave to withdraw it.

CAMBRIDGE Town.

Willis, 157.
4 Regiſt. 401.
Ibid. 937.
Bohun's Collect. p. 73.

THIS is the capital town of the county of this name, was a corporation in the time of King Henry the firſt, and had a mayor in the time of Henry the third. The parliament was held here in the 12th of Richard the ſecond, and it has returned burgeſſes thereto from the 26th of Edward the firſt.—As to its antient method of election, Mr. Bohun, in his collections, writes, the burgeſſes were choſen in the county-court, in the 2d of Henry the fifth; 4th, 6th, 11th, 14th, and 29th of Henry the ſixth; and 17th of Edward the fourth.

In the 2d of Henry the fifth, that election was by 12 electors only, *ex aſſenſu totius communitatis burgi*; but after that, only eight electors are mentioned in the return, and ſo they continued until the 22d of Edward the fourth. But in the return, 27 and 29 Hen. VI, there are only eight electors (named) for the community of the borough, according to the cuſtom of the liberty of the town. This is the account as wrote by Mr. Bohun; but,

25 Hen. VI.

I find an indenture in the 25th of Henry the ſixth, which recites, the writ was directed to the mayor, and four bailiffs; and the return of the election was made by fourteen burgeſſes therein named (which indenture ſee in the Appendix): but this method of election is now altered, as will appear by the following memoirs.

March 22, 1620. Sir Robert Phillipps:——That the mayor for Cambridge, Mr. Foxton, hath returned himſelf.

Upon queſtion, Mr. Foxton being mayor at the time of his election, to be removed, and a new writ, without one negative.

March 29, 1679. A petition of Sir Thomas Willis, baronet, and Roger Pepys, eſquire; complaining of undue practices in the election of burgeſſes for this borough, to ſerve in this preſent parliament; was read.

Reſolved, &c. that it be referred to the conſideration of the committee of privileges and elections to examine, and report the matter with their opinion: but no report appears to have been made.

Nov. 25, 1708. A petition of Thomas Bendyſhe, eſquire, was read; ſetting forth, that at the late election of members, to ſerve in parliament for this town, the petitioner, John Hind Cotton, and Samuel Shepheard, eſquires, were candidates; and the petitioner was there duly choſen by a majority of legal votes, though ſeveral ſuch were unduly hindered from voting for him: that not only by force and violence, but alſo by bribery, treating after the writ, and other undue practices before the election, an unprecedented number (moſt ſtrangers) were made freemen; whereby a majority was gained on the poll by the other candidates; ſo that the petitioner was not returned, as he ought to have been: and praying relief, &c.

Ordered, that the merits of the ſaid election, and return, be heard upon Tueſday, the 22d day of February next.

Nov. 23, 1709. The petition of Thomas Bendyſhe, eſquire, was renewed (in ſubſtance the ſame with the former) and ordered, to be referred to the committee of privileges and elections to examine, and report the matter, with their opinion, to the houſe.

Feb. 7. Ordered, that the report be received on Thurſday next.

9th. Mr. Compton reported, that the committee had examined the matter, and the numbers on the poll were,

For John Hind Cotton, eſquire,	ſitting members,	125,
Mr. Shepard,		101;
The petitioner	—— ——	80.

The counſel for the petitioner admitted, that Mr. Cotton was duly elected; but inſiſted, he had a majority of Mr. Shepard, of ſuch perſons, as were qualified to vote; and that Mr. Shepard's election was obtained by bribery, and other illegal practices. And alſo inſiſted, that the right of election is in ſuch freemen only, as had a right to their freedom by birth, or ſervice, or who were admitted to their freedom by redemption, or purchaſe, and who did not receive alms, or any other charity. The counſel for the ſitting members inſiſted, that the right of election is in the mayor, bailiffs, burgeſſes, or freemen, at large.

For the petitioner, they called,

Thomas Gale; who ſaid, he had been a freeman 22 years; and that the right of election is in the mayor, bailiffs, and burgeſſes, who had a right to freedom by birth, or ſervice; or who have it by purchaſe; and that he hath inſpected the antient books of the town, being aſſiſted therein by Mr. John York, and finds, that, for 62 years paſt, there is no mention made of any honorary freemen made there, till King James the ſecond's time, when the late Lord Dover, and about eighty more perſons, were made ſuch by a new ſet of magiſtracy; and has been preſent at ſeveral elections for this town, when many of theſe perſons demanded to poll, but were always refuſed.

That in the year 1706-7, the then mayor dying about ſix weeks before his mayoralty expired, one Mr. Fox was choſe mayor for the remainder of the time; wherein two honorary freemen were made, viz. Mr. Francis Shepard, and Mr. Gatward: and in Mr. Fowles's time, the next mayor, 11 or 12 honorary freemen were made, ſix whereof were of London, and the reſt country gentlemen; and two more were admitted, when Mr. Fox, ſenior, was mayor: and that all the ſaid honorary freemen, ſo admitted after 1706-7, voted for Mr. Shepard.

That the fine, upon a freeman's admiſſion by purchaſe, is 10 l. but is often mitigated according to circumſtances of the perſon, his own fine being reduced to 40 s.

The ſaid Gale being aſked, in what hand, and language, the old books were wrote; he anſwered, in court hand, and in Engliſh.

The ſaid books being produced, the admittances to freedoms appeared to be in Latin.

Mr. York ſaid, That all freemen have voted, except thoſe honorary freemen, that were made in King James the ſecond's time.

The counſel for Mr. Shepard called Sir John Cotton (the recorder) and Mr. Ewin; who ſaid, they were freemen of this town, and know, that all free burgeſſes always voted, whether they lived in, or out of, the town, excepting thoſe admitted in King James the ſecond's time. The recorder ſaid alſo, that he has known honorary freemen admitted for this town, for 40 years paſt; and Sir William Wren, and Sir Thomas Hatton, and 20 more, were admitted as ſuch in King Charles the ſecond's time; and knows, that all ſuch (excepting thoſe made in King James the ſecond's time) always voted: that he has ſerved for this town in ſeveral parliaments; and they were admitted to poll, and was choſe by them.

The town-books being produced, there appeared ſeveral admittances of perſons to freedoms for the ſaid town, *gratis*, or with remittances of their fines, in Queen Elizabeth, and King James the firſt's time, and in King Charles the ſecond's reign.

Upon this evidence, the committee reſolved;

That the right of electing burgeſſes, to ſerve in parliament for this town, is in the mayor, bailiffs, and freemen, not receiving alms.

Then the counſel for the petitioner proceeded to diſqualify ſeveral of the ſitting member's votes, for bribery, and treating after the *teſte* of writ; and called for that purpoſe,

Jones; who ſaid, that being a freeman, promiſed to vote for the petitioner; but the evening before the election, being called by one Parker, and another (as he ſaid to a cuſtomer) he went to the Magpy alehouſe; where they treated him with beer, to the value of 12 d. or 18 d. and then went with them into the Black Bear inn; where he ſaw Mr. Good, Mr. Wenda, and about 12 more of Mr. Shepard's friends, and ſupped with them; and was there made drunk, and put to bed in the inn; and when he would have got out in the morning, to go to the election, he was locked in; and, when the door was opened, the ſaid Parker, &c. plied him ſo hard with hot pots, that, when he was brought to the election, he voted for the ſitting member, contrary to his former intention; and for this, he having a large quantity of meat in his ſhop the morning of the election, it was all fetched to Mr. Rumball's (a vintner, and ſervant to Mr. Shepard) tavern, who paid him a halfpenny *per* pound above the market price for the ſame.

John Davis ſaid, that on the 28th of April, 1708, he, being at the Roſe tavern in Cambridge, ſaw Mr. Warder, and Mr. Hill; who called for wine, and would have paid for it; but Rumball told them, he had orders from his maſter (Shepard) to treat all his friends; and he took them to be ſuch, and therefore they were all welcome: and they voted for the ſitting member.

Joſeph Thompſon ſaid, his father dying, he went to the hall to demand his freedom by inheritance, but was often put off, till he pretended he was for Mr. Shepard; when Mr. Fox, the town-clerk, ſaid, if he had thought ſo before, he ſhould have had it forthwith: but he voted for the petitioner.

Thomas Sanders ſaid, that his father falling ſick after he had promiſed to vote for the petitioner, the town-clerk, and others, came to him, and perſuaded him to vote for the ſitting members, and gave him five ſhillings, and Rumball (Mr. Shepard's vintner) ſent him home ſome wine; but threatned him, in caſe he would not vote, as expected, that they would ruin him, by taking out executions on two judgments that lay againſt him in the mayor's court; and Rumball having got an aſſignment of his arrears of rent, threatned to ſeize all his goods; to avoid which, he promiſed his vote for Mr. Shepard, and was accordingly taken out of bed, and carried to poll by Rumball's ſervants: and the town-clerk told him, he had been with ſeveral others, who had buſineſs in the mayor's court, to get their votes for Mr. Shepard in the ſame manner.

That afterwards, he had one Lindſay in his cuſtody, who was confined on a verdict of 35 l. damages, at the ſuit of the petitioner, for abuſing him with the ſcandal of bribery; and whilſt he was in cuſtody, ſeveral of Mr. Shepard's friends promiſed to make him eaſy; and one Pike, who is concerned for Mr. Shepard, gave a note for the payment of the ſaid 35 l.

That the *poſtea* of the verdict was produced, and admitted.

Sell Craſk ſaid, that one Thurlow, who lives in the Mint, told him, that he had promiſed his vote to the petitioner, but was perſuaded by the friends of Mr. Shepard to promiſe to vote for him; and they gave him twelve ſhillings, and promiſed to pay all charges of his journey.

Joſeph Wilſon ſaid, that Mr. Shepard aſked him for his vote, but he ſaid he durſt not go to Cambridge, for he owed 5 l. 5 s. 4 d. to Mr. Halſtead, and to Mr. Pike 3 l. 3 s.; and that Mr. Shepard told him, he ſhould be made eaſy, and he would get him a diſcharge of thoſe debts.

That, when he came there, he was employed by a friend of the petitioner's; but, when he told him, he could not vote for him, he was turned off; whereupon, applying himſelf to Mr. Shepard, and his friends, they promiſed him work; and Mr. Shepard telling him he durſt not give him money, becauſe that would keep him out of the houſe of commons, and Pike only telling him, he would not trouble him for his debt, he did not depend on their promiſes, but voted for the petitioner.

Charles Peircy ſaid, that one Glover's daughter was indicted, and fined 4 l. for taking unlawful intereſt; and he, demanding it, was told by Sir John Cotton, and Mr. Shepard, ſhe ſhould not pay it: her father voted for Mr. Shepard.

George Flower ſaid, that Charles Roper told him, that Mr. Shepard, Sir John Cotton, and the mayor, got him out of gaol, or he might have remained there for life. And Jacob Martin ſaid, Roper owed 44 l. to the corporation, and he was abated 24 l. thereof; and heard Sir John Cotton ſay to Roper, he ſhould be made eaſy as to the reſt, if he voted for Mr. Shepard; and was made one of the ſerjeants of mace.

Charles Inman ſaid, Richard Sanders being fined for keeping a diſorderly houſe, he heard the town-clerk tell him, if he voted for the ſitting members, he ſhould diſcharge him from any farther proſecution; but he refuſing to vote for both, the town-clerk took but 13 s. and 4 d. from him, upon his promiſe to vote for Mr. Shepard.

Gale ſaid, he ſeeing Mr. Shepard talking with Morley's wife, and giving her ſomething, aſked, if that was all the money ſhe had given her? ſhe replied, ſhe could have more, when ſhe wanted it.

That he heard Thomas Good often promiſe to vote for the petitioner, and was ready to go down ſo to do; but notwithſtanding, Mr. Bendyſh would give no money, he told him, he had two guineas for himſelf from Mr. Shepard, and 12 s. for his horſe, and his charges borne on the road, and for that reaſon he voted for Mr. Shepard.

That John Spurling (a porter in the Strand) promiſed to vote for Mr. Bendiſh; but he was taken off by Mr. Shepard's giving him a guinea, and 12 s. for his horſe; and he went down, and voted for the ſitting members; and, the morning after the election, underſtanding that Good had more than he, for going down to vote, he applied for more money; and Mr. Parker told him, he had a guinea for him; but not content with that, he got another of Mr. Chamberlaine, who were Mr. Shepard's friends; and he was with them in the tavern at the ſame time.

Mr. Davis ſaid, that Spurling had promiſed him to vote for Mr. Bendiſh, but was taken off by Mr. Shepard, who gave him three guineas, and 12 s. for horſe-hire, for which reaſon he voted for him; and ſince promiſed him 10 l. more, after the cauſe ſhould be over before the committee, for the ſervice he had done him.

Mary Curd ſaid, that the town-clerk, and Lindſey offered her huſband 5 l. for his vote for Mr. Shepard, and Mr. Cotton; and when he told them he was engaged, they forcibly carried him away in a coach to the Bear, where he was locked up all night, and made fuddled, and keeping him hot, he voted for Mr. Shepard, but had nothing for his vote: that ſhe being arreſted for 44 s. ſhe aſked of Mr. Shepard for the money, he had promiſed; he told her he would give her none, but, if ſhe offered to give evidence againſt him, ſhe ſhould rot in gaol; and has been arreſted, ſince ſhe came to town.

Mr. John Welbore ſaid, that Mr. Shepard, ſenior, keeps the Roſe tavern in Cambridge, and Mr. Rumball, an alderman, manages it for him; where a club is kept of a majority of the aldermen, and common-council-men, who have the ſole power of the corporation, and make who they pleaſe, honorary freemen.

That Mr. Shepard, by often treating this club, got into their favour, and was admitted a candidate, after he had given them as much wine, as would have drowned them.

That the club, to ſerve Mr. Shepard, agreed to make 11 honorary freemen; four of whom, came with him from London.

That the ſitting member, for the greater ſecurity of his election, applied himſelf to thoſe, who had promiſed the petitioner; and, in a day or two, prevailed with 16 of theſe to vote for him, particularly Morley, who voted for him, after he had promiſed Doctor Coville to vote for the petitioner.

That Joſeph Lyndſey told him, Mr. Shepard had given him money, to diſpoſe of for votes, and if the petitioner would give him 5 or 10 l. he would lay it out among the freemen, and ſecure his election; but, upon his telling him, the petitioner would give no money on any account, relating to the election, Lyndſey, in revenge, went about the town with ſome guineas in his hands, and ſaid he had them of the petitioner for his vote; for which ſcandal the petitioner brought his action againſt him, and recovered 35 l. coſts and damages.

That on the election day, juſt as the poll began, he looked upon his watch, and found it was a quarter after eleven, and the poll ended juſt about twelve o'clock; and that, during the height of the poll, there were two proclamations made, and about half a quarter of an hour the 3d and laſt proclamation was made; and in two or three minutes adjourned to the parlour, for half an hour; and one Wiſeman coming in two minutes after, demanded to be polled for the petitioner; as alſo did John Sell; and Wiſeman's name was taken down, but Mr. Shepard ordered it to be ſtruck out; and Sell was refuſed; and then the poll was caſt up.

Francis Piercy, eſquire, ſaid, that Joſeph Lindſey, deſired him to apply to the petitioner, to give him 5 or 10 l. to diſtribute among the freemen, and he would make the ſame intereſt for him as he had done for Mr. Shepard, who had given him ſeveral five pounds for that purpoſe; and Robert Allen (who is ſince dead) told him, that he had the liberty to go to the Roſe tavern every morning, for half a year before the election, and calling for ſack without paying for it; and for that reaſon, he thought himſelf obliged, in gratitude, to vote for Mr. Shepard, though he had promiſed to vote for the petitioner: it appeared, by the poll, that he had voted for the petitioner and Mr. Shepard.

Thomas Saunders ſaid, that Edward Morley told him, he went to Mr. Shepard for money; but, he not being at home, his father gave him 20 ſhillings; and that Dr. Coville ſuing him for 5 l. he had money given him, to diſcharge the ſame, and might have had enough to have paid the coſts alſo, if he had had the bill in time.

John Brook ſaid, that the ſaid Morley owned, he had a guinea of Mr. Shepard before he polled; and, one guinea after, to drink his health.

Sell Craſk ſaid, that James Whitlock told him, he had promiſed to vote for the petitioner; but, being employed to take the poll, he had two guineas for it, and voted for Mr. Shepard: the poll held about three quarters of an hour.

Mr. Gale ſaid, that he was with Francis Webb, when he was aſked for his vote for Mr. Shepard by Mr. Rumball; and, upon his promiſing, he ſaw Mr. Craddock give him his coat, and Rumball gave him an hat, wig, waiſtcoat, breeches, ſtockings, and ſhoes, about two months before the election.

The petitioner's counſel then went upon the head of alms; and called,

Francis Peircy; who ſaid, that Richard Nicholſon received two ſhillings a week, as alms, of the pariſh where he lives: which was admitted.

Thomas Saunders, and Mr. York ſaid, that Munns is a poor chair-maker, and has had ſacrament money; and is ſo poor, that the pariſh hath more than once raiſed money, to pay his debts, or his family muſt have been thrown upon the pariſh:

And, that Stephen Perry lives in an alms-houſe, as keeper thereof, and lives rent-free: that he lives well, but takes his ſhare in the charity of the baſket.

For the ſitting member, it was inſiſted, that, he had the majority on the poll, and that bribery could not be proved by hearſay.

That, he is ſo far from being a ſtranger to Cambridge, that he was recommended by the ancient family of the Cottons, and agreed to be a candidate by the corporation; and that, the petitioner, ſeldom reſides in the county.

That the petitioner gained ſeveral of his votes by bribery, and promiſe of places: To prove which, they called,

Hugh Crogan; who ſaid, that he intended to have voted for Mr. Shepard; but Mr. Jordan aſked him, for a ſingle vote for the petitioner, and ſaid, he ſhould have 40 ſhillings; and, to induce him ſo to do, Captain Love promiſed to get up his bond of 12 l. which he owed to one Stanton 16 or 17 years: upon which he went to Mr. Shepard, and diſengaged himſelf, who bid him pleaſe himſelf: upon which Jordan paid him the 40 ſhillings, and he voted ſingly for the petitioner; but has not his bond delivered up, by means of Captain Love's death, who undertook to get it for him.

That Jordan went to ſea about 12 months ſince; and that he never had any gratuity, or promiſe, from the ſitting member.

In anſwer to this, a paper was read, ſigned by Crogan, which he owned he wrote; and wherein,

He teſtifies, that Joſeph Lindſey offered him 3 l. to vote for Mr. Shepard, or get him as much money, as would take up his bond from Stanton; and that Morley told him, he had received 5 l. for voting for Mr. Shepard, which Lindſey owned, he had paid to the ſaid Morley.

But Crogan ſaid, he never knew the contents of the ſaid paper, till he heard it now read; but was ſent for to the petitioner, where was preſent only Mr. Gale; and they deſired him to ſign a paper, which, they ſaid, would do them ſervice; and he, not ſuſpecting any thing, ſigned it.

And, to confront Crogan, Gale was called; who ſaid, the petitioner drew it from Crogan's own mouth; and it was read over to him, before it was ſigned: which Crogan abſolutely denied.

Henry Cole ſaid, that Thomas Gale aſked his vote for the petitioner, and threatned him, on refuſal, in reſpect of ſome debts, he then owed in town; but if he would vote, he would undertake for his preferment; and, ordered him to come to the petitioner, who told him, he would try to get him a tide-waiter's place; wherefore he voted for him: and after he voted, he aſked Gale for ſome money, who carried him to an inn where the petitioner was; and a gentleman Gale brought to him, gave him ten ſhillings; otherwiſe he ſhould have voted for Mr. Shepard.

Mr. Mitchell ſaid, he lived about 40 miles from Cambridge, and deſigned to have voted for both the ſitting members, as he had formerly done for Mr. Cotton's family; but Mr. Martin of Ely promiſed him, by letter, 4 guineas, which Stanton confirmed, if he would vote for the petitioner; and, after he voted, he went to Mr. Stanton, who was to have paid him, but gave him only 10 ſhillings, telling him, he could afford no more, the petitioner having loſt the day, though his journey, and attendance, coſt him two guineas; and he ſince giving the letter (in which the promiſe was made) to one Creamer, an attorney of Lyn, to ſue upon the promiſe, the ſaid Creamer ſtifled it: that he never had any money, or promiſe, from the ſitting members.

Joſeph Lindſey ſaid, that Mr. Gale aſked his vote for the petitioner, and offered him 100 l. to be lent, without intereſt, for a year or two; and, when the petitioner came into the country, Lindſey aſked him for ſuch money; but not being able to give ſuch ſecurity, as the petitioner expected, he offered him only the loan of 20 l. which he did not take.

That Doctor Butler, a divine, aſked him what he ſhould give him for his ſingle vote for the petitioner: Lindſey aſked ſix guineas, and to have the liberty of voting for Mr. Shepard alſo; and that the Doctor gave him the ſix guineas, and he voted accordingly.

That he never had any money, or treats, from Mr. Shepard. Elizabeth Richardſon, ſaid, that Doctor Butler borrowed of Mrs. Wenda (her miſtreſs) ſix guineas; which, he ſaid he was to give to Joſeph Lindſey, to promote an intereſt for the petitioner; and he afterwards told her, that Lindſey had taken the money and publiſhed it abroad; but that he would not diſcover he had the money from her.

Edward Stevenſon ſaid, that the petitioner aſked his vote; and Mrs. Love threatened him, if he did not vote for the petitioner, ſhe would lay him in goal for what he owed her; but, if he would vote for him, he ſhould have time to pay the money.

Richard Saunders ſaid, he kept a publick houſe at the laſt election in Cambridge, and Mr. Gale with Mr. Stanton, came to him the day before the election, and ſolicited him for his and his friends votes for the petitioner, bidding him let all the petitioner's voters, eat and drink what they would, he would pay it; and he has received part of the money of Gale.

Simon Yarrengton ſaid, that he ſaw the petitioner, Mr. Welbore, Mr. York, and Mr. Wells, the day before the election, take Mr. Day into a parlour; where they aſked his vote for the petitioner, telling him, if he would do ſo, he ſhould have the carriage of Mr. Turner of Lynn's wine, which would be worth 150 l. a year; and threatened to keep him there all night, till the election the next day; and York ſaid, he ſhould have 50 l. without intereſt, after he had voted: but he voted for the ſitting member.

Abigael Allen ſaid, that her huſband had an hat, and coat, for voting for the petitioner.

James Pymm ſaid, that, the night before the election, Mr. Jones came to the Black Bear; and told the ſaid Pymm, that he was offered, the cuſtom of the Falcon club, if he would vote for the petitioner; and that the ſaid Jones deſired one Parker to lock him up, that he might have an excuſe for not doing it; and was deſired by the petitioner's friends to report falſe evidence, to hurt the ſitting members election.

And further ſaid, that Mr. Curd being ſick, it was at his own deſire, that he was removed, to the Black Bear, the night before the election, to be freed from the petitioner, and his friends, importunities; and his wife told Pymm, if he had ſigned any paper, it was impoſed on him; and that Good, Spurling, and Morley, told him, they never received any thing of Mr. Shepard.

Mr. Rumball denied treating on Mr. Shepard's account, and ſaid he ordered all his drawers not to draw any wine, without being paid.

Thomas Fox, junior, the town-clerk, ſaid, he knows Thomas Saunders; but never threatned his father, or gave him any thing for his vote; and that meeting Mr. Gale, two days before the election, he aſked him for 40 l. which he owed him; who ſaid, he had expended ſo much money on the petitioner's account, that he could not pay him then, but would the next week, when he expected to receive money of the petitioner: and that he went with the mayor, to wait on the petitioner, he ſending for them; when the petitioner aſked the mayor for his intereſt, he told him, it was too late, for he was engaged for the ſitting member: the petitioner then deſired the mayor, to give his officers leave to vote for him; ſaying, if the ſitting members had more friends, than he had, below, he had more, than they, above; and, if he loſt his election, he would give the corporation the trouble of attending his petition in the houſe of commons.

Sir John Cotton ſaid, he was ſo far from influencing Roper's vote for the ſitting member, in Cambridge-gaol, that he never was in the gaol in his life, nor doth he know Roper, if he ſees him.

Mr. Cole ſaid, he was crier at the poll; which was carried on as uſual; and four proclamations made accordingly; and no body appearing, to poll, the court was adjourned into the parlour, adjoining to the town-hall, to caſt up the books, as had been formerly done; and that the poll held two or three hours.

Mr. Charles Chambers ſaid, he took the poll; and never was at a fairer election; and Wiſeman and Sell did not come till it was over, wherefore they were not polled, but came afterwards to the parlour, where none were ever admitted to poll.

In reply for the petitioner, the counſel read the record in the action againſt Joſeph Lindſey; whereby, it appeared that the words he was convicted of (holding three guineas in his hand) were, as follow:

"Theſe guineas, and two more, and two half
" guineas, are Mr. Bendiſh his money, and were
" given me, to vote for him; and he has bought
" my vote, and he ſhall have it."

That Lindſey was found guilty, and 40 s. damages given againſt him; which, with coſts, amounted to 35 l.

And, to prove the ſix guineas, given to Lindſey, was neither by the petitioner's order, or knowledge, they called,

Dr. Butler; who ſaid, that he meeting with Lindſey, told him, if he would engage to procure 20 votes for the petitioner, and Mr. Shepard, he would give him ſix guineas for that purpoſe; which Lindſey undertaking, he gave him the money, without the petitioner's privity, or knowledge; and that he gave it purely, out of the regard he had for the petitioner's family, whoſe grandfather had treated him with an extraordinary kindneſs, when a youth, and upon no other account whatever.

Upon the whole, the committee reſolved,

2. That John Hind Cotton, eſquire, is duly elected a burgeſs, to ſerve in parliament for this town.

3. That Samuel Shepard, eſquire, is duly elected a burgeſs, to ſerve in parliament for this town.

The 1ſt and 2d reſolutions were read a ſecond time, and agreed to; but the 3d was diſagreed to on a diviſion.

Reſolved, that Thomas Bendyſh, eſquire, is not duly elected a burgeſs, to ſerve in this preſent parliament for this town.

Reſolved, that the ſaid election is a void election; and a new writ was ordered.

July 8, 1712. A warrant ordered for a new writ, in the room of Sir John Hynd Cotton, made a commiſſioner of trade and plantations.

March 26, 1715. A petition of Samuel Shepheard, junior, and John Jenyns, junior, eſquires, complaining of an undue election and return for this town, was read; ſhewing, that at the election for this town, Sir John Hind Cotton, baronet, and Thomas Sclater, eſquire, and the petitioners, were candidates: that Charles Chambers, mayor of the ſaid town, with others, took upon themſelves to make ſeveral perſons free, contrary to, and in violation of, the antient conſtitution of the ſaid town: and that the ſaid Sir John Hind Cotton, and Thomas Sclater, and their agents, are guilty of bribery, and other practices; by which proceedings they were returned, although the petitioners were duly elected, and ought to have been returned: and praying &c.

Ordered, that it be referred to the committee of privileges and elections to examine the matter, and report the ſame with their opinion.

April. 4. A complaint being made to the houſe, That the mayor of this town being ſerved with an order of the committee of privileges and elections, for permitting Mr. Shepheard, and Mr. Jenyns, or their agents, to inſpect the records, charters, and publick books and writings, of the ſaid town . . . . .

Mr. Joſeph Pyke, and Mr. John York, were called in; and examined at the bar: and the order of the committee was read.

Reſolved, that Mr. Charles Chambers, mayor of this town, having refuſed to obey the order of the committee of privileges and elections, for permitting Samuel Shepheard, junior, and John Jenyns, junior, eſquires, or their agents, to inſpect the records, charters, and publick books and writings, of the ſaid town, be, for his ſaid contempt, taken into the cuſtody of the ſerjeant at arms attending this houſe.

May 23. Ordered, that the report of the election for this town, be received on Friday morning next.

27th. Mr. Hampden reported the matter on the petition of Mr. Shepherd, and Mr. Jenyns, as follows; viz.

That it was agreed, That this town is a corporation by preſcription; and that the right of election is in all freemen, not receiving alms.

The poll was; for Sir John Hind Cotton, 196: Mr. Sclater, 175: Mr. Shepheard, 156: Mr. Jenyns, 105.

That the petitioners counſel objected to 61 of the ſitting members voters; viz. 36 as diſqualified freemen; 23 for bribery; one under age; and one receiving alms:

That on the head of the diſqualified freemen, it was alledged, there are two courts held in the town: one called the general common day, the other the private, or ſummoned, common day:

That the general common day is held five times yearly, on particular days appointed by the charter, when the corporation aſſemble without ſummons; and the private, or ſummoned, common day, is held as often as the mayor thinks fit; of which, they inſiſted, there ought to be a reaſonable ſummons, by one day's notice at leaſt; and that no freemen could be admitted, but at one of theſe general, or ſummoned, common days, when a majority of the aldermen, being ſix at leaſt, muſt be preſent:

That they produced the following inſtances in the town-books;

In *Phil. et Mar.* eight ſummoned common days held; viz.

One, *præſentibus majore, aldermannis, balivis, et* 24:

Another, *coram majore, et balivis, necnon Roberto Smith, uno aldermannorum villæ prædictæ, et aliis aldermannorum, ac etiam magna congregatione burgenſium villæ, prout mos eſt:*

Another, *coram majore et balivis, necnon Willielmo Haſſell, uno aldermannorum, prout mos eſt:*

Another, *præſentibus majore, aldermannis, balivis,* 24, *et communitate:*

Another, *præſentibus majore, aldermannis, et* 24:

Another, *coram majore et balivis, necnon Roberto Chapman, uno aldermannorum, prout mos eſt:*

Another, ſtiled *Dies communis legitime ſummonitus*; and no mention is made of aldermen being preſent:

Another, ſtiled *Dies communis, præſentibus de aldermannis,* the mayor, and 9 other, 3 bailiffs, and 14 of the 24.

9th of Eliz. 2 ſummoned common days; one, *præſentibus majore, aldermannis, et* 24; and the other, ſtiled *Dies communis legitime ſummonitus:*

That it doth not appear, that any freemen were admitted at any of theſe courts; but other buſineſs was done.

Jan. 7, 1633. A ſummoned common day, when a freeman was admitted; and the recorder, and 9 aldermen, are mentioned to be preſent:

That, between 1633 and 1653, the petitioners counſel produced 9 inſtances; viz. 4 of admiſſions of freemen at ſummoned common days; and 5 other inſtances of buſineſs done on the like days, when 6, or a greater number of aldermen, are mentioned to be preſent:

That the ſtile of theſe ſeveral courts is, a ſummoned common day; without mentioning before whom held:

In 1653, the ſtile of the ſummoned common days is altered; they are then mentioned to be held before the mayor and bailiffs:

And between 1653 and 1660, the petitioners counſel produced 13 inſtances; viz. 5 of admiſſions of freemen at ſummoned common days ſo held; and 8 of buſineſs done on the like days, when ſix, or a greater number, of aldermen are mentioned to be preſent:

That in 1660, the ſtile of theſe courts is again altered; they being mentioned in that year, to be held before the mayor, bailiffs, and burgeſſes: afterwards, that ſtile is altered; and the uſual ſtile is, a ſummoned common day court, ſuch a one mayor:

In 1660, 1661, 1662, the petitioners counſel produced 14 inſtances; viz. 6 ſummoned common days, 2 general common days, when freemen were admitted; and 6 other ſummoned common days, when buſineſs done; and another ſummoned common day 1713, when a freeman was admitted: at all which days, ſix, or a greater number of, aldermen are mentioned to be preſent.

That the petitioners counſel offered to produce many other inſtances, ſince 1662, of admiſſions of freemen, when a majority of aldermen appeared to be preſent.

That the counſel on the other ſide admitted, that from 1662, when the aldermen preſent are named, they are generally ſix, or more, in number.

That the petitioner's counſel produced an inſtance, 14 April, 1653, of a ſummoned common day, when the entry is thus; "Nothing done at the ſaid day, "by defect of a competent number of aldermen, "moſt of them being out of town."

They alſo allowed there are ſome entries of admiſſion to freedom, when leſs than ſix aldermen are named to be preſent; but inſiſted, ſix aldermen are neceſſary.

To ſhew ſuch entries might be miſtaken, they produced the town-book of a common day court, held 12 February, 1713, when only ſix aldermen are named to be preſent; and called,

Mr. Pyke: who ſaid, he was then an alderman of the town, and was preſent during that whole court; although his name is not entered in the book.

That the petitioners counſel produced a collection of orders in the town-book, for the better government and quiet of the town, made at a ſummoned common day, 14 Auguſt, 1629: one of which is, That before the mayor ſummon a common day, he and the aldermen muſt meet, and agree upon the things to be propounded that day; and what ſhall be agreed by the major part, the mayor ſhall propound; and that no propoſition ſhall be made by the mayor againſt the will of the greater part of the aldermen; and when the propoſitions are agreed on, then, and not before, the common day to be warned.

That it appears by the town-book, that, 28th of July, 1691, a ſummoned common day was held in the mayoralty of Mr. Ewen: five aldermen are named to be preſent; and there is a raſure among their names.

The petitioners counſel alledged this to be a raſure of the name of another alderman then preſent; and called,

Thomas Saunders: who ſaid, that, ſince Michaelmas laſt, he had ſome diſcourſe with Mr. Fox, the town-clerk; who told him, there were always ſix aldermen preſent, when any freemen were admitted in Mr. Ewen's mayoralty: but Fox was not then town-clerk.

Thomas Crabb, one of the common-council, ſaid, he had been a freeman 40 years; and had been treaſurer and bailiff; and that he never heard it pretended, till now, that freemen could be admitted, without ſix aldermen preſent:

That, for 21 years, he has known this to be the uſage upon the common days; the mayor and aldermen aſſemble in their parlour, and the common-council in their hall; and nothing can be done but what is firſt propoſed by the mayor, and agreed to by ſix aldermen then preſent; and for want of a ſixth alderman, he has known the common day break up, and nothing done, though the mayor and five aldermen have been preſent.

John York ſaid, he had been a freeman twenty years, and ſixteen years a common-council-man: that it is requiſite the mayor and ſix aldermen be preſent at the admiſſion of freemen on a private common day: that when three, four, or five aldermen, beſides the mayor, have been preſent, he has known the common day break up for want of a ſixth alderman; and that he remembered but two or three inſtances of doing any buſineſs, when leſs than ſix aldermen were preſent.

William Simonds ſaid, he had known the corporation 30 years; and been of the common-council 18 years: that ſix aldermen, beſides the mayor, were always neceſſary for admitting freemen; he has known the courts break up for want of a ſixth alderman, when five have been preſent, beſides the mayor; and never knew it otherwiſe, except in a late inſtance or two within theſe three years.

William Read and Thomas Saunders (one is of the common-council, the other a burgeſs), ſaid, they had known the corporation 17 years: that ſix aldermen, beſides the mayor, were always neceſſary for the admitting freemen: that they never knew any buſineſs of moment done, ſuch as making leaſes or freemen, though entitled by birth, or ſervice, without ſix aldermen preſent; and had known the courts break up ſeveral times for want of that number of aldermen.

John Wendy, another of the common-council, ſaid, he had known the corporation 30 years: that ſix or more aldermen are neceſſary to make freemen; and that they always broke up, if ſix aldermen were not preſent.

That as to the manner of making the 36 freemen objected to, the petitioners counſel called,

William Rumbold: who ſaid, that, on the 5th of October laſt, the mayor propoſed to make ſome honorary freemen: 12 aldermen were then preſent, but 7 of them oppoſed it; which ſtopped thoſe proceedings that day.

John York ſaid, he was at the common day on the 14th day of October laſt, when the mayor, and only five aldermen, were preſent: the mayor declared to the common council, that he called that common day to make his own freeman; and, after a little diſcourſe, propoſed that freeman, and ſeveral more; but the witneſs, and others, proteſted againſt admitting any freeman at that time, for want of a ſufficient number of aldermen preſent; and cautioned the mayor againſt proceeding: but the mayor ſaid, there was an alderman of the corporation that would juſtify him, and he would do it; and that he made 36 freemen that day, although they proteſted againſt it.

The counſel for Sir John Hind Cotton, and Mr. Sclater, admitted the making theſe 36 freemen, and that only five aldermen were preſent on the 14th of October, and 10th of November laſt.

Thomas Saunders ſaid, that 13 of theſe 36 freemen, had a right by birth, or ſervice; and the reſt purchaſed, or were honorary freemen: that, the witneſs afterwards telling the mayor he could not juſtify thoſe admiſſions; and that complaint would be made to the King's Bench, and to the houſe of commons; the mayor ſaid, he did not value either; and that, if thoſe he had made would not carry the election, he would make 60 or 100 more: and the town-clerk ſaid, they would give Mr. Shepheard his belly-full of the King's Bench, and of the houſe of commons:—He alſo ſaid, the ſitting members were preſent at both courts when theſe 36 freemen were made; and if they had not been there, they durſt not have done as they did.

Mr. Crab ſaid, that he was ſummoned to be at the common day court the 14th of October laſt, at two o'clock; and that he had no notice of it till between 11 and 12 of the ſame day: that, formerly, notice was given the day before; but, of late it has been uſual to give it at 9 of the clock in the morning of the ſame day.

Theophilus Tyrrell ſaid, that diſcourſing with the mayor, laſt aſſizes, about the election, he told the mayor, that he heard he had ſecurity given him; and that now the petitioners had petitioned, the witneſs ſuppoſed he was ſatisfied in his ſecurity: to which the mayor anſwered, he wiſhed it were more, or to that purpoſe; but did not ſay from whom he had ſecurity, or that he had any.

That the petitioners counſel produced a rule of the court of King's Bench in Hilary term laſt, for an information, in the nature of a *quo warranto*, againſt the mayor, and five aldermen, for claiming a privilege of admitting freemen without a majority of the mayor and aldermen preſent.

That, on the head of bribery, they called

Rumbold; who ſaid, Nicolas Apthorpe told him, he intended to have voted for Mr. Shepheard; but Doctor Edmonds, of St. John's, who has 60 ſcholars, threatning him with the loſs of their cuſtom for grocery, made him vote for the ſitting-members.

Culchy, who ſerves gravel to St. John's and Trinity College, ſaid, he was threatned to loſe their cuſtom, elſe he would have voted for Mr. Shepheard.

James Ivers promiſed Mr. Shepheard a ſingle vote; but ſaid, he could not give it; becauſe Sir Pynſent Charnock, and Mr. Harvey threatned he ſhould loſe their buſineſs if he did; and that he voted for the ſitting-members.

Martin Appleyard promiſed Mr. Shepheard a vote; but ſaid, he voted for the ſitting-members, becauſe Mr. Sclater paid his apothecary's bill.

Edward Turkey promiſed Mr. Shepheard; but ſaid, he voted for the ſitting-members, becauſe his landlord threatned to arreſt him for rent, if he voted otherwiſe.

John Sewſter ſaid, Cutchy declared, he had rather vote for Mr. Shepheard; but, if he did not vote for the ſitting-members, he ſhould loſe all his college-places.

Thomas Sanders ſaid, Cutchy had declared he would vote for Mr. Shepheard; but durſt not, for fear Doctor Berry ſhould turn him out of his buſineſs at St. John's; and that he ſhould loſe all his other work: the witneſs overheard Doctor Berry threaten to turn him, and his ſon, out of their college-employments:

That Charles Harding was arreſted by the witneſs for 30 ſhillings; and Mr. Whiſkin, who voted for the ſitting-members, paid the money; and that Harding voted for the ſitting-members.

Richard Sanders ſaid, alderman Carrington, who voted for the ſitting-members, lent him 10 pounds, without intereſt; that he voted for Mr. Shepheard and Mr. Sclater: and ſaid, he voted for the latter, becauſe he knew him to be an honeſt gentleman; and that he did not know but he might have voted for him, if he had not had the money.

Bird ſaid, that, on the 14th of March laſt, David Hill told him, at Wilton in Norfolk, that a meſſenger who came down for him bore his charges to Cambridge; that Mr. Sclater gave him two guineas to take up his freedom, which coſt him 10 groats: then he went down again, and was ſent for at the election, and engaged to vote; after he had voted, Sir John Hinde Cotton bid him go to alderman Carrington, who ſhould ſatisfy him for his trouble and charge: he went; and the alderman gave him four guineas, and a five ſhilling piece.

Thomas Gale ſaid, he aſked Thomas Fuller, the night before the election, why he would not vote for Mr. Shepheard? he anſwered, becauſe the mayor had taken away an horſe; but that he was promiſed to have his horſe again, or one as good, or 9 l. in money; and therefore voted: that Philip Sanders told him, the night before the election, he would vote for Mr. Shepheard; but the two Wendys, who were butchers, had ſent him as many ſheepſkins as were worth three pounds and ten ſhillings, to vote for the ſitting-members.

Jones, a voter for the ſitting-members, ſaid, alderman Carrington's brother paid ſix ſhillings for his horſe-hire, and gave him half a guinea for his charges; and, after he had polled, the alderman gave him two guineas; and told him, Sir John, and Mr. Sclater ſent them: that Carrington alſo paid 10 ſhillings to Benjamin Pearce, which the witneſs owed him.

Mr. Short ſaid, Rowland, who voted for the ſitting-members, told him, he had four guineas; two before the election, from an agent for the ſitting-members; and two after, from Sir John Hynde Cotton himſelf.

John Witham ſaid, his ſon Charles told him, Mr. Whiſkin had promiſed him a new ſuit of cloaths, and had given him a pair of breeches; and that he was to have the reſt, when the two ſitting-members were ſeated in the houſe: he was alſo promiſed to be helped to Doctor Bentley's ſervice: being croſs-examined he ſaid, he drove four aldermen out of town; viz. Pyke, Ewen, Rumbold, and Fowle, on the 14th of October laſt; and that Mr. Shepheard was with them at Bournbridge.

That it appeared by a copy of the regiſter-book of St. Sepulchre's in Cambridge, that Thomas Rowland was baptized the 3d of February, 1695.

John Witham ſaid, Morgan, who voted for the ſitting-members, has received collections of ſacrament money and bread for three or four years paſt.

Woolar ſaid, John Wildman promiſed to vote for Mr. Shepheard only; but, being afterwards arreſted, he told the witneſs, Sir John Hynde Cotton ſent him 50 ſhillings, and paid the debt; and gave him a ſuit of cloaths; wherefore, he voted for him.

The petitioner's counſel owned they could not make a majority for Mr. Jenyns; but ſubmitted, whether Sir John Hynde Cotton's election was not vitiated by bribery.

The counſel for the ſitting-members inſiſted, that the 36 freemen admitted 14th of October, and 10th of November laſt, when only five aldermen were preſent, with the mayor, were regularly admitted: that the common day courts are held before the mayor and bailiffs, and ſo ſtiled; and that the aldermen are no eſſential part of theſe courts: that the moſt antient entries do not ſhow any number of aldermen preſent; nor does it appear, what number they had, till their charter, in 1632, appointed 12 aldermen: that the admiſſion of freemen is an act of the common-council: that here is a mayor, four bailiffs, and 24 of the common-council; and that the mayor, bailiffs, and burgeſſes aſſembled, can admit freemen, without ſix aldermen preſent.

They produced the following inſtances in the town-books; viz. In Ed. VI. three common days when freemen were admitted; and no mention of any aldermen being preſent. The ſtile of thoſe courts, is thus, "A common day held."

1 and 2 Philip and Mary, a common day held, when a freeman was admitted: and,

2 and 3 Phil. and Mary, a ſummoned common day, when members of parliament were choſe; and notice is not taken of any aldermen being preſent:

1 Eliz. A ſummoned common day, when freemen were admitted, and other buſineſs done, *præſentibus tota communitate.*

Nineteen other inſtances; viz. 7 *tempore Eliz.* and 11 between 1636 and 1649, of ſummoned common days, when freemen were admitted, and leaſes for 21 years, or greater terms, granted; a general common day held in 1683, when a freeman was admitted: in all which inſtances, no notice is taken whether any aldermen were preſent.

In the ſtile of theſe courts, the mayor is but twice named; the reſt are ſtiled ſummoned common days, without mentioning either mayor, or bailiffs.

Twenty-two other ſummoned common days; viz.

Seventeen between the ſaid years 1636 and 1649; at three of which days freemen were admitted, and leaſes for 21 years granted, when only five aldermen are named to be preſent.

At four other of the ſaid days officers were elected, and other buſineſs done, when the like number of five aldermen are named to be preſent:

At five other of the ſaid days, freemen were admitted, and leaſes for 21 years granted, when only four aldermen are named to be preſent:

At another of the ſaid days, a mayor and aldermen were elected; and, at another, a treaſurer elected; and the like number of four aldermen named to be preſent:

At three other of the ſaid days freemen were admitted, when only two perſons are named to be preſent.

March 5, 1640. A ſummoned common day, when members of parliament were choſe, the greateſt part of the burgeſſes of the town being preſent; and no notice is taken, whether any aldermen were then preſent, or not.

Sept. 4, 1643. Preſent, mayor, recorder, and five aldermen; and the entry is, that nothing was done this day for want of a bailiff; one bailiff being only preſent; upon which, the day was adjourned.

Sept. 16, 1678. A ſummoned common day held, when a freeman was ſworn, and only five aldermen named to be preſent.

July 28, 1691. A ſummoned common day, in Mr. Ewen's mayoralty, when three freemen were admitted, and other buſineſs done, and only five aldermen named to be preſent: This is the court where the petitioners counſel taken notice of a raſure among the aldermens names.

Sic origin.

Dec. 10, 1695, a ſummoned common day, when a freeman was admitted, and only five aldermen named to be preſent.

The ſtile of theſe laſt-mentioned 22 common days, held ſince 1636, are thus; viz.

Five are ſtiled ſummoned common days, held *coram majore et balivis*; the reſt, ſummoned common days, ſuch an one mayor.

That the ſaid counſel alſo produced the old book of orders, eſtabliſhed the 16th March 1626; one of which is, That no mayor ſhall, at any time hereafter, propound any thing to the houſe, unleſs he do firſt acquaint the aldermen then preſent with his purpoſe; and that the moſt part of the aldermen preſent do give their aſſent to the ſame:

This, they ſaid, was the firſt time any aldermen became neceſſary; but the number is not named.

They alſo produced the new book of orders and conſtitutions, eſtabliſhed 20th April 1686; by which all orders contained in the former book of orders are made void, and new orders eſtabliſhed: one whereof is, That the mayor ſhall not propound any thing at a private common day, unleſs five aldermen be there then preſent, and all conſenting: and

Another, That, from thenceforth, no leaſe ſhould be granted for more than 21 years, without the conſent of ſix aldermen, preſent at one of the general common days; under a penalty upon the mayor.

That the ſitting-members counſel inferred from theſe conſtitutions in 1686, that no certain number of aldermen were neceſſary before that time.

As to notice of the two courts, held in October and November laſt; they called,

Richard Ewin, John Wiſh, and William Gunbay, ſerjeants at mace: who ſaid, they ſummoned the common days of 14th October and 10th November laſt by order of the mayor: that the ſame notice was given of thoſe courts as had been of all courts in their time, which was about ſeven years; and they never knew notice given but on the ſame day the courts were held; or any court objected to for want of a legal ſummons.

John Wardall ſaid, he had been of the common-council 27 years, of the corporation 40 years, and had known the town 79 years: that, in all his time, the common days were ſummoned on the ſame day they were held; he never knew any other ſummons; or ever heard any body object to a court ſo ſummoned, for want of due notice; nor did he know he had miſſed ten times attending the courts.

That, to prove a wilful abſence of the aldermen who were not at theſe courts, the ſitting-members counſel called,

Francis Piercy: who ſaid, he was deputy-mayor in October laſt; and that, two days before the common day court was held, Mr. Pyke bid him take care what he did at that court; for none of them would attend; and that the witneſs ſhould anſwer for it above.

Thomas Wilkes ſaid, the night before the common day was held in October laſt, Alderman Newland told him, he ſuppoſed there would be a common day held next day; and ſaid, that ſeven aldermen would go out of town, and not appear there; viz. Ewen, Rumbold, Frowhock, Lancaſter, Pyke, Fowle, and himſelf: and, ſome days after, he told this witneſs, he met thoſe gentlemen at Bournbridge.

John Grumbold ſaid, that, after the court day in October, alderman Newland told him, he went out of town with the reſt of the aldermen: he ſaid there was a deſign to keep a court; but they had tricked them; and they went out of town on purpoſe to prevent that court:

That, about three or four years ago, Mr. Pyke, being then mayor, granted a warrant to the witneſs, who was churchwarden, for levying a church-rate, which had been refuſed to be paid; and afterwards, on a trial before the Lord Chief Baron Ward, touching the validity of that warrant, Mr. Pyke denied his hand to it; although his hand was proved by the witneſs, who ſaw him write the warrant, and ſign it, and by ſeveral other witneſſes, upon oath; for which the judge reprimanded Pyke; and told him, he would have made an example of him, if it had not been in that place where he had been mayor.

That it appeared by the town-book, that of the 36 admitted, 14th of October and 10th of November laſt, 19 had a right to freedom, nine purchaſed, and the reſt were admitted *gratis*.

Thomas Rowland ſaid, that his ſon Thomas, who was objected to by the petitioners counſel as a minor, is 22 years of age; and was three years old, when he was chriſtened.

That, on the head of bribery, to affect Mr. Shepheard and 12 of his voters; they called,

John Flanders: who ſaid, he voted for Mr. Shepheard: that John Witham gave him ten ſhillings at one time, and twenty ſhillings at another time, to take out his freedom; and that he had 26 ſhillings more of Mr. Shepheard; and that, if no money had been given him, he ſhould not have changed his word:

Being croſs-examined, he ſaid, after he had promiſed Mr. Shepheard, Mr. Franks, Mr. Sclater's agent, threatned to arreſt him for a debt; and offered him a bill for 40 ſhillings to alter his mind.

Lazarus Munns ſaid, Mr. Shepheard ſent for him, and gave him twenty ſhillings to take up his freedom; and told him, he ſhould vote, and he would juſtify his title; but the witneſs did not vote, becauſe they would not admit him to freedom, though he had a right: that, the day after the election, Robert Parker ſhewed him three guineas, which, he ſaid, he had for voting for Mr. Shepheard: that James Munns told him, Mr. Shepheard gave him forty ſhillings after he had voted.

Rebecca Spilman ſaid, that Morley's wife declared, Mr. Bromley gave her a ten pound bill, for her huſband to vote for Mr. Shepheard; and that ſhe had received the money: and that Robert Sibthorpe, and Thomas Gotobed, ſaid, Mr. Shepheard gave them 30 ſhillings each for their votes.

Hatton Buck ſaid, Robert Parker told him, he had 20 ſhillings of John Sewſter, by order of Mr. Shepheard, to take up his freedom, and ten ſhillings for his charges; and that after he voted, Mr. Pyke gave him three guineas, by Mr. Shepheard's order:

That Cook told him, he had a guinea when he was made free, two guineas after for his charges; and that when he came to vote, Mr. Shepheard gave him two guineas more, and paid a reckoning of 16 ſhillings.

Richard Linſey ſaid, one Tabor, a friend of Mr. Shepheard, offered him four guineas; and ſaid, he would give him nine pounds, to vote for Mr. Shepheard: he voted for Sir John Cotton and Mr. Sclater.

John Wiſh ſaid, he ſollicited his brother-in-law, Charles Stone, to vote for the ſitting-members; but he anſwered, Mr. Shepheard had engaged him, and given him two guineas to take up his freedom, and two more for his vote. Upon the whole, the committee reſolved,

That the mayor, bailiffs, and burgeſſes, of the town of Cambridge, may hold a ſummoned common day court, and admit of freemen, without ſix aldermen of the ſaid town being preſent.

That Sir John Hynde Cotton, baronet, is duly elected a burgeſs to ſerve in this preſent parliament for this town.

That Thomas Sclater, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for this town.

The firſt reſolution, being read twice, was diſagreed to by the houſe.

The ſecond reſolution, being read twice, was agreed to by the houſe, *nemine contradicente*.

The third reſolution, being read twice, was diſagreed to by the houſe.

Reſolved, that Samuel Shepheard, junior, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for this town. And the return was ordered to be amended accordingly.

Univerſity of CAMBRIDGE.

THIS univerſity is within the town of this name, and capital of the county. It is of great antiquity, and was empowered to ſend burgeſſes to parliament by King James the firſt, by diploma or charter, dated March 12, 1603. The return is made by the vice-chancellor; and the electors are the doctors, and actual maſters of the univerſity.

No particular memoirs of conteſted elections appear. I have only therefore to take notice, that,

Jan. 20, 1689. The houſe being upon an enquiry in relation to the attainder of Sir Thomas Armſtrong, Mrs. Matthewes (Sir Thomas Armſtrong's daughter) was called in; and being examined, what ſhe knew of the proſecution againſt her father; and, who were the proſecutors: ſhe named Sir Robert Sawyer, as one of the proſecutors; after ſhe had been heard what ſhe had to ſay, ſhe withdrew. And thereupon Sir Robert Sawyer was heard in his place to what was objected againſt him, and then withdrew. Whereupon there was a debate in the houſe, touching whether his name ſhould be put into the bill as one of the proſecutors.

Reſolved, that Sir Robert Sawyer's name be put into the bill, as one of the proſecutors of Sir Thomas Armſtrong.

A motion being made, that Sir Robert Sawyer be expelled the houſe;——It was reſolved in the affirmative.

23d. Ordered, a warrant for a new writ, for the electing of a burgeſs to ſerve in this preſent parliament for this univerſity, in the room of Sir Robert Sawyer, expelled this houſe.

July 8, 1712. Ordered, a warrant for a new writ, for electing a burgeſs to ſerve in this preſent parliament for this univerſity, in the room of the honourable Dixie Windeſor, eſquire, made chief keeper of the ordnance, munition, and ſtores, belonging to the office of ordnance.

CAMELFORD.

THIS borough is ſituate in the county of Cornwall. It was firſt repreſented in parliament in the time of Edward the ſixth, though created a borough by Richard Duke of Cornwall, and confirmed by Henry the third in 1259. and its privileges renewed by Queen Mary. The following memoirs, concerning its elections and repreſentatives, are ſuch as I have met with.

Feb. 24, 1558. In the year 1558, Mr. Smith, who repreſented it, though outlawed, had the privilege of parliament.

March 6, 1592. Sir Edward Hobby, one of the committee for returns and privileges, ſhewed; that for this borough, one Richard Leech was returned to the ſheriff for a burgeſs by a falſe return: and that afterwards Sir George Carew, knight, was returned burgeſs by the true return; and alledging, that the ſaid Richard Leech offered to yield the place to Sir George Carew, moved the order of the houſe therein: and Mr. Speaker was appointed to move the Lord Keeper in the ſaid caſe for his order, either in the allowance of the ſaid Sir George Carew, in the place of the ſaid Richard Leech, or elſe in awarding a new writ, for the chooſing another, at his lordſhip's pleaſure.

8th. Mr. Speaker ſhewed unto the houſe, that, according to the appointment of the houſe, he had attended the Lord Keeper touching his lordſhip's pleaſure for the allowing Sir George Carew to be burgeſs for this borough, as truly returned for the ſame, in the ſtead of Richard Leech, alledged to be returned by a falſe return to the ſheriff. His lordſhip's anſwer; That the ſaid returns ſhould ſtand, and continue according to the returns of the ſame, without taking notice of any matter of fact therein, or in the election at all.

March 22, 1625. The election of Sir Thomas Monk, being, as was informed, in execution at the time of his election, was referred to a committee, to meet on the morrow in the court of Wards.

24th. Upon Mr. Drake's information, that Sir Thomas Monk was in execution, when he was choſen, a new writ was ordered for a new choice.

May 5, 1660. Mr. Turner reported, upon the ſeveral returns for this borough, That Peter Killegrew, and Samuel Trelawney, eſquires, are returned by the proper officers, by two ſeveral indentures, and ought to ſit till the merits of the cauſe be determined: which was agreed to by the houſe.

June 12. Mr. Turner reported on the double return for this borough, that, upon the examination of the fact, the committee were of opinion, that the poll was not duly taken; and that the former election of the ſaid burgeſſes, returned to ſerve in parliament for the ſaid borough, is void: to which the houſe agreed, and ordered the Speaker to iſſue his warrant for a new writ, for a new election accordingly.

Upon this writ an election was made, and another double return; which came before the committee.

Auguſt 3. Sir Edward Turner reports the caſe of the election for this borough; That, upon the examination of the fact, it appeared that the freemen and inhabitants have the right of election; and that, upon comparing the votes given to Henry Nicholas, eſquire, who was returned by one indenture, and to William Cotton, eſquire, who is returned by another indenture, the committee found, that Mr. Nicholas had a greater number of the votes of freemen, than Mr. Cotton: but it was objected on Mr. Cotton's part, that divers of the voices, given to Mr. Nicholas, were ſuch as paid not ſcot and lot, and therefore had not right to vote; and, upon hearing of teſtimony given in that behalf, were of opinion, that Mr. Cotton had a greater number of votes, of ſuch as paid ſcot and lot, than Mr. Nicholas, after deducting ſuch votes from him as paid not ſcot and lot, therefore Mr. Cotton was duly elected: to which the houſe, on a diviſion, agreed.

May 16, 1661. Serjeant Charleton reported from the committee, touching the ſeveral returns for this borough, that Thomas Coventry, eſquire, and Charles Roſcarrick, eſquire, are returned, by ſeveral indentures, by the mayor; and Bernard Greenville, eſquire, by another indenture, by the burgeſſes; and the committee are of opinion, that Mr. Coventry, and Mr. Roſcarrick, ſhould ſit until the merits of the election be determined: to which the houſe agreed.

July 11. Serjeant Charleton reports, in the caſe of Camelford, that the mayor being preſſed to bring in writings, he ſays, he will take his own time.

Reſolved, that the ſerjeant at arms attending this houſe, or his deputy, do apprehend and take the mayor of this borough into his cuſtody, for his contempt of the order of the committee of privileges, in not bringing in writings.

13th. Ordered, upon his conformity, to be diſcharged.

Feb. 26. Serjeant Charleton reported, touching the election for this borough, upon the petition of Mr. Greenville, that the opinion of the committee, in regard of the uncertainty of the petition, was to diſmiſs the cauſe: to which the houſe agreed.

Nov. 26, 1708. A petition of Henry Manaton, eſquire, was read; ſetting forth, that, on the 17th of May laſt, Richard Munden, eſquire, the petitioner, and John Manley, eſquire, were candidates, to ſerve in this parliament for this borough: That Mr. Manley, and his agents, uſed illegal practices to obtain votes, whereby he got himſelf returned, in prejudice to the petitioner, who was duly elected: and praying &c.

Ordered, the matter of this petition to be heard at the bar on the 22d of March next: but it was not heard this ſeſſion.

Nov. 16, 1709. This petition was again preſented, and ordered to be referred to the committee of privileges, to examine and report the matter with their opinion.

Jan. 21. Ordered, that the report be received on Tueſday.

24th. Mr. Compton reported, that the committee had heard the matter; and the counſel on both ſides, admitted the right of election to be in the mayor, capital burgeſſes, and freemen of the ſaid borough. The poll was,

For Mr. Manley — 16,
For the petitioner — 9.

But the petitioner's counſel inſiſted, that this majority was gained by bribery, and other undue and illegal practices: to prove which they called,

Daniel Birch: who ſaid, he was ſervant to the petitioner; and being known in this borough, he was ſent thither by his maſter, who owns two-thirds of the town, to deſire the burgeſſes votes for him at the enſuing election: that all but one promiſed him; and a week before the election his maſter came to town, and all the voters came to him, and moſt of them promiſed him.

Warren ſaid, that three parts in four of the town are the petitioner's, and that all the burgeſſes, but Wormington, promiſed him; and that the ſitting-member came to town on the Saturday before the election (which was on Monday) and on Sunday Mr. Manley, Mr. Jackſon, and Mr. Cloak, ordered him to fetch ſome of the burgeſſes to them; and he brought Hunney, Daw, Budge, and Paul; and they were called in one by one; and he heard Jackſon promiſe them, if they would vote for Mr. Manley, they ſhould be paid off the debts of the laſt election, when Mr. Pinnel was choſen; and ſhould have four pounds more, and it ſhould be paid them as ſoon as the election was over; and that Jackſon and Cloak were agents for Mr. Manley: that two days after the election, Scollard (one of Manley's friends) paid him 6 l. part of 12 l. part of Pinnel's debt, and for which he gave a note; and Scollard promiſed to pay him 4 l. more, which he called new money: that he afterwards aſked Scollard for it, and was told he ſhould have it when the reſt had theirs: that this influenced his vote for Mr. Manley, which he intended before for the petitioner: that he came as a witneſs becauſe the 4 l. was not paid, and was offered by Mr. Philips and Mr. Cloak 5 l. not to come.

Rowe ſaid, that Jackſon told him, if the burgeſſes were reſolved to vote for the petitioner, and Mr. Boſcawen, the town would be ruined, for they would ſpend nothing, and none of the country gentlemen would come to town; but if he and they would vote for Mr. Manley, he had 300 l. to diſpoſe of, and they would have equal ſhares; and in hopes thereof he voted for him: that three days before the election he was at a publick houſe kept by Bond, who treated him and many more, and deſired them to be free, for he knew how to be paid: that Wormington and Cloak paid him 10 l. and took a note for it; and for that he voted for Mr. Manley: that Jackſon did not name for whom he aſked votes, when he made intereſt.

Margaret Blight ſaid, that on the day of election ſhe was at Bond's, and ſaw money lying on the table before Mr. Jackſon, Mr. Cloak, and Mr. Carew, and one of them gave money to ſome of the voters, and to one of Mr. Granville's ſervants, and that Bond ſaid the voters ſhould be called ſingly, in order to hinder a diſcovery: that ſhe ſaw money paid to Bond, and heard him tell Mr. Manley, he had better gratify him then Mr. Jackſon, for he had kept his voters together; upon which he gave him (Bond) money, and ſhe could diſtinguiſh a piece of gold, and this was about an hour and half before the election; and the petitioner came immediately after, and aſked the ſaid Bond for his vote, and was refuſed; Bond telling him, ten guineas would do him more good; and the petitioner aſking for three or four voters who were in the houſe, Bond denied them to be there: that Mr. Jackſon offered her and her huſband money not to come to give evidence.

John Worthyvull ſaid, Mr. Jackſon came to him and told him, if he would go to London and give ſuch evidence as ſhould make good his intereſt at the election, he would give him ten or twenty pounds; and he telling this offer to Mrs. Margery Nicholas, ſhe told him he was to have 50 l. to go to town in a coach, and deſired him to go with her: but Mrs. Nicholas, being called to confront, denied this diſcourſe.

For Mr. Manley it was inſiſted by his counſel, that the petitioner's witneſſes were not to be credited, being poor and of bad characters; and although they had talked ſo much of bribes and treats, they, among other voters of the town, had ſigned two letters, one dated the 10th of September, and the other the 13th of December, 1708, to Mr. Granville, acknowledging the ſenſe they had of the merits of his family; and that they had choſe Mr. Pinnel at their recommendation; and thanking Mr. Granville for his recommending Mr. Manley, which opportunity they freely embraced without any ſiniſter ends, and are now not a little concerned to find that ſo juſt and fair an election ſhould be controverted, and they cenſured and upbraided for ſo good a choice; and Rowe owned he ſigned the letter dated the 13th of December, 1708: and then called,

Mr. William Carew; who proved Rowe's approval and ſigning the letters, which he ſaid were read over to him; and Warren alſo approved them, and deſired Rogers to ſign them both for him, becauſe he could not write.

That the family of the Granvilles have had a prevailing intereſt in this borough for many years, and recommended Mr. Manley; and the petitioner, before the election, offered him what he would for his vote; and that Rowe told him, that the petitioner, being apprehenſive he ſhould loſe the election, offered him 40 l. for his vote; and that Warren told him that Mr. Prideaux the petitioner's agent deſired him to give evidence of bribery againſt Mr. Manley and his voters; but they being both called in, denied what, Mr. Carew ſaid, they had told him.

They then called to the characters of the petitioner's witneſſes Mr. Carew and others: who ſaid, Warren was poor, and of ill reputation; that Worthyvull is alſo notoriouſly bad, has been in gaol, is a deſerter, and his mother keeps an houſe of ill repute; that Blight has a bad character; and that Jackſon and Bond, who were managers for Mr. Manley, are perſons of good character; the

former

former a man of ſubſtance, and has been twice mayor; and Mr. Bond alſo has been mayor.

Margery Nicholls ſaid, that ſhe going to Blight's huſband for rent, he told her he ſhould now be able to pay her, for that he was offered 40 l. to go to London as a witneſs for the petitioner; but he was afraid to go, for he had been indicted for a pickpocket, but that he would ſend his wife; and ſhe ſaid that Blight's family were very poor, but of late live in a good condition; and that Worthyvull came to her houſe to deſire her huſband to get him into company with Mr. Jackſon, or any other of the freemen, and he would diſcover all the roguery which was contriving for the petitioner, in ſending him and others to London as witneſſes againſt Mr. Manley; but this was denied by Worthyvull.

Mr. Samuel Jackſon ſaid, he never ſpoke to any perſon to vote for Mr. Manley, but always intended to have voted for the petitioner, had he come in time, but he did not come till 11 o'clock on the election day; and the petitioner being choſen for Taviſtock, he then reſolved to vote for Mr. Manley, though the petitioner preſt him hard, and offered him what money he would, if he would vote for him: that Warren is a dangerous man, and Rowe's evidence againſt him was out of prejudice, becauſe he oppoſed his father for mayor. Upon the whole, the committee reſolved,

That John Manley, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for this borough: with which the houſe agreed.

April 11, 1711. A petition of Paul Orchard, eſquire, was read; ſhewing, that on the 26th day of March laſt, at the election of a burgeſs to ſerve in this preſent parliament for this borough, in the room of Jaſper Ratcliffe, eſquire, deceaſed, there were candidates for the ſaid borough, Henry Manaton, eſquire, and the petitioner; and that twenty-one of the perſons qualified to vote, voted for the petitioner, and for the ſaid Henry Manaton, but twelve; ſo that the petitioner was duly elected, and ought to have been returned: that one Godfrey White took upon him to act as mayor in oppoſition to Edward Cloake, gentleman, the legal mayor; yet, notwithſtanding the majority the petitioner had, as aforeſaid, the ſaid Godfrey White returned the ſaid Henry Manaton, a burgeſs for the ſaid borough, to the prejudice of the petitioner: and praying &c.

Ordered to be referred to the committee of privileges and elections to examine the matter thereof, and to report the ſame with their opinion.

Ordered, that the committee do examine the ſaid petition on the 2d of May next.

A petition of the mayor, burgeſſes, town-clerk, and freemen of the ſaid borough, was read; ſhewing, that on the 26th day of March laſt paſt at an election held for a burgeſs to ſerve in this preſent parliament for this borough, in the room of Jaſper Ratcliffe, eſquire, deceaſed, there were candidates for the ſaid borough Henry Manaton, eſquire, and Paul Orchard, eſquire; and that there are thirty-three electors within the ſaid borough, of which twenty-one voted for the ſaid Paul Orchard, and twelve for the ſaid Henry Manaton; and that Edward Cloake, genleman, is the lawful mayor for the ſaid burgh, and John Philips, gentleman, lawful town-clerk; notwithſtanding which, Godfrey White, one of the burgeſſes for the ſaid borough, having by ſome indirect means procured and gotten to himſelf the precept for electing of a burgeſs to ſerve in this preſent parliament; did, on the ſaid 26th day of March laſt, uſurp and take upon himſelf the office of mayor, and, taking to his aſſiſtance one Edward Harriſon, gentleman, proceeded with the election, and denied the ſaid Edward Cloake, and John Philips, the lawful attorney and town-clerk, to act; and having only taken the votes of twenty-three of the electors, denied to poll the reſt, and declared the ſaid Henry Manaton elected, and unduly returned him a burgeſs for the ſaid borough, to the prejudice of the ſaid Paul Orchard, who was duly elected, and of the petitioners: and praying &c.

Ordered it to be referred to the committee of privileges and elections, to examine the matter thereof, and report the ſame with their opinion; and that the matter thereof be heard at the ſame time the petition of Paul Orchard, eſquire, complaining alſo of the ſaid election, is appointed to be heard.

May 5. Ordered to be reported on Tueſday morning next.

8th. Mr. Freeman reported the matter upon the ſaid petition.

That the right of election was agreed to be in the mayor, chief burgeſſes, and freemen of the ſaid borough.

That the petitioners counſel inſiſted, that Mr. Edward Cloake is the legal mayor of this borough, and ought to make the return.

That the counſel for Mr. Manaton inſiſted, that Godfrey White, who returned the ſaid Mr. Manaton, is the legal mayor.

That, by the charter, the mayor, and the chief burgeſſes for the time being, or the major part of them, whereof the mayor for the time being is to be one, are annually, on Monday after Michaelmas-day, to meet, and elect one of the chief burgeſſes to be mayor for one whole year then next following; and the mayor elect is to be ſworn before the chief burgeſſes, or any four or more of them, for the time being; and after he is ſworn, he is to continue in his office for one whole year, then next following, and from thence till another of the chief burgeſſes is duly elected and ſworn into the office of mayor.

That they called,

Samuel Jackſon, and three others; who ſaid, that on Monday after Michaelmas-day, 1709, being the charter day for electing the mayor, Mr. Godfrey White, then mayor, and four of the chief burgeſſes, (the whole number then being but ſix) whereof three of the witneſſes met upon Mr. White's ſummons, to elect a mayor for the enſuing year.

That accordingly, they proceeded to elect the mayor; and the town-clerk called over the names, and aſked their votes.

That Mr. White, being firſt called, refuſed to vote; and that the other four chief burgeſſes voted for Mr. Cloake to be mayor:

That Mr. White roſe from the table, proteſted againſt their proceedings, and declared there ſhould be no election till the charter (which was depoſited in Mr. Jackſon's hands by the chief burgeſſes) was brought, to ſee if the freemen at large had any right to vote for mayor, as they pretended to have:

That before White was gone out of the room, they had voted for Cloake; and the town-clerk was entering them when White went away:

That a little after White returned, and then Cloake was ſworn mayor before White, and the other four chief burgeſſes:

That the charter being thus called for, the town-clerk fetched an Engliſh copy of it; and Mr. Manaton (who is recorder) put it in his pocket, and ſaid, there was nothing in it.

That all the year 1709, Cloake held the courts, and acted as mayor; and the magiſtrates owned and acted with him, and proteſted againſt White.

Cloake then executed a *mandamus* for filling up the common-council; was choſen and ſworn mayor for the preſent year; and in October laſt preſided, and acted, as mayor in the election to parliament; and Mr. Manaton owned, and ſolicited him as mayor, and recommended to him his kinſman, Mr. Ratcliffe, who was returned by him; and the chief burgeſſes, elected under Cloake in the year 1709, have always voted and acted without objection.

That Mr. Manaton's counſel inſiſted, there can be no election of mayor, without the mayor for the time being.

That White proteſted againſt the proceedings, to elect Cloake in 1709, and went away.

That the election was made in his abſence, is therefore void; and White continues mayor until another is choſen. And they called,

Ralph Pike, and four others: who ſaid, that twenty years ago, by virtue of a by-law, the freemen returned two perſons; and out of them the chief burgeſſes choſe the mayor: that they had broke that by-law ſeveral years, and have ſince elected according to the charter.

That, at the election of the mayor in the year 1709, ſome of the freemen claimed their privilege; and Mr. White inſiſted to have the charter for their ſatisfaction; and declared, he would not proceed to elect a mayor, till he had it: that he proteſted againſt the chief burgeſſes proceeding to elect, and went out of the room when two of them had given their votes, and before the town-clerk had entered the ſecond vote; and the other two voted after he was gone.

The committee reſolved,

That Mr. Edward Cloake is legal mayor of this borough, and ought to make the return of a burgeſs to ſerve in this preſent parliament for this borough.

The poll taken by Mr. Cloake was,

12 for Mr. Manaton,
21 for the petitioner.

That the ſitting member's counſel declared, they were not inſtructed to object to this poll; and the committee reſolved,

That Henry Manaton, eſquire, is not duly elected a burgeſs, to ſerve in this preſent parliament for this borough;

That Paul Orchard, eſquire, is duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

The ſaid reſolutions being twice read, were agreed to by the houſe.

The houſe being informed, Mr. Cloake attended at the door with an indenture of return, he made of the ſaid Mr. Orchard at the election; he was, by order, called in and examined at the bar, touching the ſaid indenture of return: he ſaid, he had made the ſame, at the time of the laſt election for this borough, and tendered it to the ſheriff; and having delivered the ſame into the houſe, he withdrew.

Ordered, the clerk of the Crown do attend the houſe on the morrow morning, and amend the return for the ſaid borough, by taking off the file the return made by the ſaid Godfrey White, and affixing, inſtead thereof, the return made by the ſaid Mr. Cloake, the mayor of the ſaid borough.

Feb. 1. Ordered a warrant for a new writ, for electing a burgeſs for this borough, in the room of Bernard Granville, eſquire, made lieutenant-governor of Hull.

CANTERBURY.

THIS is a very antient city, and the ſeat of the primate and metropolitan of all England. It was formerly the reſidence of the Kings of Kent, and was very early called *Caput Imperii*, the Head of the Empire. In the time of William Rufus, it ſeems to have been the property of the archbiſhops; particularly, Lanfranc, and his immediate ſucceſſor, Anſelm, by the following annal; viz. WILLIELMUS RUFUS *dedit civitatem Cantuariæ Anſelmo ex ſolido, quam Lanfrancus tenuerat ex beneficio*: yet the city had a portreeve to ſuperintend and rule over it. Soon after, it was governed by bailiffs; but they were not elective by the citizens till King Henry the third's time: in which ſtate it continued till the ſixth year of King Henry the ſixth's reign, when the government of it was changed into a mayoralty; as may be ſeen in Somner's hiſtory of it, where their names are inſerted. Here are a mayor, recorder, ſheriff, 12 aldermen, and 24 common-council-men. It hath returned members to parliament from the 26th of Edward the firſt to this time, as appears by the liſt of all the returns extant. The memoirs of its elections, which have been conteſted, are but few, and moſtly of a modern date. Thoſe I have met with, are as follow; viz.

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4 Pryn
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941.

Nov. 30, 1695. A petition of Henry Lee, eſquire, was read; ſetting forth, that at the election of citizens, to ſerve in parliament for this city, Sir William Honeywood, George Sayers, Herbert Randolph, eſquires, and the petitioner, were candidates; and the petitioner doubts not to prove, that he was duly elected by the majority of legal electors, and ought to have been returned accordingly; but, by reaſon of many undue practices uſed by Mr. Sayers, he and Sir William Honeywood have procured themſelves to be returned, as duly elected for the ſaid city, in wrong of the petitioner: and praying &c.

Ordered, it be referred to the committee of privileges and elections to examine and report the matter to the houſe, with their opinion.

March 5. Ordered, that Colonel Lee have leave to withdraw his petition, touching the election for this city.

Dec. 8, 1711. Ordered a warrant for a new writ, for electing a citizen to ſerve in this preſent parliament for this city, in the room of Henry Lee, eſquire, made a commiſſioner of the victualling office.

March 30, 1715. A petition of Sir Francis Head, baronet, was read; ſhewing, that at the laſt election of citizens for this city, the petitioner, Sir Thomas Hales, baronet, John Hardreſs, and Henry Lee, eſquires, were candidates: that the ſheriff of the ſaid city behaved himſelf very partial, on behalf of the ſaid Mr. Hardreſs: that ſeveral perſons, who were legally intitled to have their freedom of the ſaid city, and would have voted for the petitioner, were refuſed the ſame; but when ſeveral of them had been prevailed upon, and had promiſed to poll againſt the petitioner, they were admitted to have their freedom, and they did vote accordingly for the ſaid Mr. Hardreſs; and that ſeveral perſons were admitted to poll for the ſaid Mr. Hardreſs, who had no right; and the ſaid Mr. Hardreſs, by threats and other illegal practices, procured himſelf to be returned, although the petitioner was duly elected, and therefore ought to have been returned with the ſaid Sir Thomas Hales: and praying &c.

Ordered it to be referred to the committee of privileges and elections to examine and report the matter thereof, with their opinion.

CARDIFF.

Villis, 749. 77.

e An- ſea in ppend.

THIS is the ſhire town of the county of Glanmorgan, and as ſuch (in conjunction with Aberavon, Cowbridge, Kenfigg, Llantriſſant, Lougher, Neth, and Swanſey) is entitled, by the ſtatute 27 Hen. VIII, to ſend one burgeſs to parliament. It has ſeveral antient charters, which are all recited in the charter of the 23d of Queen Elizabeth, and confirmed.—This corporation conſiſts of a mayor, two bailiffs, twelve aldermen, and twelve common-council-men; and the mayor is conſtable of the caſtle. [See extract of the charter in the Appendix.] The memoirs of conteſted elections for this borough are theſe.

June 28, 1660. Mr. Turner reports from the committee of privileges and elections, the caſe upon the double return for this borough; That, upon examination of the fact, it appeared that the ſheriff ſummoned the bailiffs of Cardiff, and thoſe of the out-boroughs (who are alſo intereſted in the election) to attend the election at the uſual place; and that the bailiffs of Cardiff came not up at the time to the place of election, though room was offered to be made for them (for which they pretended the great concourſe of people;) and that the ſheriff and bailiffs of ſome of the out-boroughs (the bailiffs of Cardiff making default, as aforeſaid) proceeded to the election, and returned Buſſey Manſel, eſquire, under the hands and ſeals of the ſheriff, and two of the bailiffs; and the committee are of opinion, the return is good, and that Mr. Manſel is duly choſen, and ought to ſit.

Reſolved, that the houſe do agree with the committee, that Mr. Buſſey Manſel, who is returned to ſerve in this preſent parliament for this borough, is duly elected, and that he do ſit in the houſe.

Ordered the clerk of the Crown do attend, and amend the return, on Friday next.

May 24, 1661. Sir Richard Lloyd, knight, being returned knight of the ſhire for Radnor, and burgeſs for this borough, waved his election for this town, and made choice to ſerve as knight for the county of Radnor.

Ordered Mr. Speaker to make his warrant to the clerk of the Crown to iſſue a new writ, for the election of a new burgeſs for this town.

June 1. The houſe being informed, that a new writ was iſſued for a new election for this town, upon the waver of a member returned for this place, whoſe election was queſtionable, before the ſame was determined;

Ordered, that the buſineſs, touching the election for this town, be referred to the committee of privileges and elections; to take the ſame into conſideration at their next ſitting this afternoon, the firſt buſineſs.

15th. Mr. Serjeant Charlton made report from the committee of privileges and elections, touching the election for this town: That the committee had examined the cauſe upon the merits, and concerning Sir Richard Lloyd's waver of his being returned as burgeſs for this borough; and that it appeared to the committee, that, after Mr. Thomas had preferred his petition, ſetting forth his election as burgeſs for this borough, Sir Richard Lloyd having notice thereof, and being elected knight of the ſhire for the county of Radnor, had waved his election for this borough; and that this houſe, not being informed that that election was queſtioned, did thereupon direct a new writ for a new election, by virtue whereof, Mr. Baſſet was elected and returned; whereas Mr. Thomas, at the former election, had clearly the majority of voices, there being 105 for him, and but 40 for Sir Richard Lloyd, and none of them came to the poll; and that Sir Richard Lloyd acknowledged, that he knew nothing of the election till he was advertiſed thereof by a letter; and that he did not make any defence; and the opinion of the committee, that Mr. Thomas was duly choſen; and that the committee ſubmitted to the judgment of the houſe what was to be done with Mr. Baſſet.

Reſolved, upon the queſtion, that this houſe doth agree with the committee, that Mr. Thomas was duly choſen burgeſs for this town, and only ought to ſit in the houſe, as burgeſs for this place.

Reſolved, alſo, upon the queſtion, that the new writ and election of Mr. Baſſet is void; and that the ſame be diſcharged: And

Ordered, that the clerk of the Crown, on Monday next, attend this houſe with the ſeveral returns touching this town; and that the ſheriff of Glamorganſhire do likewiſe attend, and take the ſaid writ and indenture, whereby Mr. Baſſet was returned, from the file; and that he do bring in the indenture, whereby Mr. Thomas was returned, and file the ſame: whereof the ſheriff's deputy, or ſuch as deal for him, are to have notice.

18th. Reſolved, upon the queſtion, that the deputy clerk of the Crown, now attending at the door with the returns, do take from off the file the writ and indenture whereby Mr. Baſſet was returned a burgeſs for this town; and that he cancel the ſame. And alſo,

Reſolved further, that he do raze the name of Sir Richard Lloyd out of the indenture, whereby he was returned burgeſs for this town; and that he do, inſtead thereof, inſert the name of —— Thomas, eſquire, who was duly elected for the ſaid town of Cardiff. All which was done accordingly.

March 19, 1678. A petition of Thomas Stradling, the younger, eſquire; complaining of an undue return of Sir Robert Thomas, baronet, to ſerve in this preſent parliament as a burgeſs for this town, in injury of the petitioner, who was duly elected, and ought to have been returned; was read.

Reſolved, that it be referred to the committee of privileges and elections to examine and report the matter, with their opinion. No report appears.

CARDIGANSHIRE.

THIS is one of the twelve ſhires of Wales, who were impowered to ſend members to parliament by the ſtatute in the 27th of Henry the eighth, and hath ever ſince returned. The memoirs of the elections, and matters of that ſort relating to them, which I have met with, here follow.

See Angleſea in Append.

May 16, 1660. The humble petition of the gentry, and others, freeholders of this county, was read.

Ordered, that new writs be iſſued, for election for members to ſerve in this preſent parliament for this county and town; and that Mr. Speaker do ſend his warrant to the clerk of the Crown, to make out new writs for election of members, to ſerve in parliament for this county and town; and that the Lords Commiſſioners of the great ſeal, or any two of them, do iſſue out, and paſs the ſame, under the great ſeal accordingly.

Ordered it be referred to the committee of privileges and elections, to examine the miſdemeanor about miſcarriage of the writ for election of members to ſerve for this county; and that the committee do ſit this afternoon to examine this buſineſs.

There doth not appear to be any report made from the committee of this matter.

Feb. 4, 1688. A petition of John Vaughan, eſquire, complaining of an undue election and return of a knight of the ſhire to ſerve in this preſent convention for this county, in prejudice of the petitioner, was read.

Ordered to be referred to the committee of privileges and elections to examine the matter, and report the ſame with their opinion.

June 20, 1689. Colonel Birch reported from the ſaid committee, the ſtate of the caſe as it appeared to them, viz.

For the petitioner, the counſel inſiſted, that there being two coroners of this county who ought to have made the return, the return was made only by one of them, viz. Morris alone; and though there was an agreement between the candidates not to poll the non-reſidents, yet they were polled for Mr. Lewis, and refuſed for the petitioner; and there was an agreement to adjourn the poll till Monday, yet the coroner cloſed it on Saturday: and called,

Mr. Price one of the coroners; who ſaid, Mr. Morris denied to ſeal up the poll books at the firſt adjournment; and it was agreed the non-reſidents ſhould be laid aſide on both ſides, and Mr. Vaughan's non-reſidents were ſent out of town; but next day Mr. Lewis's non-reſidents were called and admitted: that, on Saturday night, Mr. Lewis deſired ſeven of his men might be polled, becauſe they lived at ſome diſtance; and it was agreed after polling ſeven each, the poll ſhould be adjourned; that they after polled above ſeven each, but he went away and Mr. Morris returned Mr. Lewis without his conſent: that ſeveral of Mr. Vaughan's non-reſidents who offered to poll, were refuſed.

Mr. David Lloyd and others, witneſſed the agreement about the non-reſidents, and the ſending away Mr. Vaughan's non-reſidents, and alſo for the adjournment of the poll till Monday.

They then called ſome perſons to prove, that Mr. Lewis polled ſome perſons not qualified:

John Thomas John, ſaid, that he was informed James Evans had four nobles a year; Richard John about 20 ſhillings; and David John Prees, ſome ſaid four nobles, others thirty ſhillings.

Jones ſaid, Evans was not a freeholder of above 25 ſhillings *per annum*; James had not 20 farthings a year; Richards 12 ſhillings a year; and Hugh Williams no great matter, cannot ſay what.

For Mr. Lewis, it was inſiſted, that the poll was fairly carried on: that the Prince of Orange's letter being delivered to Mr. Morris the coroner, he gave the notice; that the poll began on Thurſday, continued till Saturday, which was ſufficient to poll all that were polled; that the non-reſidents were polled on both ſides; that there was no agreement for the adjournment of the poll till Monday, after ſeven were polled; and Mr. Vaughan polled twenty after the ſaid pretended agreement.

Sir Carberry Price ſaid, he was at the election when the Prince's letter was read and a poll demanded; that the ſecond who cried out for Mr. Vaughan was Mr. Price, and they polled on all alike: he cannot ſay any thing as to the agreement, but the non-reſidents were polled for both; that Mr. Morris made proclamation, and ſent twice to Mr. Vaughan, and would not cloſe the books till he had Mr. Vaughan's reſolution: he was there the whole time, but heard no agreement about the non-reſidents, or for the adjournment, inſiſted on; that he ſaying to Mr. Vaughan, "We have loſt "it for this time," he anſwered, "No," "You know "very well to the contrary; for I have loſt it:" he thinks Morrice behaved as he ought to do, but Mr. Prees behaved more like a party than a judge.

Mr. Price ſaid, he was at the election on the 17th of January; and the Coroner aſked who were the candidates, and Mr. Lewis and Mr. Vaughan appeared to be ſo; that one producing a book that non-reſidents ſhould not vote, the other inſiſted they had a right, and it was agreed they ſhould be taken for both; that John Philips and his ſon, who were ſaid to be refuſed as non-reſidents, were polled for Mr. Vaughan; that on Saturday evening, an adjournment to Cardigan was propoſed by Mr. Vaughan, but never heard Mr. Lewis or Mr. Morris to conſent: and when there was no more to poll, and Mr. Morris preſſed to proclaim Mr. Lewis, he refuſed till he had ſent for Mr. Vaughan to know if he had any more to poll; that the witneſs was one who was ſent to Mr. Price the coroner to join with Mr. Morris in the return of Mr. Lewis, but he refuſed: he knew no one rejected who offered to poll, though he was there all the while; that Mr. Morris made three proclamations for perſons to come to poll; and after, when Mr. Vaughan ſaid he would poll no more, they caſt up the books and proclaimed Mr. Lewis.

David Lloyd, eſquire, and ſeveral other gentlemen ſaid, the non-reſidents were agreed to be taken, but to be wrote down as non-reſidents.

Charles Lloyd, eſquire, ſaid, the method was, whenever any was ſuſpected, he was ſworn as to his freehold.

Mr. Morris the coroner ſaid, Mr. Vaughan's party objecting to the non-reſidents, he ordered them to be wrote as ſuch; that on Saturday Mr. Vaughan ſaid, he would poll all night, and thereupon they went to poll, and there were twenty of Mr. Vaughan's polled laſt; that ſome would have had him proclaimed Mr. Lewis duly elected, but he would not till he had ſent Mr. Vaughan notice; and then did not before he had made three proclamations; and not any coming to poll, he then caſt up the books and proclaimed Mr. Lewis: that he remembered there were 385 for Mr. Lewis, and 363 for Mr. Vaughan, and he numbered the non-reſidents on both ſides; that he rejected not any who would ſwear they were freeholders, and he ſwore any perſon when deſired: upon the whole the committee reſolved,

That John Lewis, eſquire, is duly elected a knight of the ſhire to ſerve in this preſent parliament for this county: which was agreed to by the houſe.

April 1, 1690. A complaint was made againſt the high-ſheriff of this county, That he hath not yet made any return of the members to ſerve in this preſent parliament for this county into the Crown-office.

Ordered, that the high-ſheriff of this county be taken into the cuſtody of the ſerjeant at arms attending this houſe.

4th. The houſe being acquainted, that the high-ſheriff of this county hath ſince the order of the 1ſt inſtant, whereby he was ordered to be taken into cuſtody of the ſerjeant at arms, made his return into the Crown-office of the members to ſerve for the ſaid county, and it being moved that he may be diſcharged: Ordered, the high-ſheriff of this county be diſcharged, paying his fees.

8th. A petition of John Vaughan, eſquire, was read; ſetting forth, that the petitioner was duly elected for this county, by a majority of legal voters; but the ſheriff, by confederacy, and adjourning the poll, and admitting the voices of ſuch who only had mortgages to poll for Sir Carbury Price; and denied perſons of the ſame capacity, and better eſtates, to poll for the petitioner: that the high-ſheriff adjourned the court ſo often and to ſuch diſtance of places, that he polled the day after the writ was returnable; and, by ſuch partiality, he returned Sir Carbury Price to ſerve for the ſaid ſhire, in prejudice to the county, and the petitioner: and praying relief &c.

Ordered, the petition be referred to the committee of privileges and elections; to examine the matter, and report the ſame, with their opinion.

Oct. 6. Mr. Vaughan preſented another petition, ſetting forth, that by an act made 1 *Mariæ*, the county-courts of this county are appointed to be kept at the towns of Aberyſtwith and Cardigan, *alternis vicibus:* that the next county-court, after the writ for electing a knight of the ſhire came to the ſheriff's hand, happened to be at Aberyſtwith; where the ſheriff proceeding to an election, the petitioner and Sir Carbury Price were candidates, and many polled on either ſide that day; and, had the ſheriff then done his duty, the poll would have been finiſhed; but he, by confederacy, adjourned the poll to the next day, when the writ was returnable; upon which day the ſheriff allowed ſuch as only had mortgages to poll for Sir Carbury Price, but refuſed perſons of the like capacity for the petitioner; and although there were above 400 qualified voters who would have been polled that day, yet the ſheriff, contrary to the duty of his place, refuſed to poll them; but before 12 o'clock adjourned the court and poll to Cardigan, above 30 Welſh miles off, till two o'clock the next day; and then, when the return of the writ was paſſed, proceeds to a pretended poll, and made an illegal return of the ſaid Sir Carbury Price, in prejudice to the petitioner, and freeholders of the ſaid county: and praying relief &c.

Ordered to be referred as before.

Nov. 24. Ordered the report to be made on Friday next.

28th. Mr. Gray reported from the ſaid committee the caſe, as it appeared to them upon the ſaid petitions.

That the queſtion was, whether the poll was duly adjourned from Aberyſtwith to Cardigan.

Upon the poll, the numbers were

For Sir Carbury Price 185,
For Mr. Vaughan — 91.

That there is an act of parliament 1 *Mariæ*, that ſays, That the ſheriff's turn ſhall be held, *alternis vicibus*, at Aberyſtwith and Cardigan. And this time it was to be kept at Aberyſtwith.

That, the ſheriff came down the 9th of March; was not ſworn till the 11th, and the election was the 19th.

That the ſheriff, ſome time before the election, declared the turn was to be kept at Aberyſtwith; but for the eaſe of the county he would adjourn to Cardigan.

For the petitioner, Marmaduke Williams ſaid, the ſheriff declared all the voters ſhould be polled at Aberyſtwith, before he adjourned to Cardigan; that the election began the 19th of March, when the voters were called by ſeveral liſts, and ſome were polled on both ſides; and the ſheriff adjourned the poll till the next day, and promiſed Mr. Vaughan his liſt ſhould be called firſt: the next day the under-ſheriff came and began with Sir Carbury Price's liſt; afterwards Mr. Vaughan delivered in a liſt of 150 freeholders, of which only 24 were polled: and the under-ſheriff ſaid, "adjourn to two "at Cardigan," and ſo adjourned to Cardigan without proceeding in that liſt; though he believes there were ſeveral hundreds ready to poll for Mr. Vaughan, and many cried out to be polled.

Jones ſaid to the like effect, the ſurprize of the adjournment; and ſaid, beſides the 91 polled for Mr. Vaughan, he knew of 273 freeholders more ready to poll for Mr. Vaughan at Aberyſtwith.

Haberley ſaid, beſides the 91 and the 273 ſpoke of by Jones, he knew 49 other freeholders, ready to poll for Mr. Vaughan.

Rice Vaughan ſaid, there were 485 freeholders who would have voted for Mr. Vaughan, whereof 394 did not poll.

That, on behalf of Sir Carbury Price, were called, William Powell; who ſaid, he believed there was 100 unpolled for Sir Carbury Price, at the adjournment on the 20th of March, 12 o'clock: that the reaſon the ſheriff gave for the adjournment was, becauſe he was adviſed, that that being the day of the return of the writ, he could not adjourn after 12 o'clock; that there was a proclamation, but whether before or after the adjournment, he could not be poſitive.

Lloyd ſaid, there was a proclamation before the adjournment; that when they came from Aberyſtwith, he believes there were 100 to poll for Sir Carbury Price; and they were forced to get boats, becauſe there were not horſes enough. Another Lloyd ſaid, that the ſheriff came at the time of the adjournment to Cardigan, and upon notice that Mr. Vaughan would come thither, he ſtaid an hour or two expecting him from Aberyſtwith: that Sir Carbury Price had 100 came with him, and he might have had 300 more about Cardigan.

Eraſmus Davis ſaid, the ſheriff ſome time before the election, had ordered proclamation to be made in the market-towns of the deſigned adjournment to Cardigan; and he heard ſuch proclamation made at Lampeter.

George Powell ſaid, that ſeveral houſes were taken up at Cardigan for Mr. Vaughan, but he never came or polled there; and Sir Carbury Price polled about 37. Upon the whole, the committee reſolved,

That the adjournment of the poll, taken at the election of a knight of the ſhire for this county, by the ſheriff of the ſaid county, from Aberyſtwith to Cardigan, is a legal and good adjournment.

That Sir Carbury Price, baronet, is duly elected a knight of the ſhire to ſerve in this preſent parliament for this county.

Theſe reſolutions were read twice; and upon the ſecond reading, the firſt was on a diviſion agreed to by a majority of three, and the other by a majority of one, only.

Nov. 12, 1694. A warrant for a new writ was ordered for the election of a knight to ſerve for this county, in the room of Sir Carbury Price, deceaſed. And,

Dec. 7. A complaint being made to the houſe, that the writ for the electing a knight of the ſhire for this county, was not delivered to the ſheriff;

Reſolved, That all the writs for the electing members

members to ſerve in parliament, be immediately ſent to the proper officers, for execution thereof, with all convenient ſpeed.

Nov. 24, 1708. A petition of Thomas Johnes, eſquire, was read; ſhewing, the petitioner, and Lewis Priſe, eſquire, were candidates at the election of a knight, to ſerve in this preſent parliament for this county: that by threats, and other illegal practices, ſeveral electors were prevailed upon to vote for Mr. Priſe; and ſeveral others, that were not qualified, were admitted to poll for him: and Nathan Griffin, eſquire, high-ſheriff of the ſaid county, ſhewed himſelf very partial, in taking the poll againſt the petitioner, by rejecting the petitioner's voters, and neglecting to adminiſter the abjuration oath (though required) to Mr. Pryſe his voters, and declaring Mr. Priſe duly elected, without examining the poll-rolls, and denying any ſcrutiny; and accordingly hath returned him, although the petitioner was duly elected by a majority of legal votes, and ought to have been returned: and praying &c.

Ordered, that the merits of the ſaid election, and return, be heard at the bar of the houſe, on the 10th of February next.

Nov. 16, 1709. A petition of Thomas Johnes, eſquire, was read; ſhewing, that at the election of a knight, to ſerve in this preſent parliament for this county, the petitioner, and Lewis Priſe, were candidates: that by threats, and other illegal practices, ſeveral perſons were prevailed upon to vote for the ſaid Mr. Priſe; and others admitted to poll, that had no right; and others, that had not taken the abjuration oath, though thereto required: and Nathan Griffin, high-ſheriff, was otherways partial for Mr. Priſe, by refuſing to take divers legal votes for the petitioner, and declaring Mr. Priſe duly elected, without examining the poll, and denying a ſcrutiny, though deſired; by which means the ſaid ſheriff pretended, the ſaid Mr. Priſe had ſome ſmall majority upon the poll, and hath returned him, though the petitioner was duly choſen: and praying &c.

Ordered to be referred to the committee of privileges and elections to examine the matter thereof, and to report the ſame with their opinion.

26th. Ordered it to be an inſtruction to the committee, to hear the matter of this petition on the 9th of January next.

Jan. 9. Ordered it to be heard before the committee on Wedneſday next.

16th. Ordered the report to be received on Wedneſday next.

18th. Mr. Compton reported the matter of the ſaid election:

That the poll was for Mr. Pryſe 383,
For the petitioner 347.

But the counſel for the petitioner inſiſted, that the majority of votes was procured for Mr. Pryſe by menaces, and other undue and illegal practices; as alſo by the partiality of the ſheriff, in the execution of his office, and by his refuſing to adminiſter the abjuration oath, though thereto required; and they called,

Lewis Vaughan, John Williams, Walter Lloyd, eſquires, and the Lord Liſburn: who ſaid, they were at the laſt election for this county, and that ſome reflections had been made upon the petitioner, as if he had ſplit freeholds, to multiply votes: the petitioner and his friends made a propoſal to Mr. Pryſe, that every voter ſhould be ſworn as to the time of his having his freehold, in order to prevent ſplit votes; as alſo, that all perſons, ſuſpected under age, ſhould be obliged to prove the contrary; but it was not agreed to.

That, inſtead thereof, it was agreed, that it ſhould be by tens or twenties on each ſide, alternatively; and the poll was carried on accordingly, from Wedneſday the 2d of June till Friday following, about ſix o'clock, when a propoſition was made to poll twenty each, and then adjourn till the next day: and Mr. Price having polled twenty, the petitioner proceeded to do the ſame; but there appearing but nineteen (the twentieth being confined from giving his vote) the ſheriff, contrary to his agreement, refuſed to adjourn the poll till next day, and proceeded to poll Mr. Pryſe's voters, whereby he procured himſelf a majority that night; for that ſeveral freeholders, who would have voted for the petitioner, depending upon the poll's being adjourned over till Saturday, went away from the court; all which were loſt to the petitioner, by the ſheriff's refuſing to adjourn the poll, as aforeſaid: but none of theſe witneſſes could name any perſon who would have voted for the petitioner, and were not polled before the ſhutting up the books, except one Evans, who was ſaid to be confined in gaol till the poll was over.

That, upon the cloſing of the poll, the petitioner complained of the ſheriff's partiality, and told him, he ſhould hear thereof in the houſe of commons; and then a ſcrutiny was demanded, but refuſed by the ſheriff.

That Thomas Reece was coming to vote for the petitioner, but the ſheriff, ſtepping off the bench, and brandiſhing his cane at him, he then voted for the ſitting-member.

That one Mr. Oliver Howell coming to poll, being reputed a nonjuror, the petitioner deſired the ſheriff to adminiſter the abjuration oath to him, before he was ſuffered to poll; but the ſheriff refuſed it, ſaying, he knew no law that enjoined him to do it, and Mr. Howell polled; and when the act of parliament was ſhewn to him, in regard to the oath, the ſheriff ſaid, he would conſider of it.

John Williams ſaid further, that, upon comparing the liſt of the freeholders, he was ſatisfied, had not the ſheriff broke the agreement of the adjourning the poll on the Friday night, there would have voted ſo many more the next day, as would have made a majority for the petitioner.

Mr. Walter Lloyd ſaid, that he was with the petitioner when the ſheriff told him, he had 10,000 l. ſecurity offered him by Mr. Lewis, to indemniſy him, if he returned Mr. Pugh, who was expected to have been candidate; and when the ſheriff, contrary to the agreement, would poll on for Mr. Pryſe on Friday night, he was told, there would be ſeveral more freeholders to vote for the petitioner the next day, and was therefore deſired to adjourn the poll till that time, which he refuſed: but neither Mr. Lloyd, nor Mr. Williams, named any one who would have voted.

Lord Liſburn ſaid, that the poll was broke up in great diſorder and confuſion, ſeveral gentlemen coming drunk upon the bench, and crying out for a poll; and though a ſcrutiny was demanded, it was refuſed.

William John Evans ſaid (by an interpreter) that on Friday he went, about twelve o'clock, to ſee a friend of his, who was in the county-goal; and when he would have come out, he was told by the priſoners, the gaoler was abſent, and none elſe had command of the door; ſo that he was forced to ſtay till the gaoler returned, which was after the election was over; he owned, he came to Cardigan two days before.

Mr. Hughs ſaid, he knew Reece Owen, who is wrote in the poll for Mr. Pryſe, voted for Mr. Pugh.

Thomas Richards, clerk, ſaid, he is chaplain of St. Mary's in Cardigan, and his ſalary ten pounds yearly; but when Mr. Laugharne had the eſtate, he allowed him forty ſhillings more yearly; and about three years after, Mr. Pryſe purchaſed the eſtate: he went to his ſteward, and demanded his arrears of the forty ſhillings yearly, which was not paid till ſome time before the election, when the ſteward preſſed him for his vote; but he told him, he would not be engaged before the election; but was paid the three years arrears: that, about five weeks before the election, Mr. Pryſe aſked his vote, and offered, if he would vote for him, he would make his ſalary ſixteen pounds yearly; but meeting him the next day, Mr. Pryſe deſired he would not mention what paſſed the night before.

Morgan Howells, eſquire, ſaid, Mr. Pryſe, about nine days before the election, treated him, and about twelve or fifteen gentlemen of the county, at one Evan Reece's houſe, about ſix miles from Cardigan; but moſt of them were Mr. Pryſe's relations, or juſtices of the peace.

That Mr. Pryſe's counſel inſiſted, that a ſcrutiny ought not to be granted in a county election; and Mr. Pryſe was duly elected, having a majority of thirty-ſix upon the poll, after all the petitioner's votes were polled.

That five or ſix proclamations were made before the poll was cloſed, and there was no manner of partiality by the ſheriff, during the election; and to prove it they called,

Mr. Walter Lloyd, Mr. John Ford, Mr. Tilſley, and Mr. Charles Lloyd: who ſaid, they were preſent during the election, and have been at ſeveral elections; but never ſaw one tranſacted with leſs partiality in a returning officer, than in the then ſheriff, who is a gentleman of near eighty years of age.

That the preliminaries were agreed to; That no perſons, ſuſpected minors, ſhould be polled, till they proved their age; and that each candidate ſhould poll by twenties: which was punctually complied with, and the freeholders ſworn according to the act of parliament in that behalf; and no voter, objected to by the petitioner, was ſuffered to poll, till all objections were cleared.

That on Friday evening, the laſt day of the poll, Mr. Pryſe having polled his twenty votes in his turn, the petitioner endeavoured to do the ſame, but ſtopped ſome time at fourteen, and then at nineteen; whereupon the court waited about an hour and a half, for the petitioner's voters to come in, and no one appearing, Mr. Pryſe deſired he might go on in polling, which he did accordingly; and five or ſix proclamations being made, and no one appearing to vote for the petitioner, Mr. Pryſe left off polling, though he had ſeveral ready to poll for him, and deſired the books might be cloſed, which was done; and all five books (which books were taken by five ſworn clerks) agreed perfectly; and it appeared by all the ſaid books, that Mr. Pryſe had a majority of thirty-ſix; upon which the petitioner told Mr. Pryſe, he had carried the election fairly, and congratulated him thereupon.

That as to Mr. Howells, he is well known to be well-affected to the government; and is now, and has ſeveral years been, a practiſing attorney: that when he came to poll, he took the freeholder's oath, and was polled; and an offer being afterwards made, that the abjuration oath might be tendered to him, he told Mr. Lloyd, a juſtice of the peace, he had taken it before him, and would do it again; and, it not being in court at the time, he ſaid he would attend for that purpoſe next morning, which he did; and that the ſaid Lloyd knows, Mr. Howells has taken it ſeveral times: that Mr. Lloyd owned, he was a tenant to, but no ways a manager for, Mr. Pryſe; but Mr. Vaughan, and Mr. Williams, are brothers-in-law to the petitioner.

Mr. David Lloyd ſaid, one Morgan, who voted for Mr. Jones, had a mill-ſtone, of about forty ſhillings value, given him for his vote; and Mr. Pryſe never declared himſelf a candidate, till the day of election.

The committee reſolved,

That Lewis Pryſe, eſquire, is duly elected a knight of the ſhire, to ſerve in this preſent parliament for this county.

The ſaid reſolution being twice read, was agreed unto by the houſe.

March 31, 1715. A petition of Thomas Johnes, eſquire, was read; ſhewing, that at the election for this county, the petitioner, and Lewis Pryſe, eſquire, were candidates: that ſeveral qualified perſons would have polled for the petitioner, but were by threats, &c. hindred from ſo doing; and others admitted to poll for the ſaid Mr. Pryſe, who refuſed to take the oaths: and the ſaid Mr. Priſe, or agents, were guilty of many other illegal practices, in order to procure him to be elected and returned; and he is ſo elected and returned accordingly, although the petitioner had a majority of qualified votes: and praying &c.

Ordered, that it be referred to the committee of privileges and elections to examine the matter thereof, and to report the ſame with their opinion.

Aug. 8. Upon a call of the houſe, the name of Lewis Pryſe, eſquire, being called over, and he not appearing;

Ordered, the ſaid Lewis Pryſe be ſent for in cuſtody of the ſerjeant at arms attending this houſe.

Feb. 2. The ſerjeant at arms being called upon to give account of what he hath done, in relation to Lewis Pryſe, eſquire, who was, on the 8th day of Auguſt laſt, ordered to be ſent for in cuſtody, for not attending the ſervice of the houſe; he acquainted the houſe, that the meſſenger he ſent to bring up Mr. Pryſe, had been at his houſe at Gargathen, but that he was not there; nor could the meſſenger have any intelligence where he was.

Ordered, that Lewis Pryſe, eſquire, do ſurrender himſelf into the cuſtody of the ſerjeant at arms attending this houſe, by this day month at the fartheſt, upon pain of incurring the further diſpleaſure of this houſe, and of being proceeded againſt with the utmoſt ſeverity.

March 7. The order of the 2d of February laſt being read, requiring Lewis Pryſe, eſquire, to ſurrender himſelf into the cuſtody of the ſerjeant at arms attending this houſe, by this day month at fartheſt, the ſerjeant was called upon, to know whether he had heard from the ſaid Mr. Pryſe; and he acquainted the houſe, that he had not heard from him.

Mr. Speaker acquainted the houſe, that he had received a letter from the ſaid Mr. Pryſe, and he delivered the ſame to the clerk, to be read; and the ſame was read accordingly, and is as follows; viz.

“ SIR,

“ It is with pleaſure that I embrace every opportunity of returning you my acknowledgments, for the good offices you have done me, as often as the caſe of my unavoidable abſence has come under debate in the houſe: the repeated experience I have had of your friendſhip in this point, encourages me to hope for the continuance of them; which I ſhall not offer to deſire longer, than the reaſonableneſs of my caſe ſhall appear to deſerve them.

“ I beg leave once more to repreſent it to you; and, through your aſſiſtance, to the honourable houſe; whoſe diſpleaſure, as it is a very ſenſible affliction to me, I ſhould be glad, by any means in my power, to remove: that as it is impracticable for me to attend by the time appointed, becauſe of a very ſevere fit of the gout which I am now afflicted with, and thereby give ſatisfaction to the houſe in the method they have inſiſted on; I hope they will accept of ſuch as is in my power; and give me a favourable hearing, when I repreſent to them, that I was choſe knight of the ſhire of Cardigan, when I was at one hundred miles diſtant from it, and had been abſent thence for ten months before the time of my election; which I was ſo far from ſeeking, that I never aſked a vote for it, and was choſe even againſt my inclinations.

“ I know not how far a man is obliged to ſtand to the choice a county makes of him: ſure I am, that I have reaſon to complain of a force, that has adminiſtred the occaſion of my diſobliging the honourable houſe, by an abſence cauſed by infirmities; under which I laboured at the time of my choice, and which have continued upon me ever ſince with the greateſt ſeverity, and with little or no intermiſſion.

“ In theſe circumſtances, I would fain hope, that the honourable houſe will rather blame the country’s choice, than him who has been unwillingly forced into a poſt, and lies under the misfortune (for I flatter myſelf, it will not be thought a crime) of not being able to attend the buſineſs of it; and will therefore lay aſide their diſpleaſure, and remit the ſentence ordered againſt me.

“ And I am the rather encouraged to hope this, becauſe Mr. Prynn, in his comment on the fourth book of Sir Edward Coke’s Inſtitutes, ſhews, from various records, that incurable diſtempers have been conſtantly allowed by the houſe for a juſt excuſe of non-attendance; and, upon debates in ſuch caſes, no other puniſhment has been inflicted, than excuſing the ſervice of the member, and ordering a new writ for electing a perſon duly qualified, and capable of attending the buſineſs of the houſe. This being the courſe of parliamentary proceedings in ſuch caſes as mine, which I have now truly repreſented to you, and can produce hundreds of witneſſes to confirm, I hope, the unhappy incapacity I am under, of attending the ſervice of the houſe, will be thought to deſerve no ſeverer treatment, than has been uſual in the like caſes; and that my ready ſubmiſſion to the honourable houſe’s pleaſure in this point, will be a means to reſtore me to their favourable opinion, and engage you to promote the requeſt of

“ Your moſt obliged, and
“ obedient humble ſervant,
“ LE. PRYSE.”

Aberlleferry,
Feb. 18, 1715.

“ I know not how far the houſe, in their laſt order about me, might be influenced by any report of the meſſenger, who came down to my houſe; but, to prevent miſrepreſentation, I think it proper to aſſure you, that within three days after a very dangerous fit of the gout ſuffered me to come down ſtairs, I came thence hither to my father-in-law’s, 18 miles in my way to London; but the motion of even ſo ſmall a journey brought another fit upon me immediately; with which I have been laid up here ever ſince, not having been yet ſo much as able to return to my own houſe.”

Reſolved, that Lewis Pryſe, eſquire, a member of this houſe, having been ſent for in cuſtody of the ſerjeant at arms attending this houſe, the eighth day of Auguſt laſt, for not attending the ſervice of this houſe; and having never qualified himſelf as a member of this houſe, by taking the oaths at the table; be forthwith brought up in cuſtody.

23d. Mr. Speaker acquainted the houſe, that the meſſenger who went, purſuant to the order of the 7th inſtant, to bring Lewis Pryſe, eſquire, up in cuſtody, was returned:

Whereupon he was called in; and, at the bar, gave the houſe an account what he had done, purſuant to that order; viz.

That he had been at Aberlleſerry, where he had heard Mr. Pryſe was, but did not find him there; and that he had been at Mr. Pryſe’s houſe in Cardiganſhire, and had ſearched that, and ſeveral other houſes, for him, but could not find him; but that one Dr. Pugh, Mr. Pryſe’s phyſician, delivered a letter to him from Mr. Pryſe, dated the 12th inſtant at Aberlleferry; which he delivered in, and it was read, and is as follows; viz.

“ Aberlleferry, March 12, 17$\frac{15}{16}$.

“ Mr. Kingham,

“ Having had ſome intelligence of your coming here, I thought it more adviſeable to be removed out of the way, than to make myſelf a priſoner in this ſickly condition that I am now in; the conſequences of which would be fatal to me, if I ſhould be required to undertake a London journey, as my phyſician, and the whole country, can inform you. I am

“ Your friend and ſervant,
“ LE. PRYSE.”

Reſolved, that Lewis Pryſe, eſquire, a member of this houſe having been ſent for in cuſtody of the ſerjeant at arms attending this houſe, the 8th day of Auguſt laſt, for not attending the ſervice of this houſe; and having never qualified himſelf as a member of this houſe, by taking the oaths at the table; and having been, on the 2d of February laſt, ſummoned to ſurrender himſelf into cuſtody of the ſerjeant at arms, upon pain of being proceeded againſt with the utmoſt ſeverity; and he having abſconded, and peremptorily refuſed to ſurrender himſelf into cuſtody, be, for the ſaid contempt, expelled this houſe.

March 7, 1716. A petition of Thomas Johnes, eſquire, to the ſame effect, was again read, and referred as before.

Dec. 6, 1717. Ordered a warrant for a new writ, for electing a knight of the ſhire for this county, in the room of Lewis Pryſe, eſquire, expelled this houſe.

CARDIGAN Town.

illis, 49. 75.
rt. 15 II.
rt. 23 iz.

THIS is the ſhire town of the county of this name; which in conjunction with the boroughs of Aberiſtwyth and Adpar, is entitled to elect one burgeſs to parliament. By the charter of King Richard the IId, it was impowered to chooſe a mayor, and two bailiffs; but by a later charter, viz. in the 23d of Queen Elizabeth, it conſiſts of a mayor, two bailiffs, and 12 aldermen. The conteſts concerning the election of a burgeſs, which have come before the houſe of commons, are theſe:

The matter concerning an election for this borough, is ſet out by Sir Symonds D'Ewes; And as there is no memoir, or journal, in the houſe of commons of this year, I have copied it from his Journals, as follows; viz.

Ewes's rnal, Query abere.

Nov. 5, 1604. For the matter between Dr. Aubrey, doctor of civil law, and Mr. William * Delabarr, barriſter of the common law, of Lincoln's Inn, touching the burgeſsſhip of Cardigan in Wales, the cauſe ſtood thus.

rigin.

CARDIGAN hath been by antient precedents ever ſince the firſt year of Queen Elizabeth, a burgeſs town, and ever the return hath been for Cardigan only. Now this parliament, the ſheriff of the ſhire favouring the town called Aberyſtwith, after he had received the parliament writ, ſent his warrant to the bailiffs of Aberyſtwith to chooſe a burgeſs, &c. who choſe a burgeſs, viz. Dr. Aubrey, and returned him a burgeſs for Cardigan and Aberyſtwith, and ſheweth in the indenture the election to be made by both towns; and the indenture was ſigned with the ſheriff's hand. On the other ſide, the bailiffs of Cardigan, underſtanding the writ to be come to the ſheriff, took notice thereof, and, without warrant from the ſheriff, made an indenture and election of William Delabarr, and ſent the ſame in a letter to him. Mr. Delabarr ſought the ſheriff or his deputy in London, to deliver the indenture of Cardigan; but not finding him, delivered the ſame to the clerk of the Crown, paid his fees, was ſworn, and admitted into the houſe till this preſent day. Now at this committee for privileges, Dr. Aubrey came to complain: The committee found upon the examination, that the county-court was as well kept at Aberyſtwith as at Cardigan, (*alternis vicibus*) and that the county-court was to be kept this time at Aberyſtwith: ſo when they went to the conference, both Aubrey and Delabarr were deſired to depart forth, and upon conſultation theſe queſtions aroſe. 1. Whether the houſe have power to fine the ſheriff, becauſe, according to the ſtatute, he ſent not his warrant to Cardigan: Next, if he be puniſhable by the penalty of the ſtatute. Alſo, if he have purſued his authority in making his election at Aberyſtwith; which are left, with divers other doubts, to the diſcuſſing of the houſe the next day, and to the report of Sir Ed. Hobbie or Mr. Solicitor. Nothing more appears, and this was taken (as Sir Symonds writes) from a private journal. Neither do I find it ever determined.

April 13. Mr. ſerjeant Snig maketh report of a caſe, referred to the committee for returns and privileges, viz. touching a difference in the election of a burgeſs for the town of Cardigan in Wales: and firſt, reciteth the effect of the ſtatutes, directing the form of chooſing a burgeſs for the parliament in every ſhire of Wales, in theſe words: "*Anno 23 Hen. VI. cap.* 15. The ſheriff, after the receipt of the writ to chooſe a knight and burgeſs for the parliament, &c. ſhall deliver, without fraud, a ſufficient precept, under his ſeal, to the head officer of the ſhire town of the ſaid county; reciting in the ſaid precept the ſaid writ of parliament, commanding him, by the ſaid precept, to chooſe one burgeſs for the ſaid ſhire town; and that the ſaid head officer ſhall lawfully return the ſaid precept to the ſaid ſheriff, by indenture between the ſaid ſheriff and they of the ſaid election, and of the name of the ſaid burgeſs ſo by them choſen.

35 Hen. VIII. cap. Foraſmuch as the inhabitants of all the cities and boroughs in every of the twelve ſhires of Wales, not finding burgeſſes for the parliament themſelves, muſt bear and pay the burgeſſes wages within the ſhire towns of and in every the ſaid 12 ſhires in Wales; the burgeſſes of every of the ſaid cities, boroughs and towns, which be, and ſhall be, contributary to the payment of the burgeſſes wages, of the ſaid ſhire towns, ſhall be lawfully admoniſhed by proclamation, or otherwiſe, by the ſaid head officer of the ſaid town to come and give their elections for the electing of the ſaid burgeſſes, at ſuch time and place, lawful and reaſonable, as ſhall be aſſigned for the ſame intent by the ſaid head officer of the ſaid ſhire town: in which election the ſaid burgeſſes ſhall have like voices and authority, to elect, name, and chooſe the burgeſs of the ſaid ſhire town, like, and in ſuch manner, as the ſaid burgeſſes of the ſaid ſhire town have.

THE CASE.

Sir Richard Price, knight, ſheriff of the county of Cardigan, according to theſe ſtatutes, general and uſual for all Wales, after the receipt of the King's writ for the choice of a knight for the ſhire, and burgeſs for the town of Cardigan, made forth his precept to the mayor of Cardigan, being mayor of the ſhire town; who, according to theſe ſtatutes, made proclamation.

The ſheriff of the ſhire, minding to make choice of a friend of his, notwithſtanding this his precept, proceeds to an election of another in Aberyſtwith, one of the contributary towns; and receives the return of the indenture, made between him and the mayor of Aberyſtwith, and others, having voices in the ſaid election; this being in the ſheriff's county then held in Aberyſtwith; by which indentures Richard Delabarr is returned burgeſs, elected for Cardigan.

The mayor of Cardigan, being mayor of the ſhire town, returns his election, lawfully made according to the ſtatutes by indenture, wherein William Bradſhaw, eſquire, reſident within the town of Cardigan, is elected: the ſheriff returns both indentures. This being the truth of the caſe, and debated by the committee, the reporter ſaid; they were clearly of opinion, That William Bradſhaw was lawfully elected, returned, and ought to be ſworn; and the ſheriff to be cenſured, according to the courſe of the houſe in ſuch caſes of offence of ſheriffs."

Whereupon, Mr. Speaker requiring the opinion of the houſe, they aſſented, and Mr. Bradſhaw was ſworn and admitted: and beſides, it was ordered that Mr. Speaker ſhould direct his warrant to the ſerjeant of the houſe for attaching the body of the ſaid ſheriff, as in like caſes is uſual: (which ſee in the Appendix.)

17. Moved, That the ſheriff of Cardigan might be ſent for, to anſwer his proceedings at the election formerly complained of; and diſputed, whether by the ſerjeant or by attachment; and reſolved, upon queſtion, to be ſent for by the ſerjeant, or his deputy.

April 30, 1662. Serjeant Charlton reported from the committee of privileges and elections, touching the election for the town of Cardigan, between Mr. Philips, and Sir Francis Lloyd; that the queſtion did ariſe upon the ſtatute 35 Hen. VIII. as to the notice to be given of the election for members to ſerve for ſhire-towns in Wales: and the committee was of opinion, that notice of all elections of members for ſhire-towns ought, by the intent of the ſaid act, to be given to the out-corporations and boroughs, which do not ſend burgeſſes themſelves; and that no ſuch notice being given, therefore the election of the ſaid Mr. Philips is void: to all which the houſe agreed, and reſolved it accordingly.

Feb. 28, 1711. Ordered a warrant to the clerk of the Crown to make out a new writ for electing a burgeſs to ſerve in this parliament for this borough, in the room of John Meyrick, eſquire, who hath accepted the office of chief juſtice of the counties of Cardigan, Merioneth and Angleſey.

CARLISLE.

THIS is the ſhire town of the county of Cumberland. It is a city and biſhop's ſee, and by that means became ſo. In the 35th of Edward I. there was a parliament held here. It has ſeveral charters of liberties from the time of Henry the third to Charles the firſt's, the laſt of which is ſaid to be in the 13th of that reign. It has been repreſented in parliament as Doctor Willis writes, *ab origine*: Mr. Prynn has given his liſt of its repreſentations from the 30th of Edward I. but Doctor Willis has inſerted it from the 23d of that reign. The memoirs of its conteſted elections, or matters relating to its repreſentatives, do not appear till very modern times.

Dugdale's ſummons 52.

Willis, vol II. 200.

Prynn's 4. Reg. 1014

Willis ut ſupra.

Nov. 14, 1692. A complaint was made to the houſe, that the council of this city had disfranchiſed Chriſtopher Muſgrave, eſquire, a member of this houſe by an order of the ſaid council dated the 29th of July laſt; which order was delivered in at the clerk's table, and there read as followeth; viz.

> "The City of Carliſle."
>
> "At the council held the 29th day of July laſt, *anno Domini* 1692; preſent the mayor, and major part of the aldermen, and capital citizens of the ſaid city:"
>
> "The queſtion being put, whether or no Mr. Chriſtopher Muſgrave, a repreſentative for this city of Carliſle, be disfranchiſed from his freedom within the ſaid city; it is anſwered, *nemine contradicente*, That he be disfranchiſed; and he is accordingly deprived from his freedom, as aforeſaid."

And the town-clerk being called in and examined;

Reſolved, *nemine contradicente*, That the disfranchiſing Chriſtopher Muſgrave, eſquire, a member of this houſe, by the mayor, aldermen and citizens of Carliſle, is a breach of the privilege of this houſe. Thereupon Mr. Muſgrave deſiring, that only ſuch as were moſtly concerned in the ſaid matter, might be puniſhed for the ſaid breach of privilege; which were John How, ſenior, late mayor of Carliſle, William Nicholſon, Robert Jackſon, ſenior, Robert Jackſon, junior, Thomas Jackſon, and Edward Monkhouſe:

Ordered, that the ſaid perſons be ſent for in cuſtody of the ſerjeant at arms attending this houſe, for ſuch their breach of privilege of this houſe.

Dec. 5. A petition of the ſaid John How, gentleman, late mayor of this city, Robert Jackſon, and William Nicholſon, aldermen of the ſaid city, in cuſtody of the ſerjeant at arms for a breach of privilege by them committed againſt Chriſtopher Muſgrave, eſquire, a member of this houſe, on behalf of themſelves, and of Robert Jackſon, junior, Thomas Jackſon, and Edward Monkhouſe, was read; whereby they acknowledged their offence, and begged pardon of the houſe; and prayed to be diſcharged.

Ordered, that the ſaid John How, Robert Jackſon, and William Nicholſon be brought to the bar on Wedneſday next, in order to be diſcharged.

Dec. 7th. The ſaid John How, &c. were brought to the bar by the ſerjeant at arms, where, upon their knees they received a reprimand from the Speaker.

Ordered, that the ſaid John How, &c. be diſcharged, for the preſent, out of cuſtody of the ſerjeant at arms, paying their fees: Mr. Speaker acquainting them, that the houſe expected, that Chriſtopher Muſgrave, eſquire, be forthwith reſtored to his freedom in that city.

Feb. 14, 1700. A petition of Thomas Stanwix, eſquire, was preſented and read; ſetting forth, that Philip Howard, eſquire, and James Lowther, eſquire, and the petitioner, were candidates, at the election of members to ſerve in parliament for this city; and Mr. Lowther, by his agents, by ſeveral corrupt and illegal practices, procured a great number of voices, as well good as bad, which were all polled for him; and by threats, and other undue means, deterred many from voting for the petitioner; by which means, and by the partiality of the Lieutenant-governor, and deputy-mayor of the ſaid city, Mr. Lowther got himſelf returned, though the petitioner had the majority of legal voices, and ought to have been returned: and praying ſpeedy relief &c.

Ordered, that it be referred to the committee of privileges to examine the matter, and report the ſame with their opinion. No report made.

Jan. 3, 1701. A petition of Thomas Stanwix, eſquire, was read; ſhewing, that, on the diſſolution of the laſt parliament, William Nicholſon, eſquire, then, and yet mayor of this city, and other agents for James Lowther, eſquire, conſtantly to the very time of election endeavoured, by bribery, promiſes, threats, and other undue practices to influence the then approaching election in favour of the ſaid Mr. Lowther; and for that purpoſe, the mayor after the teſte of the writ, reſtored ſeveral perſons formerly disfranchiſed to their freedoms; though he refuſed to reſtore others in the like circumſtances, becauſe he ſuſpected they would vote for the petitioner: and at the laſt election of citizens to ſerve in parliament for the ſaid city, the petitioner ſtood a candidate; and the ſaid mayor declared he would return Mr. Lowther right or wrong, and refuſed to poll ſeveral legal votes for the petitioner; and polled ſeveral for Mr. Lowther who had no right; pretending to govern himſelf by ſome book, or liſt, of the freemens names in his cuſtody, which he, or ſome other perſon, has altered, he refuſing to let the petitioner have a copy, or ſight, thereof: that, after the poll was cloſed, and objections made to ſeveral votes on both ſides, it appeared that the petitioner had a great majority, who inſiſted to be returned; which the ſaid mayor refuſed; and adjourned the poll, and altered it as he pleaſed, and never came to the place of adjournment, to examine, or proceed upon, the poll; but privately in a tavern, he, and ſome of the aldermen and freemen, executed, as is pretended, an indenture; wherein it is alledged, that the ſaid Mr. Lowther was duly elected, and have cauſed him to be returned accordingly, though unjuſtly;

juſtly; and many undue practices were uſed before, and at, the ſaid election: and praying the houſe to take the premiſes into conſideration &c.

Ordered, that the petition be referred to the committee of privileges and elections to examine the matter, and report the ſame, with their opinion.

Nov. 23, 1708. Ordered a warrant for making out a new writ, for electing a citizen, to ſerve in this preſent parliament for this city, in the room of Sir James Montague, knight, made attorney-general.

Dec. 4, 1710. A petition of Samuel Gledhill, eſquire, was read; ſhewing, that at the late election of members, to ſerve in this preſent parliament for this city, the petitioner, Sir James Montague, and Brigadier Stanwix, were candidates: that ſeveral qualified perſons offered to vote for the petitioner, and were refuſed; yet others were admitted to vote for Sir James Montague, that had no right; by reaſon whereof, and by bribery, and other undue practices of Sir James, and his agents, he has got himſelf returned, to the petitioner's prejudice, who had a majority of legal voters, and ought to have been returned accordingly: and praying &c.

Ordered, that it be referred to the committee of privileges and elections to examine the matter, and report the ſame, with their opinion.

Jan. 17. Ordered, a warrant for a new writ, for electing a citizen for this city, in the room of Thomas Stanwix, eſquire, made governor of Gibraltar.

Feb. 20. The houſe being informed, that Colonel Gledhill was at the door, and had ſomething to offer to the houſe; he was called in, and, at the bar, heard, what he had to ſay.

And then he withdrew.

Colonel Gledhill having, at the bar of this houſe, charged Sir James Mountague (a member thereof) with writing a letter, reflecting upon the honour of her Majeſty, and this houſe; and deſiring time to produce his witneſſes, which are in the country, to prove the ſame;

A motion being made, and the queſtion being put, that this matter be taken into farther conſideration, on this day three weeks; it paſſed in the affirmative.

March 9. The houſe being acquainted, that her Majeſty had been pleaſed to order the officers of her army in Spain to repair to their commands there, upon Monday next;

Reſolved, that an humble addreſs be preſented to her Majeſty, that ſhe will be pleaſed to give leave to Colonel Gledhill, to ſtay ſome days longer.

14th. The houſe proceeded to take into conſideration, the matter of the charge of Colonel Gledhill upon Sir James Mountague:

And Colonel Gledhill, being called in (the mace lying on the table) was acquainted, that he might call his witneſſes one by one:

And the bar being down, he ſtood on the right hand of it, coming in from the door; and each witneſs ſtood by him, upon his examination:

And ſeveral witneſſes having been examined, as well on the part of Colonel Gledhill, as of Sir James Mountague; the colonel, and witneſſes, were directed to withdraw.

The Lord Biſhop of Carliſle having been mentioned in the evidence, given at the bar, in relation to a letter, written to him by Sir James Mountague; and ſeveral copies of part thereof had been tranſcribed by his lordſhip, and ſent to ſeveral perſons;

And the houſe being informed, that his lordſhip deſired to be admitted to be heard; a chair was directed to be ſet for his lordſhip within the bar, on the left hand from the door: and the doors were opened; and his lordſhip was admitted in; and, ſtanding by the chair uncovered, was deſired to ſit down; which he did, and was covered for ſome time: and then his lordſhip roſe up again, and ſtood by the chair uncovered, and was heard; and then withdrew.

And Sir James Mountague was heard.

Then the houſe being informed, that the Lord Biſhop of Carliſle deſired to be admitted to be heard again, to clear ſome doubts, he had been acquainted, was in ſome perſons; he was admitted in again, as before: and he acquainted the houſe with what he had further to offer; and then withdrew.

Reſolved, that it appears to this houſe, that William Lord Biſhop of Carliſle hath diſperſed ſeveral copies of a letter, pretended to have been received from Sir James Mountague (a member of this houſe) in order to procure Sir James Mountague to be elected a citizen in the city of Carliſle, reflecting on the honour of her Majeſty; and, by concerning himſelf in the ſaid election, hath highly infringed the liberties and privileges of the commons of Great Britain.

Then a motion being made, and the queſtion being put, that Colonel Gledhill has made good his charge againſt Sir James Mountague;

It paſſed in the negative.

Reſolved, that Colonel Gledhill had ſufficient grounds for bringing the ſaid charge before this houſe.

Dec. 10, 1711. The petition of Samuel Gledhill, eſquire, was again preſented, and read; and referred as before.

Feb. 20. Ordered, that the report be made on Saturday next.

23d. Mr. Freeman reported the matter upon the ſaid petition: That the right of election was agreed to be in the mayor, aldermen, bailiffs, and freemen, reſident or not reſident: and the poll was—for Sir James Montague 277——for the petitioner 167:

That the petitioner excepted to 155 of Sir James Montague's voters: that it appeared, 41 of them were admitted to their freedom after the *teſte* of the writ; viz. 32 on the 2d of October, 1710, and 9 upon the 7th of that month: and of theſe one only voted for the petitioner; eight for the petitioner and Sir James Montague; and the reſt for Sir James Montague only:

That on the 2d of October, three, who had been disfranchiſed, were reſtored, and they voted for Sir James Montague: four others, who had been disfranchiſed, were excepted to, becauſe they were reſtored juſt before the *teſte* of the writ; viz. 21ſt of September, 1710: one of theſe voted for Sir James Montague only; the other three for the petitioner, and Sir James Montague.

That the counſel for Mr. Gledhill called Blaylock: who ſaid, two quakers, who voted for Sir James Montague, refuſed the affirmation: 18 others (whom he named) were objected to, as receiving alms or penſions from the town; and that the twelve firſt (by him named) told him a year ago, that they received charity from the corporation, ſome ſixpence, and others two ſhillings and ſixpence, a quarter: the other ſix are town-officers; viz. three beadles, and three ſerjeants, who have penſions or ſalaries from the town; and two of them told him, they would be for the petitioner, but that they ſhould loſe their places if they did: that ſix others were excepted to as honorary freemen, and therefore not entitled to vote.

Stagg ſaid, no one of theſe ſix was a ſon of a freeman, therefore had no right; and they were all made free ſince the laſt election, but Mr. Gilpin, who has voted at ſeveral elections: that Graham and Pattinſon are no freemen: that 81 of Sir James Montague's voters were excepted to for bribery: and they called Stagg, who ſaid, that Edward Blaylock owned he had 30 ſhillings; and Bewley ſaid, he had 10 ſhillings from Jeremy Reed, for voting for Sir James Montague: that he had been one of the ſerjeants at mace for thirty years; and refuſing to vote for Sir James Montague, he was threatned by the mayor to be turned out; and accordingly was turned out, and Lawſon put in his place.

Chriſtopher Lawſon ſaid, John Lawſon his father told him, he was put in for his engaging to vote for Sir James Montague; and that he had before promiſed the petitioner.

How ſaid, Walby owned to him, that Reed expended 22 ſhillings at his houſe on eight other voters (whom he named); and Walby told him, it was for their votes for Sir James Montague.

Edward Williams ſaid, Thomas Tiffin ſaid, he had two guineas of Reed, otherwiſe would have been for the petitioner.

Anthony Nixon, one of the choriſters, ſaid, he would have voted for the petitioner, but was threatned by the Biſhop of Carliſle: and Wallace ſaid, he would have ſo voted, if he had not been threatned by the mayor and corporation.

Thomas Blaylock owned, alderman Parker gave him three half crowns to vote for Sir James Montague.

Peter Wilſon, Robert Wilſon, and Huthart, owned they had two guineas each from the aldermen.—Patrick Blaylock, 7 s. and 6 d. from Reed. —Hethrington, a tree from Lord Carliſle's ſteward.—Pattinſon, nine ſhillings from Mr. Brathwaite, and alderman Parker.—Jackſon and Bell, part of the freemens moor, which they incloſed.—Lowry, twenty ſhillings.——Thomas Twentyman, a guinea from Reed. —— John Twenty-man, a promiſe of one guinea from Reed.—Haynes, who keeps a private houſe, thirty ſhillings, for malt given him by the aldermen.—Linton ſaid, he had a promiſe from the corporation, not to be proſecuted in a ſuit about his mill.—Stephen Diffick ſaid, he was made drunk by the mayor, and thought he voted for the petitioner.—Carruthers ſaid, he was threatned to be ſued by alderman Jackſon.—Joſeph Nixon ſaid, he had promiſed the petitioner, but the biſhop wrote a letter to turn out all the choriſters who would not vote for Sir James Montague; and therefore he treated ſeveral, and ſollicited votes for Sir James Montague.—Thomas Blaylock ſaid, he was promiſed five ſhillings for his vote by Reed.—Falder ſaid, he ſhould have voted for the petitioner, but his father was threatned to be indicted.—Knagg ſaid, he would have been for the petitioner, but was disfranchiſed; and refuſed to be reſtored, when others were reſtored, though he has, ſince the election, been reſtored:—that Hind, who was a freeman's ſon, and Hodgſon, who were entitled, demanded freedom, but were refuſed, becauſe they would not vote for Sir James Montague:—that Carlile and Barne, who were admitted in October 1710, had no right, not having ſerved ſeven years in the corporation:—that all who promiſed to vote for Sir James Montague (and who came to be made freemen on the 2d of October) were let into the hall; and thoſe, who refuſed, were kept out, though they had right; and the door ſhut by the chamberlain:—that, on the election-day, Reed, and Mr. George Brathwaite, upon the bridge, about a mile out of town, ſtopt the voters as they came; thoſe for the petitioner they turned by, and thoſe for Sir James Montague they had them to an alehouſe in the town, and treated them, and then went to the poll with the city muſick. He named 33 by a liſt, who were ſo treated; of whom ſix voted for the petitioner; and there were many others, whoſe names he cannot remember. He alſo produced a letter from Mr. Rook, the town-clerk, to Mr. Lawſon, deſiring him to endeavour to get over Hodgſon, or any other, for Sir James Montague, and Mr. Stanwix; and writes, Lady Lonſdale had wrote to all her tenants to be for them, and he would write to Lady Lonſdale of his readineſs: and alſo one Jackſon offered him (in London) 100 l. to be out of the way, and not be a witneſs for Mr. Gledhill; but he refuſed it: that Mr. Rook has pulled down his ſtall, and disfranchiſed him, and threatned him; and alderman Jackſon offered him to be reſtored, if he would not go to London.

Pattinſon ſaid, that Reed gave him fifteen ſhillings to vote for Sir James Montague, and had his note to repay it, in caſe he did not; accordingly he did vote ſo, and afterwards Reed promiſed to tear the note: that he told him others had done the ſame; and he could get any one's vote for ten ſhillings: and that the petitioner would preſs him, but Sir James Montague would ſave him, if he would vote for him. He alſo named four others, who voted for Sir James Montague, who were treated by Reed: that Reed gave Bell ten ſhillings, and Snowden two pair of breeches, to vote for Sir James Montague: that Jackſon ſaid, he durſt not vote againſt Sir James Montague, leſt he ſhould be indicted.—He alſo ſaid, he was a ſhoemaker of this city, and came up with the petitioner in 1710; and has been with him ever ſince, and was a witneſs for him at the bar: that he durſt not go down again, leſt Reed ſhould do him a miſchief: that a perſon unknown offered him 10 l. if he would go out of the way, till Colonel Gledhill's trial was over.

Lawſon ſaid, that, on the election-day, Reed and Brathwaite treated forty of the voters for Sir James Montague, as beforementioned, and came then to poll.

How ſaid, that there were about ſixty of them ſo treated at Croſby's, and eighteen at another houſe.

For Sir James Montague, was called,

Edward Carliſle: who ſaid, two or three days before the *teſte* of the writ, the petitioner aſked his vote; and ſaid, he did not value any expence, for if he could get into the houſe, he ſhould have a regiment, and ſtay at home: that about the ſame time, he gave the tanners fraternity three guineas to drink the Queen's health, and ſent for wine for them, and aſked their votes: that he has ſeen ſeveral pieces of plate in the guilds, given by the petitioner, when he ſet up for this city; and about 18 or 20 days before the election, he ſaw the petitioner's ſervant carry plate to one of the guilds: that it is uſual to make gentlemen, freemen of the corporation, and to admit them into the guilds, but they never treated, or made ſuch preſents, to his knowledge, on ſuch occaſions: that he was of the common-council; and on the 2d of October he was preſent, and all were made free, who offered, and had a right; nor were there any threats, or any thing like it: that the petitioner's counſel at the poll did not object to above 20 or 30 voters.

that the ſerjeants at mace are annually choſen, and it is not in the power of the mayor to diſplace them, without the conſent of the corporation: that there were other candidates, and a formal election, when Stagg was turned out; and that he was diſplaced by a great majority, not above four being for him.

Nixon ſaid, the petitioner, on the 21ſt of September, was admitted a brother of the ſhoemakers company; and gave them two ſilver candleſticks, and a ſalver, and ten ſhillings to each to drink: that he then aſked their votes in the next election; and told them, he ſhould want 700 pair of ſhoes for his regiment, which the ſhoemakers there ſhould make: that he had the like quantity of ſhoes for ſix or ſeven years following before, but none the year of the election: that the company never had any plate given them before: that he (the witneſs) is one of the choriſters; and they are appointed by the dean and chapter, and the biſhop has no power over them: that there was no letter, or meſſage, from the biſhop about the election: that he voted voluntarily, and was not threatned; nor ever ſaid any ſuch thing to Blaylock relating to the election, or his voting at it.

Reed ſaid, that on the 28th of September, 1710, the petitioner was admitted of the weavers company; gave them three guineas and a ſilver bowl, and then aſked their votes:—alſo of the glovers company, and gave them a ſilver bowl; and the like, and a ſtand, to the butchers company: that he never heard of ſuch preſents before, nor were ſuch admiſſions uſual in any more guilds than one.

The town-clerk ſaid, Sir James Montague wrote to him and others, before and after the *teſte*, to forbid expence on his account: that the 21ſt of September, and 2d of October, are the uſual days of admitting freemen; and in 1710, none were admitted who had no right, and none refuſed who had: as to the ſix honorary freemen, Mr. Gilpin was admitted in 1698; Mr. Nicholſon is ſon of a freeman, and was admitted 14 years ago; Mr. Brougham's anceſtors were all freemen; and Mr. John and Peter Brougham, and Mr. Adderton, have long been freemen, and voted ſeveral times: that the town-officers have ſalaries, but no alms, or charity: that thoſe reſtored on the 21ſt of September were disfranchiſed the Auguſt before, in order to be witneſſes; and were reſtored the firſt time the corporation met after the trial: that thoſe, reſtored on the 2d of October, had been disfranchiſed for a riot, and upon ſubmiſſion were reſtored: that no one was hindred voting at the election; and the petitioner's counſel's objections were anſwered to his ſatisfaction: that the two quakers were never required to take the affirmation: that Blaylock, the petitioner's witneſs, is of a bad character; and gave ſeveral inſtances thereof: that he had no ſtall, but had ſome hooks in a wall, which he took down, becauſe they were a nuiſance: that the town-ſerjeants are annual officers; and there was a majority againſt Stagg on his re-election: that Brathwait, Parker, and Croſby, were concerned for Mr. Stanwix, and not for Sir James Montague: that he never heard of plate given to any of the fraternities, or guilds, but by the petitioner.

Wilſon ſaid, Blaylock and Heſlop carried him to How, who gave him twenty ſhillings to vote for the petitioner: that, on the election-day, he was at the petitioner's, and had of his agent ten ſhillings more for his vote; and voted for him and Sir James, who gave him nothing.

The committee reſolved, that Sir James Montague, knight, is duly elected a citizen, to ſerve in this preſent parliament for this city: which, on being read twice, was agreed to by the houſe.

April 3, 1721. Ordered, a warrant for a new writ, for electing a citizen to ſerve in this preſent parliament for this city, in the room of Thomas Stanwix, eſquire, made governor of the town of Hull.

Oct. 25, 1722. A petition of Thomas Stanwix, eſquire, was read; ſhewing, that at the late election for this city, the petitioner, Henry Aglionby, and William Bateman, eſquires, were candidates: the petitioner, having a majority of legal votes next the ſaid Mr. Aglionby, ought to have been returned with him: that the petitioner finds the name of James Bateman, brother of the ſaid William Bateman, inſerted in the return with the ſaid Mr. Aglionby, although the petitioner did not hear the ſaid James Bateman was named as a candidate; notwithſtanding which, the ſaid James Bateman, by unwarrantable and corrupt practices of the ſaid William Bateman, or their agents, have procured the ſaid James Bateman to be returned with the ſaid Mr. Aglionby, in prejudice of the petitioner and the citizens of this city: and praying &c.

Ordered, that it be referred to the committee of privileges and elections to examine into the matters thereof, and to report the ſame with their opinion.

A petition of the perſons, whoſe names are thereunto ſubſcribed, electors of citizens to ſerve in parliament for this city, on behalf of themſelves, and others of the ſaid electors, was read; ſhewing, that at the election of citizens, to ſerve in parliament for the ſaid city, the honourable Thomas Stanwix, and Henry Aglionby, were nominated as candidates; and William Bateman, eſquire, known to very few, if any, of the ſaid electors, was alſo recommended as another candidate; and he, and his agents, having prevailed upon many of the electors to engage their votes and intereſt for the ſaid William Bateman, carried on a deſign, unknown to the petitioners, to put a brother of the ſaid William Bateman's upon them: and the better to prevent the ſaid deſign from being diſcovered, the ſaid agents, on the day of the election, nominated Mr. Bateman, without mentioning his Chriſtian name; for neither of the Mr. Batemans appeared at the time of the election: that the names only of Mr. Aglionby, Mr. Stanwix, and Mr. William Bateman, were ſet down on the top of the books prepared to take the poll; and moſt of the electors gave their votes for Mr. Bateman, meaning the ſaid Mr. William Bateman; but the managers and agents of the ſaid Mr. Bateman, by their contrivance, have altered, or, by ſome unwarrantable means, procured the name of William Bateman, in the poll-books, to be made James Bateman; and he is returned, to the manifeſt abuſe of the electors: and praying &c.

Ordered, that it be referred to the committee of privileges and elections to examine into the matters thereof, and to report the ſame with their opinion.

CARMARTHENSHIRE.

THIS is one of the twelve Welſh counties, and is repreſented in parliament by virtue of the ſtatute 27 Hen. VIII. The memoirs of its elections, and matters of that ſort, relating to its repreſentatives, which I have met with, are theſe following.

Feb. 17, 1667. Information being given (to the houſe) that Sir Henry Vaughan, being elected to ſerve for this county, was outlawed, after judgment, for a debt due on a bond of 1,000 l. and the queſtion being, Whether he can be continued regularly a member of the houſe;

Ordered, the matter, touching Sir Henry Vaughan, be referred to the committee of privileges and elections to examine, and report it, with their opinions, to the houſe; and the record of the outlawry is to be produced at the committee.

April 11, 1668. Serjeant Charlton reported from the ſaid committee, the caſe of the election of Sir Henry Vaughan . . . . . .; and that the committee were of opinion, that there was nothing objected againſt Sir Henry Vaughan, to impede his ſitting in parliament; or that he was not duly elected a member: which being debated, the houſe agreed in the ſaid opinion, and reſolved it accordingly.

Oct. 22, 1722. A petition of Sir Nicholas Williams, baronet, was read; ſhewing, that at the election of a knight, to ſerve in parliament for this county, the petitioner, and Edward Rice, eſquire, were candidates: that the ſheriff, who was under the influence of the ſaid Mr. Rice, appointed the county-court to be held at Llandilo, a ſmall village, not capable of lodging one third of the freeholders; although the petitioner, by himſelf and friends, frequently acquainted him with the great inconveniencies thereof, and deſired the ſame might be a more commodious place: that the election began in a ſmall room in the ſaid village, to which the freeholders could not come, without great difficulty, to give their votes; and there the poll was taken by his ſheriff, and under-ſheriff, who that day polled 146 of the voters for the ſaid Mr. Rice, and but 71 for the petitioner: that, on the next morning, at the ſitting of the court, it was agreed each candidate ſhould poll twenty by turns; and it was propoſed, by ſome of the friends of Mr. Rice, for diſpatching the ſaid election, another ſhould be appointed; whereto the petitioner aſſented, under an agreement, in the ſame manner, by polling twenty by turns: that Mr. John Morgan, an attorney, in the intereſt of the ſaid Mr. Rice, was nominated by the ſheriff to take that poll; and proceeded, and polled 118 for Mr. Rice, but 17 for the petitioner; though he was put in mind of the ſaid agreement, yet he had no regard thereunto: that the ſheriff, by theſe means, polled the greateſt part of thoſe who voted for the ſaid Mr. Rice, to tire the petitioner's friends by unneceſſary adjournments; which was done, in order to force the freeholders, that appeared to vote for the petitioner, to return home, before their votes ſhould be taken: that the ſheriff having polled all the freeholders, that appeared for the ſaid Mr. Rice, adjourned the court till the next day; at which time the petitioner, with great numbers of the freeholders, attended, and demanded to have their poll taken, but the ſheriff refuſed to take their votes: that the ſaid ſheriff, and under-ſheriff, proceeded very arbitrarily in taking the ſaid poll; permitted ſeveral perſons to vote for the ſaid Mr. Rice, who had no right of voting; and refuſed to take others, who offered to vote for the petitioner: and praying &c.

A petition of the ſaid Sir Nicholas Williams, baronet, was read; ſhewing, that at the election of a knight of the ſhire to ſerve in parliament for this county, the petitioner, and Edward Rice, eſquire, were candidates; and the ſheriff, who was under the influence of the ſaid Mr. Rice, appointed the county-court to be held at a ſmall village not capable of lodging one third of the freeholders; although the petitioner, by himſelf, and friends, frequently acquainted him with the great inconveniencies thereof, and deſired the ſame might be in a more commodious place; that the election began in a cloſe room in the ſaid village, to which the freeholders could not, without the greateſt difficulty, ... give their votes; where the poll was taken by the ſheriff and his under-ſheriff, who that day polled 146 of the voters for Mr. Price, and but 71 for the petitioner: that it was agreed, each candidate ſhould poll twenty by turns, and the ſheriffs proceed to take the poll in that manner; propoſed by ſome of the friends of the ſaid Mr. Rice for diſpatching the election, another poll ſhould be appointed, whereto the petitioner aſſented: that John Morgan, an attorney, a perſon in the intereſt of the ſaid Mr. Rice, was nominated by the ſheriff to take the poll, and proceeded therein, and polled 118 for Mr. Rice, and but 17 for the petitioner: although the ſaid Morgan was privy to, and often put in mind of, the ſaid agreement; yet he had no regard thereunto, and refuſed to poll any more for the petitioner: that the ſheriff by theſe means polled the greateſt part of thoſe that voted for the ſaid Mr. Rice; and, in order to tire the petitioner and his friends, the election was protracted, by long and unneceſſary adjournments, without the petitioner's conſent; which was done, in order to force thoſe freeholders, that appeared to vote for the petitioner, to return home before their polls ſhould be taken: that, purſuant to ſuch adjournment, the petitioner and ſeveral freeholders attended to give their votes for the petitioner; but the ſheriff or his under-ſheriff not appearing, ſeveral gentlemen, on the petitioner's behalf, attended on the ſheriff to be informed of the occaſion thereof; who told them that the poll was cloſed, and that he had returned the ſaid Mr. Rice: that the ſaid ſheriff and under-ſheriff proceeded very arbitrarily in taking the polls, and permitted ſeveral perſons to poll for the ſaid Mr. Rice who had no right; and refuſed the votes of others that had a right, and offered to vote for the petitioner: and praying &c.

A motion being made, and the queſtion put, that leave be given to withdraw the firſt of the ſaid petitions, which was left with the clerk of the houſe on the 12th day of May laſt;

It paſſed in the negative, as did a motion to hear it at the bar.

Ordered it be referred to the committee of privileges and elections to examine the matter thereof, and to report the ſame with their opinion.

Reſolved, that the ſecond of the ſaid petitions of the ſaid Sir Nicholas Williams, which was left with the clerk of the houſe the 16th day of Auguſt laſt, be rejected.

Jan. 10, 1723. The firſt of the ſaid petitions again preſented, and read.

Ordered it to be referred to the committee of privileges and elections to examine the matter thereof, and to report the ſame with their opinion.

Nov. 13, 1724. The ſame petition again read, and referred to the committee of privileges and elections to examine the matter thereof, and to report the ſame with their opinion.

Dec. 16. Ordered, that the report be received on Friday next.

18. Mr. Gybbon reported the matter of the ſaid election, upon the ſaid petition.

The poll was for Mr. Rice —— 593,
for the petitioner 588.

That the petitioner's council produced evidence which diſqualified three of Mr. Rice's voters, as having only leaſeholds for years determinable on lives, and no freeholds ; and objected to four others, which were admitted by Mr. Rice's counſel to be bad votes.

The petitioner's counſel alſo alledged, that the petitioner could diſqualify ſeveral others ; but thoſe already diſqualified gave the petitioner a majority, therefore it was not neceſſary to give any farther evidence.

The counſel for Mr. Rice offered no evidence, but admitted the petitioner had a majority ; wherefore the committee reſolved.

That Edward Rice, eſquire, is not duly elected a knight of the ſhire to ſerve in this preſent parliament for this county.

That Sir Nicholas Williams, baronet, is duly elected a knight of the ſhire to ſerve in this preſent parliament for this county.

The ſaid reſolutions being read twice, were agreed unto by the houſe : and the return ordered to be amended.

CARMARTHEN Town.

THIS is the ſhire town of the county of Carmarthen, and intitled to ſend members to parliament by the ſtatute 27 Hen. VIII. and has ever ſince returned ſuch members : of its elections, and what relates to the members choſen, I have met with the following memoirs.

April 12, 1614. Mr. Davis moveth againſt a ſheriff in Wales, excluding one elected a member of this houſe.—That he would not ſuffer them to have any burgeſs at all—No burgeſs in Wales till 27 Hen. VIII. then 12 knights, 12 burgeſſes. Every burgeſs to be of the ſhire-towns ; but every of the other to have voice in the election, and to be contributary.—" *Et de burgo vocat. le ſhire-town,*" the form of the writ.—The ſhire-town not a name of a town, but the denotation of it, as the principal town of the ſhire.—

For Carmarthen, Mr. Thomas elected, being recorder there.—*Nullus burgus vocat. ſhire-town, unde burgus eligi poſſit*—Whereby may turn out all the burgeſſes for Wales.—Moveth for a committing, and that the clerks of the Crown and petty bag may attend, and ordered accordingly ; and the committees for privileges to meet, to that purpoſe, to-morrow in the afternoon.

Dec. 14, 1715. Ordered a warrant for a new writ for electing a burgeſs to ſerve in this preſent parliament for this borough, in the room of Richard Vaughan, eſquire, made juſtice for the counties of Carmarthen, Pembroke, and Cardigan.

CARNARVONSHIRE.

THIS is one of the twelve Welſh counties, and returns members to parliament by virtue of the ſtatute of 27th of Henry the eighth : of its elections, and matters relating thereto, I meet with the following memoirs.

Nov. 10, 1640. Ordered a warrant to iſſue under Mr. Speaker's hand, directed to the clerk of the Crown, for iſſuing a new writ to be ſent to the ſheriff of this county for election of the knight of this ſhire ; becauſe no county-day did intervene between the receipt of the writ and the day of appearance in parliament, ſo that the writ was returned with a *tarde.*

Jan. 1. Ordered, that James Brinker, eſquire, high-ſheriff of this county, be forthwith ſent for as a delinquent, by the ſerjeant at arms attending on this houſe, to anſwer his neglect and contempt to this houſe and common-wealth, in not returning a knight and burgeſs for this town and county, in above a month after the election was made ; and to anſwer other miſdemeanors, by him committed, in the carriage of that election.

20th. The petition of Mr. Brinker high-ſheriff of this county, was read, and referred to Sir Lewis Dive's committee ; to which committee, the petitions exhibited concerning the election for knight and burgeſs for the town and county of Carnarvon, is referred : and it is to be conſidered of at the ſame time when thoſe petitions are conſidered of ; and the high-ſheriff is to be bailed in the mean time.

Feb. 16. Reſolved upon the queſtion, that no longer time ſhall be given, than is already given by the committee, for bringing witneſſes to be examined in the cauſe of the election of a knight, and burgeſs, for the county and town of Carnarvon.

April 20, 1641. Ordered, the committee for Sir Lewis Dive be revived ; and ſhall ſit to-morrow at two o'clock in the afternoon, in the court of Requeſts, concerning the election for this county ; and concerning divers petitions preſented to this houſe, by John Griffith, and William Thomas, eſquires, and, by order of this houſe, referred to that committee ; and concerning the ſheriff of this county.

May 11. Ordered, the ſaid committee be revived again, as to the election of this county only, and the petitions that depend thereupon ; and that they are to meet on Friday next at two o'clock in the court of Requeſts.

12th. Whereas the committee for Sir Lewis Dive was appointed to ſit on Friday next, to conſider of the petitions concerning the election for this county ; and likewiſe the petitions of the ſheriff of the ſhire, and of John Griffith, and William Thomas, eſquires, concerning the election for this county, and other buſineſſes there depending : it is now ordered, the ſaid committee ſit to-morrow in the afternoon in the court of Requeſts to conſider of the buſineſſes and matters to them referred. After which I don't find any other order.

April 2, 1690 A complaint was made to the houſe, that the ſheriff of Carnarvon had not yet made a return of members to ſerve in this preſent parliament.

Ordered, the ſaid ſheriff be ſummoned to ſhew cauſe, why he hath not made his return.

4th. A complaint being made to the houſe, that the high-ſheriff of this county hath not made his return into the Crown-office, of the members to ſerve in this preſent parliament for the ſaid county :

Ordered, that the ſaid high-ſheriff be taken into cuſtody of the ſerjeant at arms attending this houſe.

8th. The houſe being acquainted, that the ſheriff of the ſaid county had now made his return into the Crown-office ; and a motion being made, that he may be diſcharged out of the cuſtody of the ſerjeant at arms ;

Ordered, that the high-ſheriff of this county (firſt paying his fees) be diſcharged.

CARNARVON Town.

THIS borough is the ſhire town of the county, and as ſuch, with its contributary boroughs, Criccieth, Pwllely, and Conway, returns one member to parliament. The memoirs of its rights of election, and to its repreſentatives in that reſpect, are theſe,

Jan. 11, 1640. Ordered, the petitions of Thomas Glynn, eſquire, and the petition of the burgeſſes and freemen of the boroughs of Carnarvon and Conway in the county of Carnarvon, be referred to the committee for Sir Lewis Dive's petition.

March 5, 1713. A petition of William Owen, of Porkington in the county of Salop, eſquire, was read; ſhewing, that at the election for this borough, the petitioner and Thomas Wynne, eſquire, were candidates; that at the ſaid election a tumult aroſe, occaſioned by Thomas Price, eſquire's, concealing the ſheriff's precept, who appeared at the election as counſel for Mr. Wynne: the mayor and bailiffs, with the petitioner, were forced to withdraw for their ſafety; by which means the petitioner is deprived of being returned; and that Mr. Meredith and Mr. Quillin have returned the ſaid Mr. Wynne, although they were not returning officers: and praying &c.

A motion was made to hear the ſaid petition at the bar of the houſe, but diſagreed to.

Ordered, that it be referred to the committee of privileges and elections to examine the matter, and report the ſame with their opinion.

Then a petition of the mayor, bailiffs, and burgeſſes, of the ſaid borough, was read; ſhewing, that at the election for this borough, on the 10th of September, William Owen, and Thomas Wynne, eſquires, were candidates; and the mayor and bailiffs ſwore a clerk, and appointed an inſpector of the poll, on each ſide: that one Humphry Meredith, and one Hugh Quellin, preſumed to act as bailiffs, without any right; and therefore the legal mayor and bailiffs proteſted againſt their pretended authority: that one Thomas Price, eſquire, counſel for Mr. Wynne, deſired to ſee the date of the precept, and promiſed to deliver it again, but did not; upon which a tumult aroſe in the court, and the petitioners, for their own ſafety, were forced to withdraw; upon which the pretended bailiffs proceeded to a poll for Mr. Wynne only; and returned him, in wrong of the repreſentation of the borough: and praying &c.

Ordered, that it be referred to the committee of privileges and elections to examine the matter, and report the ſame with their opinion.

A petition of Griffith Jones, Peter Rowland, and other burgeſſes of the ſaid borough, to the ſame effect, was read.

Ordered, that it be referred to the committee of privileges and elections to examine the matter, and report the ſame with their opinion.

Oct. 24, 1722. A petition of William Price, eſquire, was read; ſhewing, that at the election of a burgeſs to ſerve in parliament for this borough, Thomas Wynne, eſquire, and the petitioner, were candidates; that many perſons were admitted to poll for the ſaid Mr. Wynne, who had no right to vote; and ſeveral perſons were refuſed, who had right, and offered to poll for the petitioner; and many other unwarrantable practices were made uſe of in favour of the ſaid Mr. Wynne, who is returned for the ſaid borough, in prejudice to the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections to examine the matter thereof, and report the ſame with their opinion.

CASTLERISING.

THIS borough is in the county of Norfolk, and is a mayor-town; but never ſent burgeſſes to parliament till 1588. The memoirs of its elections, and of its members in that reſpect, I have met with, are theſe.

Willis, 1749.

Jan. 9, 1580. Mr. Flowerden, who was member for this borough, in the vacation was ſick; upon ſuggeſtion of which ſickneſs, a writ went to chooſe anew: whereupon Sir William Drewry was choſen, and returned for this borough, and on this day appeared in the houſe for the ſame. In the ſame vacation, Mr. Beaumond, a citizen for Norwich, was alſo ſick of the gout; and, upon the like ſuggeſtion, a new writ iſſued, and Mr. Flowerden was choſen, and returned for Norwich.—A queſtion thereupon aroſe, Whether ſuch as be returned, in places of perſons ſick, or of perſons abſent in the Queen's ſervice, be burgeſſes, and the old diſcharged? Mr. Norton thought the old burgeſſes remained, and that the ſaid cauſes of ſickneſs and ſervice are good excuſes for their abſence, but no cauſes of removal; and alledged divers precedents, as of Dr. Dale, embaſſador in France; Sir Henry Sidney, deputy of Wales, who having formerly been both members, and abſent by reaſon of their employments, yet, when the caſe was once made known, and queſtioned in the houſe, they were ſtill retained, and no new ones choſen, or admitted: but however, although ſuch abſent members, by reaſon of ſickneſs or foreign employment, might be removed; yet it ought not to be done by a ſuggeſtion in Chancery, but by judgment of the houſe, upon information hereof.

D'Ewe's Journal, p. 281.

Mr. ſerjeant Flowerden, Mr. Robert Snagg, Mr. Seintpool, and ſerjeant Fleetwood, comptroller, argued differently, and ſaid, that in all theſe caſes new ones are to be choſen, and the others diſcharged; and that it need not be by judgment of the houſe, but it ſufficeth to ſuggeſt in Chancery, and procure a writ thereupon for a new election. And to queſtion this, was to diſcredit the Lord Chancellor, and ſcandalize the judicial proceedings of that court.

And it was further alledged, that not only in theſe caſes, but in all others, wherein new elections are to be made, if the Lord Chancellor ſend out a writ, upon any ſuggeſtion, to chooſe a new burgeſs in the place of another, whether the cauſe be ſufficient or not to remove the former, or whether the ſuggeſtion be true or falſe; yet, if another be returned, the houſe is to accept the new burgeſs, and the other to remain diſcharged, until the matter be further cleared, upon examination, in the houſe: and, according to theſe opinions, Sir William Drewry was received for this borough, and Mr. Flowerden for Norwich.

March 18. Mr. Cromwell, one of the committee for examinations of the returns and defaults noted on the laſt calling of the houſe, reported to the houſe the ſtate of the ſame examinations: whereupon, after debate in the houſe, it was reſolved,

Ib. 307.

That all ſuch, as have not been duly returned into the preſent parliament, as in lieu and place of others abſent, being either ſick, or employed in her Majeſty's ſervice abroad, or otherwiſe, and not dead, ſhall be for this time holden excuſed of their attendance, and of their ſitting in the houſe until this preſent time; but from henceforth ſhall be utterly diſcharged, and diſabled of their ſaid rooms and places, inſtead of ſuch other perſons not being dead, unleſs ſpecial order ſhall be taken by the houſe to the contrary: and that, peruſing the returns and defaults, as alſo the former precedents of the houſe in like caſes; it is adjudged, and ordered Sic origin. by the houſe, That Edward Flowredewe, ſerjeant at law; and who, the laſt former ſeſſion of this preſent parliament, did ſtand and appear a burgeſs for this borough, was nevertheleſs returned into this preſent parliament a citizen for the city of Norwich, in lieu and place of Thomas Beamonde, ſick, ſhall ſtill ſtand, and remain in his place for this borough, and not for the city of Norwich.—And ordered alſo, that Sir William Drury, knight, returned a burgeſs for this borough, in the room of Mr. ſerjeant Flowredewe, ſhall be forthwith removed from his place.

Jan. 7, 1673. A petition of Robert Offley, eſquire, was preſented to the houſe; complaining of an undue return made of Samuel Pepis, eſquire, for this borough and town, in prejudice to the petitioner, who was duly elected for this borough, and ought to have been returned;

Ordered, it be referred to the committee of privileges and elections to examine the matter, and report the ſame, with their opinion.

Feb. 6. Sir Thomas Meres reported from the committee the ſtate of the caſe, and the reſolutions of the committee, as followeth;

Reſolved, &c. that Mr. Pepis is not duly elected a burgeſs, to ſerve in this parliament for this borough.

Reſolved, &c. that Mr. Offley is not duly elected a burgeſs, to ſerve in this parliament for this borough.

Reſolved, &c. that the election for the ſaid borough is a void election.

And the matter being debated,

Reſolved, that the further debate be adjourned till Tueſday next, ten o'clock.

10th. The houſe proceeded on the adjourned debate, touching the election for this borough, between Mr. Pepis and Mr. Offley; but firſt took into conſideration what related to Mr. Pepis in perſon.

Information being given to the houſe by ſome members, that they had received an account from a perſon of quality, that he ſaw an altar, with a crucifix upon it, in the houſe of Mr. Pepis; and Mr. Pepis, ſtanding up in his place, did heartily and flatly deny, that ever he had any altar, or crucifix, or the image or picture of any ſaint whatſoever in his houſe, from the top to the bottom of it:

And the members being called upon by the houſe, to name the perſon who gave the information; but being unwilling to do it without the order of the houſe;

Ordered, that ſuch members of this houſe, as have given information againſt Mr. Pepys, do name the perſons that informed them of the matter thereof: and the Lord Shaftſbury being named to be the perſon that informed them, and the houſe being alſo informed, that one Sir John Banks did likewiſe ſee the altar;

Ordered, that Sir William Coventry, Sir Thomas Meres, and Mr. Garaway, do attend the Lord Shatftſbury, to be informed, whether his lordſhip had, at any time, ſeen an altar, and a crucifix, in the houſe of Mr. Pepis; when, and in what manner it was; and to receive what information his lordſhip can give on the whole matter.

Ordered, that Sir John Banks do attend at the bar of this houſe, to inform the houſe what he knows of the matter relating to Mr. Pepis.

13th. Sir William Coventry reports, That, according to the order of the houſe, Sir Thomas Meres, Mr. Garaway, and himſelf, had attended the Earl of Shaftſbury, in the matter relating to Mr. Pepis; and that they had agreed upon a report, as follows:

The Earl of Shaftſbury denieth he ever ſaw an altar in Mr. Pepis's houſe, or lodgings: as to the crucifix, he hath ſome imperfect memory of ſeeing ſomewhat, which he conceived to be a crucifix: when his lordſhip was aſked the time, he ſaid it was before the burning the office of the Navy: being aſked concerning the manner, he ſaid, he could not remember whether it was painted, or carved, or in what manner the thing was; and, that his memory was ſo very imperfect in it, that, if he were upon his oath, he could give no teſtimony.

Ordered, that Sir John Banks do attend, at the bar of this houſe, on Monday morning next, to inform this houſe what he knows of this matter, relating to Mr. Pepis.

16th. The houſe proceeded in the matters, touching the election for Caſtleriſing:

And Sir John Banks, attending at the door, was, according to the order of the houſe, called in; and Mr. Speaker, in the name of the houſe, deſiring him to give his anſwer, what acquaintance he had with Mr. Pepis; and whether he uſed to have recourſe to him at his houſe, and had ever ſeen there any altar, or crucifix; and whether he knew any thing of his being a papiſt, or popiſhly inclined.

Sir John Banks gave an account to the houſe, That he had known, and been acquainted with Mr. Pepis ſeveral years; and had often viſited, and converſed with him, at the Navy-office, and at his houſe there, upon ſeveral occaſions; and that he never ſaw, in his houſe, any altar, or crucifix; and that he does not believe him to be a papiſt, or that way inclined in the leaſt; nor had any reaſon or ground to think or believe it.

Ordered, that Sir Thomas Littleton, or any other member, that the houſe ſhall be informed of, that were preſent, when the Lord Shaftſbury ſpoke the words relating to Mr. Pepis, do inform the houſe what they know of that matter.

Reſolved, &c. that the further debate of the matter, upon the election for Caſtleriſing, be adjourned till Saturday next come ſevennight.

April 10, 1713. Ordered, that Mr. Speaker do iſſue his warrant to the clerk of the Crown, to make out a new writ for the electing a burgeſs, to ſerve in this preſent parliament for this borough, in the room of Horatio Walpole, eſquire, who, ſince his election for the ſaid borough, hath accepted of the office of one of the commiſſioners of her Majeſty's revenues in Ireland.

March 1, 1715. Ordered a warrant for a new writ, for electing a burgeſs for this borough, in the room of the honourable William Fielding, eſquire, made clerk comptroller of the houſehold.

June 10, 1720. Ordered a warrant for a new writ, for electing a burgeſs for this borough, in the room of colonel Charles Churchill, made governor of his Majeſty's royal hoſpital at Chelſea.

CHESTER.

THIS city is the capital of the county of Cheſhire, which was a county palatine in Edward the firſt's time, and veſted in the crown. It was made a county of itſelf in the reign of Henry the ſeventh, and incorporated by the name of mayor, recorder, and twenty-four aldermen, with two ſheriffs, and forty common-council-men; but never repreſented in parliament, until the 34th and 35th of Henry the eighth; when, by act of parliament, it was declared, that it ſhould ſend two citizens to be burgeſſes to parliament. The memoirs of its election and members, I have met with, are as follow.

Stat. 34, 35 Hen. VIII. c. 13.

Willis, Notitia, Vol. I. 178.

Feb. 19, 1672. A petition of William Williams, eſquire, recorder of this city, was read; complaining of the election of Colonel Werden, to ſerve for this city, in prejudice of the petitioner, who was duly elected for this place.

Ordered to be referred to the committee of privileges to examine, and report the truth of the caſe, with their opinions therein; and firſt to examine who is returned by the proper officer. This matter was never determined, until 1675; when I find,

May 27. That Sir Thomas Meres reported from the committee the ſtate of the caſe for this city, between Robert Werden, eſquire, and William Williams, eſquire.

That it is the opinion of the committee, that William Williams, eſquire, is not duly elected to ſerve in this preſent parliament for the ſaid city of Cheſter. That it is the opinion of the committee, that Robert Werden, eſquire, is duly elected a member to ſerve in the preſent parliament for the ſaid city: to which the houſe agreed.

March 27, 1690. A petition of Roger Whitley, and George Manwaring, eſquires, was read; ſetting forth, that they were duly elected for this city and county, by the major part of the legal electors; but the ſheriffs, not joining in the return, though Mr. Batho' (one of them) was willing ſo to do; and tendered an indenture, ſigned by him and the electors for that purpoſe, to Mr. Partington (the other ſheriff) who refuſed to join therein; but hath, to the apparent prejudice of the petitioners, returned Sir Thomas Groſvenor, and Richard Leving, eſquire, by another indenture, without the other ſheriff's joining therein, and without their being duly choſen: and praying the conſideration of the premiſes, that the invalidity of the ſaid pretended return may be examined, and the petitioners relieved.

Ordered to be referred to the committee of privileges and elections to examine the matter, and report the ſame with their opinion.

Oct. 6, 1690. A petition of the ſame perſons; ſetting forth, that the petitioners were duly elected for this city; but that, by combination between one of the ſheriffs and the ſeal-keeper of the county palatine, Sir Thomas Groſvenor, baronet, and Richard Leving, eſquire, were returned, in prejudice of the petitioners, and the ſaid city.

Ordered to be referred as before.

Nov. 28. Ordered to be reported on Tueſday next.

Dec. 2. Mr. Gray reported, That the committee had examined the matter, and it appeared the poll was,

For Sir Thomas Groſvenor		498,
Mr. Leving	—	494,
Mr. Whitley	—	484,
Mr. Manwaring	—	457.

That the right of election is in the freemen of Cheſter.

For the petitioners were called,

David Parry; who ſaid, that 125 were made free after the teſte of the writ; whereof 91 voted for the ſitting-members, and 23 or 25 for Mr. Whitley, and 22 for Mr. Manwaring: of this number was one Selby, apprentice to Mr. Waltham, and ſixteen others, minors.

Bollard ſaid, that there are in Cheſter ſeveral alms-men, who wear badges, and have four pounds *per annum* for their lives; whereof five voted for the petitioners, and eight for the ſitting-members; and that his ſon ſaid, he had ten ſhillings to make him free: that, on the 18th of March, he apprehended the poll was only adjourned, for ſheriff Batho' ſaid, he adjourned it; and next day, 18 freemen more came to vote for the petitioners, but were refuſed.

Street ſaid, he was preſent when the new freemen were made, and took notice of it to the petitioners, and adviſed them to get ſome made for them; but they refuſed it, upon the caſe of Dartmouth: that ſeveral maſters complained their apprentices were made free, contrary to their knowledge: that two, as he was told, had twelve ſhillings each to vote for the ſitting members; but confeſſed, himſelf was made free when a minor.

Cooper ſaid, he went with three men to Sir Thomas Groſvenor; and they told him, they had a mind to be made free, but had no money; and he bid them go to Mr. Johnſon, and let him look over their indentures, and if they were right, they ſhould have money: and Mr. Johnſon approved their indentures; and they told him they had money, but he did not ſee them receive it: that Mr. Johnſon voted for Sir Thomas Groſvenor, who lodged in his houſe.

Orme ſaid, he received of Mr. Johnſon and Bennet twelve or thirteen ſhillings, and Davis thirty-two ſhillings, to make them free, and vote for the ſitting-members, otherwiſe he would have voted for the petitioners.

For the ſitting-members,

Thomas Wilcox ſaid, he had known all the elections ſince 1660; and that a ſon of a freeman might demand his freedom at 16; and an apprentice has a right, if he comes out of his time, before he is 21 years of age.

Mr. Skelham ſaid, he was mayor at the time of the election; and has known the ſeveral elections ſince 1660; and never knew any freemen of Cheſter, young or old, rich or poor, denied his vote: that thoſe, who were made free, claimed either by birth, or ſervitude: that none were ever put by, who were capable of taking an oath: that the alms-men were never refuſed: that alderman Street was active, in bringing aſperſions on Sir Thomas Groſvenor, to hinder his election.

Thomas Wilſon ſaid, the alms-men always voted; and minors, if free: that Partington, the ſheriff, managed the poll with conſent of Batho', and made two proclamations before cloſing it, and then cloſed it; and that next morning the books were caſt up publickly, and the ſitting-members declared to be duly elected.

Hockinghull ſaid, he ſaw all the tranſactions, and thought it a fair election: that the books were ſealed up in the preſence of ſheriff Batho': and it was ſaid, that Mr. Johnſon was a tenant to one of the petitioners. Upon the whole, the committee reſolved,

That Sir Thomas Groſvenor, baronet, is duly elected a citizen to ſerve in this parliament for the ſaid city.

That Richard Leving, eſquire, is duly elected a citizen to ſerve in this preſent parliament for this city. The firſt was agreed to, as was the ſecond alſo upon a diviſion.

Dec. 13, 1695. A petition of Sir William Williams, knight and baronet, recorder, alderman and citizen of Cheſter; ſhewing, that the petitioner was engaged at the requeſt of Colonel Whitley, mayor, and divers other principal citizens of this city, to be a candidate to ſerve in the preſent parliament as one of their members; and the petitioner endeavoured to have the writ ſent thither before the 21ſt of October, which was their county-court day; but by contrivance, the ſame came not till the 22d; whereby the election was protracted to the 18th of November; during which time, the mayor, and Sir John Manwaring, with Sir Thomas Groſvenor, clandeſtinely conſorted to fruſtrate the petitioner's election, and to have the mayor and Sir Thomas Groſvenor elected; and, to effect the ſame, they made uſe of the mayor's power over the citizens, who had procured himſelf to be mayor three years, and prevailed to continue ſo for this year; and by large declarations and engagements of the mayor, and Sir Thomas, to have a common-hall erected for the city, and vaſt expences at the election; and by bribes and menaces, with violence upon the petitioner's voters, they prevailed with great numbers of voters, and were returned as duly elected, in prejudice of the petitioner, and the ſaid city: and praying &c.

Ordered to be heard at the bar on this day month.

20th. Ordered upon the queſtion, that Sir William Williams have leave to withdraw his petition.

Dec. 8, 1711. Ordered a warrant for a new writ for electing a burgeſs for this borough, in the room of Sir Henry Bunbury, made a commiſſioner of the revenue in Ireland.

Oct. 18, 1722. A petition of Thomas Brereton, eſquire, was read; ſhewing, that Sir Richard Groſvenor, Sir Henry Bunbury, baronets, and the petitioner, were candidates, at the election of citizens to ſerve in parliament for this city; but, by the indirect practices of the mayor, ſheriffs, juſtices of the peace, and other officers of the corporation; and by the open bribery, threats, and promiſes, of the ſaid Sir Richard Groſvenor, and his agents, though the petitioner had a much greater number of votes; yet the ſaid Sir Richard procured himſelf and Sir Henry Bunbury, to be returned members, in prejudice of the petitioner: and praying &c. Alſo,

A petition of Hugh Williams, eſquire, was read; ſhewing, that the petitioner, at the requeſt of his friends and fellow-citizens, appeared a candidate at the election of citizens to ſerve in parliament for this city; but by the indirect practices of the mayor, ſheriffs, juſtices of the peace, and other officers of the corporation, and by the notorious bribery, promiſes, and threats of Sir Richard Groſvenor, and Sir Henry Bunbury, baronets, and their agents, and the partial conduct of the conſtables . . . abuſed ſeveral of the petitioner's friends, and intimidated others from voting for him; and have ſince declared they could not come to poll without hazarding their lives; and by ſeveral other indirect methods, the ſaid Sir Richard Groſvenor, and Sir Henry Bunbury procured themſelves to be returned members for the ſaid city, in prejudice to the petitioner: and praying &c.

Ordered theſe petitions to be referred to the committee of privileges and elections to examine, and report the matter, with their opinion.

Jan. 23, 1723. The petition of Mr. Brereton was again read, and referred in like manner.

CHESHIRE.

THIS was a county palatine by preſcription. 4 Inſt. 211. William the Conqueror created Hugh Lupus earl thereof. "*Totumque hunc comitatum tenend. ſibi et * heredibus ita libere ad gladium, ſicut ipſe Rex tenebat Angliam ad coronam, dedit.*" Hugh Lupus had thereby *jura regalia* within the county, and, conſequently, without any expreſs words had *comitatum palatinum*, and by force thereof created eight Cheſhire barons. It became annexed to the Crown in the time of Edward I. But before the ſtatute of 34 Hen. VIII. it never ſent knights of the ſhire or citizens to parliament; but by that act (which ſee in the Appendix) it ſent both. The memoirs of its elections and matters relating thereto, are theſe.

* In fee ſimple.

May 30, 1685. A petition of Sir Robert Cotton, baronet, and John Manwaring, eſquire, was read, touching the election for this county.

Ordered, that it be referred to the committee of privileges and elections to examine the matter, and report the ſame, with their opinion, to the houſe. No report made.

Nov. 10, 1705. A petition of Sir George Warburton, baronet, was read; ſhewing, that the petitioner was a candidate at the election of a knight of the ſhire for this county, and was duly choſen by a majority of the freeholders, and ought to have been returned to ſerve in this preſent parliament; but the ſheriff hath returned Langham Booth, eſquire, though he is under the age of 21, and therefore incapable to ſerve in parliament, in wrong to the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections to examine the matter, and report the ſame, with their opinion.

A motion was made to hear the matter before the committee this day fortnight, but diſagreed to.

Dec. 7, 1706. The ſame petition again read; and referred as before.

Feb. 7. Ordered, that it be reported on Monday next.

10th. Mr. Compton reported the matter of the ſaid election.

That the point in queſtion was, whether Mr. Booth was of age at the time of the election, and ſo capable of being elected.

The petitioner's counſel called Mary Allen, whoſe memory did not admit her to ſpeak any thing to the point.

They then read an extract of the regiſter of Roſterne in Cheſhire, in theſe words; viz. "Langham, the ſon "of Henry Booth, eſquire, of Meric, was baptiſed "June 26, 1684:"—alſo the copy of the writ for the election being *teſte* 2 *Maii*, 4 *Annæ*; and the indenture of return dated the 23d of May following, and marked delivered into the Crown-office on the 9th of June, 1705.—Alſo read the act of 7th of Will. cap. 25. ſect. 8. That no perſon ſhall be capable of being elected a member to ſerve in parliament, who is not of the age of 21 years—Alſo the act 10 of Will. cap. 7. That the ſheriff ſhall with all convenient expedition, not exceeding 14 days, make return of the writ to the clerk of the Crown.

The counſel for Mr. Booth inſiſted, Mr. Booth had a great majority on the poll; and alledged, that the petitioner's counſel had not produced ſufficient proof of Mr. Booth's nonage.——And

The committee reſolved, that Langham Booth, eſquire, is duly elected a knight of the ſhire for this county: whereto, upon a ſecond reading, the houſe agreed.

CHICHESTER.

4 Prynn, Regiſt. 947. See indenture in Append. THIS is a city in the county of Suſſex, and returned members to parliament from the 26th of Edward the firſt. The citizens, 38 Hen. VI, were returned by the mayor and bailiffs, as appears by the indenture; which ſee in the Appendix. The memoirs of its elections, which I have met with, are as follow.

The firſt I find is in the year 1660, when there was a double return; which being conſidered by the committee of privileges and elections, it appears:

May 3, 1660. That Mr. Turner reported from the ſaid committee, touching the ſaid return, the opinion of the committee, That William Cawley, eſquire, is returned by the proper officer, and ought to ſit until the merits of the cauſe, upon the double return, be determined: with which the houſe agreed.

21ſt. Mr. Turner reported from the ſaid committee, That, upon examination of the fact, the queſtion appeared to be, Whether the free citizens alone, or the commonalty at large, ought to elect? and that, upon view of their own books, it appeared, that for 21 parliaments the commonalty, as well as the citizens, had had voice in the election of members to ſerve in parliament; and that thereupon the committee were of opinion, That the commonalty of the ſaid borough, together with the free citizens, have the right of election; and that John Farrington, gentleman, is accordingly duly elected, and ought to ſit: to which the houſe agreed.

He alſo reported from the ſaid committee, That the mayor of this city had ſeveral antient precedents offered unto him, to ſhew the commonalty's right to elect for this city; and that the recorder of the ſaid city offered him his advice therein; nevertheleſs, the mayor refuſed to own the precedents, or hearken to the ſaid advice.

Ordered, the mayor be forthwith committed to the cuſtody of the ſerjeant at arms attending this houſe, till further order.

The mayor of this city, according to the order of this day, came, together with the clerk of the Crown, to the clerk's table, and amended the return; the name of John Farrington being inſerted, in the place of William Cawley, eſquire.

The mayor of this city was this day called to the bar of this houſe; and, kneeling there, Mr. Speaker did let him know, that the houſe had conſidered of the return by him made for this city, and that they looked upon his carriage therein as a wilful contempt, having refuſed to admit the voices of the commonalty to make election; it appearing, that, for 21 ſeveral parliaments, they, as well as the citizens, had votes for electing members to ſerve in parliament; and that therefore the error was wilful, and done in contempt of this authority, and in breach of his truſt; and, that though his offence deſerved a more ſevere puniſhment, yet there being a diſpoſition in this houſe to extend mercy, they have contented themſelves with his reſtraint; and that therefore he ſtands committed, for this contempt, to the ſerjeant at arms.

Jan. 7, 1673. A petition of Thomas Garaway, gentleman, was read; complaining of an undue return, made by Mr. Baker, mayor of this city, of Mr. May, the recorder of this city, to ſerve in the room of Sir Henry Peckham, knight, deceaſed; in wrong of the petitioner, who was duly elected to ſerve for the ſaid city.

Ordered, it be referred to the committee of privileges and elections to examine the matter, and report the ſame to the houſe, with their opinion.

Feb. 21. Sir Thomas Meres reported from the ſaid committee, the ſtate of the caſe and evidence on both ſides, in the matter of the election for this city; and the vote of the committee; viz.

That Mr. May is well elected a member to ſerve in this preſent parliament for this city: to which the houſe agreed.

March 24, 1689. A petition of Richard Farrington, eſquire, was read; ſetting forth, that, after the teſte of the writ, and before the election at this city, for members to ſerve in this preſent parliament, ſeveral briberies, and ill practices, were there uſed to procure votes for Sir Thomas Miller, and Thomas May, eſquire, and to deter others from voting for the petitioner; notwithſtanding which, the petitioner, and John Braman, eſquire, were duly elected by a majority of votes; and yet the petitioner is not returned for one of the ſaid citizens: and praying &c. Alſo,

A petition of John Braman, gentleman, was read; thereby ſhewing, that the petitioner was duly elected one of the citizens for this city, by the majority of qualified votes; notwithſtanding which, John Clowſley, eſquire, the preſent mayor, by combination with Sir Thomas Miller, and Thomas May, eſquire, and others, hath illegally returned them, though not duly choſen, in prejudice to the petitioner: and praying the conſideration &c.

Ordered, to be referred to the committee of privileges and elections to examine the matter, and report it with their opinion.

Oct. 16, 1690. Mr. Farrington, and Mr. Braman, renewed their petitions; but the latter' having ſome alteration in it from the former petition, in regard to the merits of that election, I ſhall inſert it.

A petition of John Braman, gentleman, was read; ſetting forth, that he was duly elected one of the citizens for this city at the laſt election; notwithſtanding which, John Clowſley, eſquire, then mayor, hath very illegally and wrongfully returned Sir Thomas Miller, and Thomas May, eſquire; upon whom, or their agents, the petitioner is able to prove divers undue, and unwarrantable practices, in procuring the voices they had: and praying the conſideration &c.

The ſaid petitions were referred as before.

Oct. 31, 1691. Mr. Braman renewed his petition; ſetting forth, he was duly choſen a citizen for this city, by thoſe who had a due right to vote; notwithſtanding which, the mayor hath illegally, and wrongfully, returned Sir Thomas Miller, and Thomas May, eſquire, in prejudice of the petitioner, &c.

Ordered to be referred in like manner.

Nov. 4. Mr. Farrington alſo renewed his petition; ſhewing, he was duly elected for this city; and that, notwithſtanding, by many briberies, threats, and promiſes, Sir Thomas Miller, and Thomas May, eſquire, have procured themſelves to be returned: and praying &c.

Ordered to be referred in like manner.

I have ſet forth all theſe petitions, becauſe that ſome of them ſo much differ from the firſt petition: but no report appears to be made thereupon.

Nov. 30, 1695. A petition of John Braman, was read; ſetting forth, that he was choſen by a majority of rightful voters to be one of the citizens, to ſerve in parliament for this city; but the mayor of the ſaid city hath returned William Elſon, eſquire, who obtained many voices by bribery, and other undue means: and praying conſideration &c.

Ordered, to be referred to the committee of privileges and elections to examine the matter, and report the ſame, with their opinion: but no report appears to be made.

Nov. 26, 1708. A petition of ſeveral freeholders and inhabitants, citizens of this city, in behalf of themſelves and others, was read; ſhewing, that at the late election of members, to ſerve in this preſent parliament, for this city, there ſtood candidates Thomas Car, eſquire, Sir Richard Farington, and Sir Thomas Littleton: that by bribery and menaces, and other illegal and partial practices, before, and at, the election, and the mayor's allowing, and diſallowing, ſuch voters as he thought fit, the ſaid Sir Richard Farington got himſelf returned; in violation of the rights and privileges of the petitioners, and prejudice of Sir Thomas Littleton, who was duly elected, and ought to have been returned: and praying &c.

A petition of Sir Tho. Littleton, bart. was read; ſhewing, that the petitioner, Thomas Car, eſquire, and Sir Richard Farrington, were candidates at the election of members, to ſerve in this parliament, for this city; and Mr. Car, and the petitioner, were duly choſen; yet the ſaid Sir Richard, by means of Mr. Vavaſor, the mayor's partiality, in management of the poll and ſcrutiny; and Sir Richard, by himſelf and agents, uſing divers illegal practices, procured himſelf to be returned with Mr. Car, to the petitioner's prejudice: and praying &c.

Ordered, that the matter of the ſaid petitions be heard at the bar of the houſe, on the 24th of March next.

Dec. 5, 1710. A petition of Thomas Car, and John Elſon, eſquires, and other freeholders, inhabitants, and honorary freemen, of this city, who have right of voting for members to repreſent the ſaid city in parliament, was read; ſhewing, that the petitioners, Car and Elſon, being invited to be candidates for the ſaid city in parliament ..... thereof to the mayor, who makes the return, but he, contrary to the act of parliament, proceed ...... to election ſooner, than by law, he ſhould have done; whereby the petitioners, and others, were, by their remote diſtance, deprived of giving their votes; and the mayor of his own accord, upon polling four or five perſons only (although there are as many hundreds who have right to vote) returned two members of his own ſetting up, in prejudice of the petitioners: and praying &c.

Sic origin.

Ordered, that the ſaid petition be referred to the committee of privileges and elections to examine the matter, and report it, with their opinion.

Dec. 21, 1711. The ſame petition was again read, and ordered to be referred as before.

March 5. Ordered, that it be reported tomorrow ſevennight.

13th. Mr. Freeman reported the matter upon the ſaid petition; viz.

The petitioners counſel alledged, they were ſurpriſed, for want of notice of the election; and that neither of them, nor any on their behalf, appearing at the election, the mayor, without making the uſual proclamation for the voters to come in, declared, there was no poll, and returned the ſitting-members, upon the votes of four or five only, without taking the votes of many others; ſome of which were at the election, and the reſt were coming in:

And they inſiſted, the election was void, for want of notice.

The election was on Tueſday the 3d of October, 1710; and the notice on the Friday before:

Therefore the committee reſolved,

That a legal notice was given of the time of the late election of members, to ſerve in parliament for this city.

That Sir Richard Farrington, baronet, is duly elected a member, to ſerve in this preſent parliament for this city.

That Sir John Miller is duly elected a member, to ſerve in the preſent parliament for the ſaid city: whereto (on the ſaid reſolutions being twice read) the houſe agreed.

March 5, 1713. A petition of Sir Richard Farington, and Sir John Miller, baronets, was read; ſhewing, that at the late election for this city, the honourable James Brudenell, and William Elſon, and the petitioners, were candidates: that the ſaid James Brudenell, and William Elſon, and agents, by bribes, threats, &c. did procure themſelves to be elected, in wrong of the petitioners; and further, the mayor, and his officers, did threaten ſeveral publick-houſe-keepers with pulling down their ſigns, and to take away their licences, if they voted for the petitioners; by which means they gave their votes, contrary to inclination, againſt the petitioners: that the mayor admitted ſeveral to vote againſt the petitioners, who had no right, ſeveral of them being forged into the poor's tax; and refuſed others, who had a right, for the petitioners: that the petitioners demanded a ſcrutiny of the mayor, but was denied, in wrong of the petitioners; and unduly returned the ſaid James Brudenell, and William Elſon: and praying &c.

Ordered, that it be referred to the committee of privileges and elections to examine the matter, and report the ſame, with their opinion.

March 26, 1715. A petition of William Elſon, eſquire, was read; ſhewing, the petitioner was one of the candidates for this city, againſt Sir Richard Farrington, baronet; but Sir Richard, by bribery, and other indirect practices, obtained votes for himſelf, contrary to the petitioner's right, who otherwiſe had been duly elected: and praying &c.

A petition of James Brudenell, eſquire, was read; ſhewing, that at the election for this city, the petitioner was candidate with Thomas Miller, eſquire, another candidate for the ſaid city; but by the mayor's illegal practices, in refuſing to admit legal votes for the petitioner; and likewiſe Mr. Miller's bribing others to vote for him, and deterring others from voting for the petitioner: by which practice the ſaid Mr. Miller is returned; but, notwithſtanding theſe practices, the petitioner had a majority of legal votes, and ought to have been returned: and praying &c.

Ordered, that they be referred to the committee of privileges and elections to examine the matter thereof, and to report the ſame, with their opinion.

May 16. Ordered, Mr. Elſon have leave to withdraw his petition.

18th. Ordered, Mr. Brudenell have leave to withdraw his petition.

CHIPPENHAM.

THIS borough is in the county of Wilts. It was incorporated by Queen Mary, but has been repreſented in parliament from the time of Edward the firſt; but intermitted all the parliaments, but two, in Edward the ſecond's; and alſo ſent but to five in the time of Edward the third, and then intermitted again, until the 2d of Richard the ſecond; from which time, to the 12th of his

Willis, 1749. 62.

Prynn's Reg. 4th part, p. 946.

reign it returned, and after that year intermitted till the 1ſt of Henry the ſixth; but has ſince ſent as other boroughs. The memoirs of ſome of theſe repreſentatives I find in early times, to which I ſhall add thoſe of a modern date, as follows.

Rot. Par. 39 H. VI. n. 9. In the 39th of Henry the ſixth, Walter Clerk, repreſentative for this borough, was impriſoned for a fine of 40 l. to the King, and alſo in other ſums owing to private perſons; and alſo upon an outlawry at the ſuit of one of the ſaid perſons; whereupon the commons petitioned the King to have his privilege allowed; to which the King aſſented, and ordered it, as appears by the roll.

Rot. Par. 14 Ed. IV. n. 55. In the 14th of Edward the fourth, William Hyde, eſq; a repreſentative of this borough, was arreſted on a *capias ad ſatisfaciendum*, at the ſuit of John Marſhall, for 69 l. and detained in execution in Newgate, London, for the ſame, and afterwards brought before the juſtices of the King's Bench, who remanded him, and would not allow his privilege; whereupon the commons petitioned the King in parliament, and had the privilege allowed, as appears in the roll.

Theſe two memorable caſes upon privilege, I thought proper to inſert, and the rolls of parliament deſerve a place in the Appendix.

Feb. 25, 1623. Sir Robert Phillippes moveth for the admittance of Sir Francis Popham to the houſe.

Mr. Pymme,—againſt it: and propoundeth the queſtion about his election.

Mr. Mallory:—This more proper for the committee of privileges; and to have him admitted into the houſe in the mean time.

Dr. Gooch:—To have him admitted till the matter determined againſt him—ſo done in Sir Thomas Wentworth's caſe.

Sir George Moor:—To have our words *pauca, vera, et ponderoſa*—here two returns; of the bailiff and ſheriff—until complaint of the inhabitants, no reaſon to except againſt this gentleman; but to receive him.

Sir Edward Gyles:—A petition ready for the town there—not therefore fit to admit him.

Sir Dudley Diggs:—when a return come, a record—to go againſt it, to wrong the houſe—To have this caſe with all expedition examined at the committee.

Chancellor Duchy:—Here a double return; therefore not to be admitted.

Sir Henry Poole:—No prejudice by admitting him—Not to ſpend more time in it.

Ordered upon queſtion, that this buſineſs ſhall be referred to the committee of privileges.

1 Journal, 684. March 12, 1623. Mr. Glanville reporteth from the committee of privileges for this borough. 1. For Mr. John Maynard:—The precept being made and notice given. Bailiff and 12 burgeſſes appeared; when all choſe Mr. John Maynard. After, by a miſtaking, "Charles" was written in the return, inſtead of "John." Opinion of the committee, that this return ſhould be amended without any new writ.

For Sir Francis Popham:—ſix to ſix at the firſt meeting: adjourned to another day, when the 13th burgeſs appeared. At which time divers other burgeſſes and houſholders appeared in the lower houſe, the bailiff and other burgeſſes being in the upper houſe, and the doors there not ſhut to keep any out. The plurality of voters choſe Mr. Pymme. All the committee, except 8, clear of opinion, that the others, beſides the bailiff and burgeſſes, ought to have voice in the election; and yet that Sir Francis Popham not elected, by reaſon the common burgeſſes gave no vote at all for him.

Debate—Mr. Mohun:—That Chippenham, from the 1ſt of Mary hath choſen only by bailiff and 12 burgeſſes——dangerous to alter this, and give others liberty to chuſe:—Sir George Chudleighe:—That the charter of the 1ſt of Mary; but laſt of Queen Mary and 1ſt of Elizabeth, election made by bailiff, burgeſſes, and common-council, and congregation; ſo as the bailiff and burgeſſes not only the electors. Sir William Earle:—That all the returns, till the 35th of Elizabeth, were by *balivus, burgenſes, et alii* Sic origin. *homines*. About 30 other freemen in the town. Mr. Whitwicke:—The queſtion for Mr. Maynard, whether due notice given.

Mr. Sherfield:—If the bailiff and 12 had only Sic origin. notice, in rigour of the law the election of Mr. Maynard not good; but yet, ſithence no perſon complaineth, no reaſon to queſtion it.

Upon queſtion, the election of Mr. John Maynard good; and the return of Charles Maynard to be amended, and made John Maynard, the ſame being only a miſtaking by writing of the name.

15th. The queſtion now debated in the houſe, who ſhall amend the return made of Charles Maynard.

Reſolved, that the bailiff of the town is to amend it, and not the Clerk of the crown. The return to be ſent down to that purpoſe to the bailiff in the country; and to return John Maynard for one of the burgeſſes for that borough.

For Sir Francis Popham's election: the committee, by plurality of voices, thought others, beſides the bailiff and 12 burgeſſes, ſhould elect.

Mr. Berkley:——that an ancient incorporation before 1 *Mariæ*, when a new charter obtained—that.. Edward VI. return made by the bailiff and burgeſſes *pro ſe & aliis*. That "*balivus & burgenſes*" and "*balivus et 12 burgenſes*" all one. Altering of elections, long continued, dangerous.

24th. Mr. Recorder:——All elections cleared 1 Journal, 749. but one—to have that now done that concerns Sir Francis Popham.

Ordered, that this cauſe ſhall be heard to-morrow at the committee of privileges, the firſt cauſe——The report to be forborn till our next meeting.

Mr. Cholmely:—To have the other part heard too—Their witneſſes now out of town—If the committee ſee cauſe, they are to hear the other parts after.

April 9, 1624. Mr. Glanville reports from the committee of privileges for this borough. The caſe thus. This a borough time out of mind: Sent burgeſſes in Edward the ſixth's time. A return by the mayor and burgeſſes at large. No certain number. Committee took two things into conſideration: 1. Whether the charter altered the cuſtom. Agreed not. 2. Whether proved, that the burgeſſes at large made their claim. Some contrariety in the teſtimony of the witneſſes:—Confronted them, but could not reconcile them. The committee of opinion, that Sir Francis Popham was well elected.—Three:—1ſt. More than the bailiff, and 12, ought to have voices. 2dly. Sir Francis Popham was well elected—met together: Firſt choſe Mr. John Maynard the firſt day. The ſecond day came in more than 12 men. The warrant read above. When came down, the burgeſſes declared they gave their voices for Sir Francis Popham. Looked upon the return.—Two indentures returned: One between the ſheriff and bailiff, by name: To this 38 ſeals. Here returned Charles, and Sir Francis Popham.

Charles Maynard amended. . The other indenture made between the ſheriff and the other burgeſſes: Seven ſeals to this. Here Mr. Maynard returned and Mr. Pym, ſo that nothing to be done, but that indenture withdrawn; and then Mr. John Maynard.——

Reſolved, that the new charter alters not the cuſtom; and that the burgeſſes and freemen more than 12 have voice at the election.

Reſolved, that Sir Francis Popham is well choſen a burgeſs for Chippenham; and that the void indenture ſhall be withdrawn, and Sir Francis Popham be admitted into the houſe.

Jan. 15, 1640. Ordered, that the buſineſs between Sir Francis Popham and Sir Edward Baynton concerning the election for this town, now depending before the committee of privileges, and by them ordered to be heard on Thurſday next, be put off till Thurſday fortnight; in regard the witneſſes that are to be produced in the ſaid cauſe, live far off.

Feb. 6. Reſolved upon the queſtion, that Sir Edward Baynton ſhall have further time granted him, for producing his witneſſes before the committee of privileges, in the cauſe of the election for this borough; and that he ſhall be farther heard upon the whole body of that matter.

8th. Ordered, that Thurſday and Saturday come three weeks be peremptorily appointed for the hearing of the cauſe, concerning the election for this borough.

9th. Thomas Fitts, and Jo. Wheeler were brought into the houſe and teſtified againſt one William Bond, that he abuſed and threatned certain witneſſes of Sir Francis Popham, that were to come up to teſtify in the cauſe of this borough.

Ordered, that William Bond be forthwith ſent for as a delinquent, by the ſerjeant at arms attending on this houſe, for the matter aforeſaid.

It doth not appear to me that any report was made, or any further proceedings had, in this cauſe.

May 17, 1661. Serjeant Charleton reported from the committee of privileges and elections, touching the double return for this borough, that Edward Hungerford, eſquire, and Henry Baynton, eſquire, are returned by one indenture, and Sir Hugh Speake, baronet, by another; and the opinion of the committee, that Mr. Hungerford and Mr. Baynton, being returned by the proper officer, ought to ſit untill the merits of the cauſe touching the ſaid election be determined: with which the houſe agreed.

June 20. Serjeant Charleton reports from the committee of privileges, touching the ſeveral returns of Sir Edward Hungerford, Mr. Baynton, and Sir Hugh Speake, as burgeſſes for this borough; that no due notice was given for the election, and ſo many of the electors were abſent as might have over-balanced the poll, had they been all there; and that the poll being demanded for all three, was refuſed, as againſt Mr. Baynton; and the opinion of the committee, of the wilful miſcarriage of the bailiff therein, as by deſign, and that the election was void.

Reſolved, the houſe doth agree with the committee, that the election for this borough is void.

Ordered, that Mr. Speaker be deſired to make a warrant to the clerk of the Crown, to iſſue a new writ for the election of burgeſſes for this borough.

Reſolved, that the bailiff of Chippenham be ſent for in cuſtody to anſwer his miſcarriage at the election, and his inſolent carriage before the committee; and that the ſerjeant at arms attending this houſe, or his deputy, do bring him up in cuſtody.

Feb. 13, 1672. A petition of Vere Bartie, eſquire, was read; complaining of an undue return of Mr. Francis Gwyn, made by the bailiff of this borough, to ſerve for this place; whereas the petitioner was legally and duly elected.

Ordered, that this petition be referred to the committee of privileges and elections to take it into conſideration, and report the matter, with their opinion herein; and that they do ſit this afternoon.

27th. Ordered, that the report from the committee of elections in the caſe between Mr. Gwyn and Mr. Bartie, concerning the election for this borough, be heard on Saturday next, at 10 o'clock.

March 1. Sir Thomas Meeres reports from the committee of elections, the ſtate of the caſe, touching the election for this borough, between Mr. Gwyn, who is returned and ſits in the houſe, and Mr. Vere Bartie, who did, by petition, appeal againſt the election and return, as unduly made; and the evidence therein before the committee on either ſide: and the votes by them paſſed thereupon; which are, viz.

That Francis Gwyn, the ſitting-member, is not well elected a burgeſs to ſerve in this preſent parliament for this borough.

That Vere Bartie, eſquire, is well elected a burgeſs to ſerve in this preſent parliament for this borough.

Reſolved, that Jonathan Rogers, the bailiff of this borough, do attend till this report is made, in order to amend the return, if the houſe ſhall ſo think fit.

The report being debated, reſolved on the queſtion, that it be debated again on Monday morning at eight o'clock.

3d. The houſe reſumed the debate of the report of the election for this borough, between Mr. Gwyn and Mr. Bartie, and the firſt reſolve being read, the houſe diſagreed thereto; and,

Reſolved, that Mr. Francis Gwyn, the ſitting-member, is duly elected to ſerve in this preſent parliament for this borough.

Dec. 16, 1690. A petition of Sir Humphrey Edwyn, was read; ſetting forth, that he was duly elected, by a majority of the burgeſſes for this borough, notwithſtanding the many ill practices uſed by Sir Baſil Firebraſs, and Mr. Lord, bailiff of the ſaid town, as the murdering one of the petitioner's meſſengers, and turning one, who appeared for the petitioner, out of his houſe, and putting another therein to vote for Sir Baſil; beſides many other riotous proceedings; and bribing the electors, he prevailed with the bailiff to return him in prejudice of the petitioner: and praying the conſideration of the houſe, &c.

Ordered to be heard at the bar this day three weeks: but it was not heard this ſeſſion.

Oct. 27, 1691. A petition of Sir Humphrey Edwyn, was read; ſhewing, that the petitioner was duly elected a burgeſs for this borough in the room of Richard Kent, eſquire, deceaſed; notwithſtanding many practices uſed by Sir Baſil Firebraſs, Mr. Lord the bailiff, and others, appearing on his behalf; by which means the bailiff returned Sir Baſil: and praying &c.

Ordered to be referred to the committee of privileges to examine the matter, and report the ſame, with their opinion.

Nov. 27. Ordered, the report to be received on Tueſday next.

Dec. 1. Serjeant Trenchard reported the matter of this election; viz. that the right of election appeared to be in the occupiers of certain ancient houſes, called free-houſes, or burgage-houſes; of the names of which perſons, (both men and women) a regiſter has been uſed to be kept in the ſaid town: ſo the queſtion was, whether the ſitting-member, or the petitioner, had the majority of thoſe freemen, or occupiers, of thoſe burgage-houſes.

That the election was on the 9th of December: and on the 8th of December one William Hobbs came, and demanded of the town-clerk a liſt of ſuch perſons who had right to elect: which liſt Hobbs produced.

Hobbs and others ſaid, that this liſt was delivered by the town-clerk, and agreed to by the bailiff and burgeſſes.

Gouldney delivered in a poll, which he ſaid he took for his own ſatisfaction: and ſaid of thoſe in the liſt, delivered by the town-clerk, Sir Baſil Firebraſs had 52; and the petitioner 56.

For the ſitting-member,—Thomas Webb, town-clerk, and Mr. Lord the bailiff, ſaid, a common-hall was called to agree the electors; but ſeveral objections being made on both ſides, the bailiff ordered, that a liſt ſhould be given of all who claimed; and after, ſhould be ſubmitted to a ſcrutiny;

That, the poll being ended, a ſcrutiny was demanded; and the bailiff agreed to be the proper judge.

On the ſcrutiny, Ruſſell, Jones, Short, and Starr, were diſallowed, as not being houſeholders, and then the poll was,

For Sir Baſil Firebraſs —53,
Sir Humphrey Edwyn 52.

That the petitioner attempted to juſtify the votes diſallowed, and called Hobbs: who ſaid, that Ruſſel had voted in four elections: that Jones voted in two or three elections: and that Short had been called to vote in two or three elections; but himſelf refuſed to vote.

Then they endeavoured to diſqualify ſeveral votes for Sir Baſil Firebraſs. Hobbs and Scot ſaid, that Rolls lived with his daughter; Wiltſhire lived with his father; and Power with his mother; Naſh and Weſt lived with their mothers; that Barnes lived out of town; and Mr. Lake's houſe was not a free houſe; Gurgeville came in the night before the election; Hebb lived in a ſtable; Fiſher rented a free houſe, but did live in one not free.

The bailiff and Chappel diſqualified the four votes ſtruck off on the ſcrutiny, as not being houſekeepers: and Webb and Chappel ſaid, that the other perſons, objected againſt by the petitioner, were houſekeepers; ſo that the matter depended on the credit of the witneſſes. As to Gurgeville the queſtion was, whether he had legal poſſeſſion; it being ſaid he came in but the night before the election; but continued a quarter of a year after; and Lippit, who had been in before, had been there but a week.

Chapel and Hodges ſaid, that Sir Humphrey Edwyn had promiſed to give Hobbs a good place; that he was engaged to give him a vote; and Sir Humphrey came into Gage's houſe, and ſaluted his wife, and put a guinea into her hand; and promiſed Gage he ſhould be a gauger next opportunity; and thereupon Gage promiſed to do his buſineſs; and after the election Sir Humphrey bid his man give Serle money, which he did.

Robert Taylor, a boy of 19 or 20 years old, ſaid that his uncle had thirty ſhillings to vote for Sir Humphrey Edwyn.

For the petitioner—Barnes ſaid, he heard his father ſay, Ady promiſed him forty ſhillings to vote for Sir Baſil Firebraſs; and that Ady was his manager.

Farr ſaid, he heard Barnes own, that Ady gave him money to vote for Sir Baſil Firebraſs.

Ady was called, by Sir Baſil Firebraſs, to ſpeak to this matter; but was objected to by the petitioner.

Upon the whole, the committee reſolved,

That Sir Baſil Firebraſs is duly elected a burgeſs, to ſerve in this preſent parliament for this borough: but it was diſagreed to by the houſe: and reſolved, that Sir Humphrey Edwin was not duly elected, and the election to be void; and ordered a warrant for a new writ, in the room of Mr. Kent.

Dec. 23. The houſe being informed, that the election for this borough had been over a conſiderable time, but that the ſheriff hath not yet made a return into the Crown-office;

Ordered, that the ſheriff of Wiltſhire do immediately bring in his return for the ſaid borough.

29th. A petition of ſeveral burgeſſes and freemen of this borough, was read; ſhewing, that Thomas Talmaſh, eſquire, was, on the 14th of December, 1691, duly elected a burgeſs by a majority of qualified votes; but Sir Baſil Firebraſs, after ſeveral undue practices, had procured a return of himſelf by the bailiff: and praying the conſideration of the houſe.

Ordered, to be referred to the conſideration of the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Jan. 20. Ordered, the report to be made on Friday morning next.

Jan. 22. Serjeant Trenchard reported the matter on the ſaid petition. That the right of election was agreed to be in the poſſeſſors of the burgage-houſes, inhabiting within the ſame. On the poll there were,

For Sir Baſil Firebraſs 60,
For Mr. Talmaſh — 44:

beſides which, three votes for the former, and five for the latter, were diſallowed on the poll.

The petitioners excepted to ſeveral of Sir Baſil's voters; viz. ſeven who did not live in burgage-houſes; ſix bribed; and one menaced. Thereupon, ſome of thoſe on the firſt head were juſtified, and the reſt were offered to be juſtified; but the petitioners waved the firſt head, and went on to the ſecond, and called,

Ladd: who ſaid, he had heard Gill ſay, that he had twenty ſhillings to vote for Sir Baſil Firebraſs; but did not ſay who gave it to him.

Edwards ſaid, Weſton coming to his houſe on the 5th of December, he aſked him, what made him loſe his market? he ſaid, he ſhould be paid for his market by Sir Baſil Firebraſs, and ſhould get 100 l. beſides; for a vote was then worth 1,000 l. —that Sir Baſil Firebraſs was not then come to town: —that, on the 12th Dec. Mr. Goddard aſked Salmon, why he would not be governed by his neighbours? he anſwered, they would not give ſo much as Sir Baſil:—he then aſked what he had; Salmon replied, he meant it as a ſnare for him.

Margaret Burgeſs ſaid, Mrs. Webb gave her a good waiſtcoat for her huſband, and a dreſſing for herſelf; and promiſed her a buſhel of wheat, and a pair of breeches, for her huſband to vote for Sir Baſil: that ſhe gave her huſband the waiſtcoat, and told him on what account: that Mrs. Webb ſhewed her three letters, ſent her from Sir Baſil, to make intereſt for him, and read them to her: that there was no order for gifts in them; and ſaid ſhe could not read.

John Burges ſaid the ſame about the waiſtcoat, and that he deſigned to be for Mr. Talmaſh: that the morning before the election he went to the Bell, and there were Lord Scott, Stallier, Traunter, and Chappel; and they told him, it would be the beſt day's work he could do, to vote for Sir Baſil: that Sir Baſil aſked him, if his man offered him 5 l. or 6 l. for an hogſhead of beer: that he did not draw beer upon Sir Baſil's, but on Mr. Talmaſh's account; nor was proffered any money.

Bedford ſaid, White aſked Ambroſe Thurman to vote for Mr. Talmaſh; but he ſaid, he could not; he had taken Sir Baſil's money: that Thurman ſells drink.

Ladd ſaid, Sir Baſil, and one Long, came to Gale's, two days before the election; and Long ſaid, they wanted a ſhoemaker on their ſide; and if they had, they would provide for him as long as he lived, without working.

Gale ſaid, Sir Baſil came to his houſe, and ſaid, he was about buying Coaſham; and if he would vote for him, he would maintain him as long as he lived, without working.

Dobſon ſaid, he drew drink for Sir Baſil at the firſt election, for which there was owing to him 12 l. 15 s. and that, at this election, Sir Baſil's ſervant (Hind) came to him, and deſired him to vote for Sir Baſil; and ſaid, he would not pay him, unleſs he promiſed ſo to do; but would pay him, if he voted for Sir Baſil:

That after, Ady ſaid, he would ſee him paid, if he was neuter:

That, at the firſt election, he voted for Sir Humphrey Edwyn; and now for Mr. Talmaſh.

Lawrence ſaid, Long offered him 10 l. *per* hogſhead for his beer, at the former election, for ten hogſheads, to vote for Sir Baſil; which were really worth but 3 l. *per* hogſhead.

Delaval ſaid, at the former election, Mr. Stanhope offered him 5 l. for each hogſhead, on Sir Baſil's account.

Short ſaid, Robins came to him, and deſired him to act for Sir Baſil; and ſaid, he had a tub of money, and would lend him 40 l. for two years without intereſt.

Ladd ſaid, that Emmet told him, that his landlord threatned to turn him out of his houſe, if he did not vote for Sir Baſil: that he did ſo at the former election.

For the ſitting-member, the counſel inſiſted, that this evidence ſhould not affect Sir Baſil; but only the particular voters; and called,

Thomas Chappel; who ſaid, an hour before the election, Burges came to his houſe: that ſome, ſuppoſing him a ſpy, aſked him what he came for; he ſaid, he came to vote for Sir Baſil, and ſaid, he would ſpeak with him: that afterwards he told Sir Baſil, he would vote for him; and Sir Baſil ſaid, he was free to do as he pleaſed; and aſked, whether any one had perſuaded him; and both he and his wife ſaid, they had not: that after, he voted for Sir Baſil, and there was a great ſhout: that Burgeſe's family would have come to the pariſh, had not Mrs. Webb (who is a charitable womam) relieved them.

Hind ſaid, he was at the Bell with Chappel, when Burges came in; he did not know him, but called him Carter: ſome ſaid, he was a ſpy, and bid him turn down ſtairs: that he was looked on as a ſpy, becauſe he had been always on the other ſide: that Sir Baſil took him into the middle-room, and told him, there was a whiſpering, as if ſomebody had bribed him; and he ſaid, no body had; and ſolemnly declared, no body had given him any thing to vote; and Sir Baſil ſaid, he would give him only thanks: that Sir Baſil had ſixty votes without him; and, as ſoon as he had voted, they hurried him away: that he never paid any thing, directly or indirectly, more than the ordinary rate for drink, viz. 3 l. *per* hogſhead: and being confronted with Dobſon, denied he had made him any promiſe to vote; and Ady, being likewiſe confronted by Dobſon, denied his promiſe to be neuter.

Woodnorth ſaid, he was at the Bell, the day before the election, when Burges came in; and the freemen were angry, and ſaid, he was a rogue, and deſired him to tell Sir Baſil ſo: that he offered to vote for Sir Baſil; and Sir Baſil ſaid, he might vote for whom he pleaſed.

Slade ſaid, Margaret Burges came to him, on Sunday-ſevennight before the election, and deſired him to ſpeak to Mr. Hind to come and tap his drink, for ſhe had not a farthing to ſave her ſoul; and that he told Mr. Hind, who would not yield to it, nor lend her any money.

Webb ſaid, one Scot, who voted for Mr. Talmaſh, aſked him to vote for Sir Baſil: that he told him, he was not concerned; and Scot ſaid, he would give him a guinea to vote for Sir Baſil, and ſo make the election void:

That he voted formerly, and at this election; but was diſallowed, though he then paid the rent. Scot being called in, ſaid, he did, in a jocular way, offer the guinea; but denied, he ſaid any thing of the election being void.

Eland ſaid, Gale told him, he had three guineas for drawing twelve flaggons of beer, on Mr. Talmaſh's account; which was given him by Croom.

Gale denied this; but ſaid, he had 3 l. for a hogſhead of beer after the election.

Hackman ſaid, he was offered what money he would have, by the maſter of the Bear inn, out of ſome money he ſhewed him, if he would vote for Mr. Talmaſh: and one offered, if he would bring twenty dozen of cards, he would buy them, if he would ſo vote, or he would not deal with him; but the maſter put up the money in his pocket.

Weſt ſaid, he was with Scot, and others, and they told him, they had 30 l. of Sir George Speke's money; and, if he would vote for Mr. Talmaſh, he ſhould have the greateſt part of it: that the next night he went to Lawrence, and told him, if he wanted thirty or forty ſhillings, he ſhould have it, if he would vote for Mr. Talmaſh.

Capt. Scot ſaid, that John Scot had threatned John Short to ſend him to gaol, if he voted for Sir Baſil.

That, upon the whole, the committee reſolved,

That Sir Baſil Firebraſs, knight, and his agents, are guilty of bribery, in corruptly procuring votes, at the election of a burgeſs to ſerve in this preſent parliament for this borough.

That Sir Baſil Firebraſs is not duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

That Thomas Talmaſh is duly elected a burgeſs, to ſerve in this preſent parliament for this borough: with which reſolutions the houſe tgreed.

Ordered, that the clerk of the Crown do attend to-morrow morning, to amend the return for this borough.

Dec. 3, 1694. A petition of ſeveral burgeſſes and freemen of this borough, was read; ſhewing, that Sir Baſil Firebraſs was, on the 19th of November laſt, duly elected a burgeſs, to ſerve in this preſent parlia-

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ment for this borough, in the room of Mr. Talmaſh, deceaſed; yet the bailiff of the ſaid borough hath returned Richard Long, eſquire, as duly choſen: and praying &c.

Ordered, to be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Jan. 1. Ordered to be reported on Saturday next, at twelve o'clock.

5th. Mr. Boyle reported, The matter had been examined by the committee; that the right of election was agreed to be in the freemen, and inhabitants of the borough-houſes; and the poll was,

For Mr. Long — 67,
For Sir Baſil Firebraſs 51.

For the petitioner it was alledged, that there were 22 on the poll, who were not qualified, who voted for the ſitting-member: but as this was to be proved only by thoſe who had ſigned the petition, who were not deemed legal witneſſes, it was waved; and the petitioner's counſel went on, to prove ſeveral irregularities in the election.

Stokes ſaid, the country gentlemen near the town came in, and threatned the electors, if they would not vote for Mr. Long, that they would not employ them.

Taylor ſaid, that Mr. Long gave him one ſhilling to get his brother's vote for him, and promiſed him two guineas; which he did do, though he did not deſign it before; but afterwards, when he aſked Mr. Long for the money, he told him, he knew nothing of the matter.

William Taylor, the brother, ſaid, that his brother told him of the promiſe of the two guineas; which made him vote, or he ſhould have voted for Sir Baſil Firebraſs: and further ſaid, that an agent for Mr. Long had offered to lend him 50 l. if he would vote for Mr. Long; which he refuſing, he promiſed him twenty buſhels of wheat, but had it not: he ſaid, he was bred a ſhoemaker, but now works by the day at huſbandry; and he alſo ſaid, he was refuſed to be made free, if he would not vote for Mr. Long.

Hill ſaid, Ruſſell told him, he had ten pounds to vote for Mr. Long.

Morley ſaid, that Richard Godding told him, Mr. Long's brother had a bond on him not to fiſh in certain waters; and ſaid, if he would vote for his brother, he ſhould have the bond, and leave to fiſh: but the bond was after produced by the ſitting-member.

Stevens ſaid, Gage owned to him, that he had a horſe, worth 4 or 5 l. and 3 l. in money, of Mr. Long, to vote for him.

Stokes ſaid, he aſked Stickle which way he intended to vote; who ſaid, he was for Sir Baſil Firebraſs; but there was 20 l. in the way.

Cook ſaid, that Stickle told him, if he could help him to 20 l. due to one of the Longs, he would vote for Sir Baſil; otherwiſe they would ruin him.

Bond ſaid, that Mr. Long gave him 2 s. 6 d. and promiſed to gratify him further: and ſaid alſo, he invited ſeveral burgeſſes, as well on Sir Baſil's ſide as Mr. Long's; but had no money of Sir Baſil: that he voted for Mr. Long.

Taylor ſaid, Mr. Long went to Seryl's, and offered money for her houſe, and made her fuddled, and took away her key, and turned her out of doors, and kept her out ever ſince: that he afterwards appointed her lodgings at the White Hart.

And Lant, one of his voters, lay in a borough-houſe one night only; but the houſe he lived in was not a borough-houſe.

Guy was teſtified by Stokes to be a ſingle man, and lived with his father.

For the ſitting-member,

Elizabeth Light ſaid, ſhe heard Mr. Scot aſk Taylor, whether he ever promiſed him any wheat? that Taylor ſaid, no; and Mr. Scot then ſaid, nor never will; nor ſhould he have any wheat without paying for it.

Elliot ſaid, the next day after Sir Baſil came to Chippenham, that Sir Baſil gave him forty ſhillings, and a ſilver tobacco-box to Chappel, to be ſerviceable to him: that he ſhewed him ten ſhillings, and offered to lend him five: and ſaid, Sir Baſil did not expect a majority, but would make bribery of it.

Jones ſaid, Bond owned he had the ten ſhillings of Mr. Long, for inviting the freemen; and Sir Baſil gave him four ſhillings to buy gloves.

Browning ſaid, he was preſent when Gage bought the horſe, and gave three pounds for it to Mr. Long.

Lawrence ſaid, that Etwell, one of the petitioner's voters, when he ſaid Mr. Long had more votes than Sir Baſil, ſaid, what then? it was but going to the parliament-houſe, and telling a few lies: that he ſhould get 100 l. if Sir Baſil carried it, but by Mr. Long he ſhould get nothing.

Ladd ſaid, one Willis, who voted for Sir Baſil, ſaid, rather than Mr. Long ſhould ſit in the houſe of commons, he would have ſomebody go up, and ſay any thing.

Zaly ſaid, that White (who was for Sir Baſil) offered him five pounds, if, after he had voted for Mr. Long, he would ſay, Mr. Long had bribed him. Zaly had been a ſervant to White.

Head ſaid, Ady, one of the petitioner's voters, ſaid, it ſhould be 40 s. and upwards in his way, if he would be a witneſs againſt Mr. Long; and Chappel, another of the petitioner's voters, offered Gill ten pounds for an hogſhead of beer, if he would vote for Sir Baſil.

Gale ſaid, that Mr. Chappel would have had him gone to the fair, and bought ſome leather on Sir Baſil's account, but he refuſed it; and Ady told him, if he owed money, he would ſee it paid.

Upon the whole, the committee reſolved,

That Richard Long, eſquire, is duly elected a burgeſs, to ſerve in this preſent parliament for this borough: which was agreed to by the houſe.

Feb. 17, 1700. A petition of Edward Montague, eſquire, was read; ſhewing, that the Lord Mordaunt, William White, eſquire, and the petitioner, were candidates at the laſt election for this borough; and tho' the Lord Mordaunt was under the age of 21 years, the bailiff of the ſaid borough hath returned him, in prejudice of the petitioner, who was duly choſen: and praying the conſideration &c.

Ordered, that the matter of the ſaid petition, touching the nonage of the Lord Mordaunt, be heard at the bar, on the 24th of March next: and that the conſideration of the merits of the election be referred to the committee, to examine, and report with their opinion.

March 24. The counſel were called in, to be heard on the petition of Edward Montague, eſquire, touching the election for this borough, in regard to the nonage of Lord Mordaunt, returned for the ſaid borough; and they were heard both for the petitioner, and the ſaid Lord Mordaunt; and divers witneſſes were examined for both parties: and then the counſel and witneſſes withdrew.

Reſolved, that it appears to this houſe, that John Lord Mordaunt was of the age of 21 years on the 4

4th of January, 1700, being the time of the election of the ſaid Lord Mordaunt for the borough of Chippenham, in the county of Wilts.

Dec. 1, 1710. A petition of Francis Popham, junior, was read; ſhewing, that at the laſt election of burgeſſes, to ſerve in this preſent parliament for this borough, Sir James Long, Joſeph Aſh, eſquire, and the petitioner, were candidates: that by notorious bribery, and other illegal practices of Mr. Aſh, and his agents, ſeveral were hindred from voting for the petitioner; and ſeveral unqualified perſons were admitted to vote for Mr. Aſh, who is returned with the ſaid Sir James Long, though the petitioner was duly elected, and ought to have been returned inſtead of Mr. Aſh: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

March 10. Ordered, that it be reported on Monday next.

12th. Ordered, that it be reported on Saturday next.

17th. Mr. Freeman reported, from the ſaid committee, the matter of the ſaid election: That the right of election was agreed to be in the bailiff, burgeſſes, and freemen, being occupiers of burgage-houſes—The poll was, 63 for Mr. Aſh—42 for the petitioner.

That Mr. Popham excepted to 30 of Mr. Aſh's votes for bribery, and two for minority; and called,

Edward Barnett; who ſaid, that in January, 1709, Mr. Aſh ſent for ſeveral of the voters to his houſe; and, without any application on their parts, advanced them three pounds, and took notes for the money: that Joſeph Brown, and William Lovelock, who voted for Mr. Aſh, and the witneſs, who voted againſt Mr. Aſh, had each of them three pounds from Mr. Aſh: that nothing was ſaid of any election, or of any lending, or borrowing, the money; but Mr. Aſh aſked, if they would accept of that ſum, as others had done.

Tuck ſaid, that a conſiderable time before the election, he heard 25 of Mr. Aſh's voters (whom he named) tell Mr. Popham, that they could not vote for him, becauſe they had received three pounds each of Mr. Aſh, and they could not go from it; elſe, a great many of them ſaid, they would be for Mr. Popham.

Billet ſaid, he was invited, about a year ſince, to Mr. Aſh's by his ſervant, where were eight or nine other voters: they were treated there; and the ſitting . . . . without any application to him, paid them three pounds each, and took their bonds for their money in his nephew Mr. Gouldney's name: that nothing was then ſaid of an election; but they took it, that they were to give their voices for the money: that three or four days before the election, Mr. Aſh aſked their votes, and told them how kind he had been to them; and ſaid, if any body would give more, he would give more too:

That Farr, Thomas Ruſſell, Godwin, and John Ruſſell, had three pounds each from Mr. Aſh, and gave their bonds for it; and, about a fortnight before the election, had their bonds burnt for their votes; and they ſaid, they would not vote for Mr. Aſh till that was done.

Vennell ſaid, that a little before the election, the ſitting-member aſked him, if he would not do as his neighbours did; and thereupon paid him three pounds from the ſitting-member, and gave bonds for the money in the ſame manner; . . . . had their bonds burnt for their votes for him.

Humphrey Paul ſaid, he had three pounds without a bond.

Edwards ſaid, that a little before the election, he, and one Ladd, one of Mr. Aſh's voters, had three pounds each; and gave bond for it in Gouldney's name: that Gouldney deſired his vote for Mr. Aſh, and burnt the bond; and Ladd offered him ten pounds, not to be a witneſs againſt Mr. Aſh.

Mr. Brunſden ſaid, he heard (in the latter end of Auguſt laſt) that Bond, and ſeveral others of Mr. Aſh's voters, own, they had three pounds each of Mr. Aſh.

Hatter proved a certificate, that Emmet was baptized on the 7th of Auguſt, 1691.

Wheatly owned, he was a minor.

To prove bribery for Mr. Popham, the counſel for Mr. Aſh produced a ſettlement made by Mr. Popham's anceſtor, 1654; whereby a charity of 6 l. is ſettled and appointed to be annually diſtributed to the freemen or free burgeſſes of the borough, to be nominated by the heir of the family, and in default thereof, by the bailiff and corporation of this borough. In anſwer, Mr. Popham's counſel alledged, the petitioner is not heir, his father being living; and the bailiff and corporation diſpoſe of it, as they pleaſe.

For Mr. Aſh, was called Hodſon, who ſaid, the petitioner aſked his vote; and ſaying he was engaged, aſked if he had not received kindneſs of the family? and he ſaid, no.

Tuck, one of the managers for the petitioner, told James Ladd, if he would not vote, he ſhould not have any of Mr. Popham's charity; and the night before the election, treated ſeveral voters on both ſides; but the petitioner was not preſent.

That Edwards, who voted for Mr. Popham, declared two or three nights before the election, he would vote for him, who would give the beſt penny.

Scot ſaid, Tuck told him, the diſpoſal of the charity was in the Pophams, and not in the bailiff; and he might depend upon it, none ſhould have it, but ſuch as voted for Mr. Popham.

Reynolds ſaid, the petitioner often aſking his vote, he told him, Mr. Aſh had been his friend; and the petitioner warned him out of his houſe the day before the election; the petitioner replied, whatever Mr. Aſh had done, he would double the ſum; and therefore voted for Mr. Popham: that he had 3 l. a year ſince, of Mr. Aſh, and gave bond for it, and then his vote was aſked: being aſked again, ſaid his vote was not aſked; and ſaid, Mr. Long offered to repair his houſe, and cloath his family, if he would vote for the petitioner.

Upon the whole, the committee reſolved,

That Joſeph Aſh, eſquire, is not duly elected a burgeſs to ſerve in this preſent parliament for this borough.

That Francis Popham, junior, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for this borough: Which, being read twice, were agreed to by the houſe.

March 5, 1713. A petition of Sir James Long, baronet, was read; ſhewing, that at the election for this borough, the petitioner, John Norris, and John Eyles, eſquires, were candidates: that Mr. Eyles was a ſtranger to the borough; but, by bribes, threats, &c. procured himſelf to be returned with Mr. Norris, though the petitioner had the majority, and ought to have been returned: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

March 26, 1715. A petition of John Baynton, and John Norris, eſquires, was read; ſhewing, that the petitioner, with John Eyles, and Giles Earle, eſquires, were candidates for this borough, where the petitioners were duly elected by a majority of legal votes; but the ſaid Mr. Eyles, and Mr. Earle, by illegal and unwarrantable practices of the bailiff of the ſaid borough, procured themſelves to be returned; whereby the petitioners are deprived of ſerving as members for the ſaid borough, and in juſtice ought to have been returned: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter thereof, and to report the ſame, with their opinion.

Jan. 28. Ordered leave to be given to withdraw the ſaid petition.

April 12, 1720. Ordered a warrant for a new writ to elect a burgeſs for this borough, in the room of Giles Earle, eſquire, made Clerk-comptroller of the houſhold.

Feb. 8, 1722. A petition of John Pit, eſquire, was read; ſhewing, that at the late election of a member to ſerve in parliament for this borough, in the room of Edward Rolt, eſquire, deceaſed, Thomas Boucher, eſquire, and the petitioner, were candidates: that the petitioner was duly elected by a majority of legal votes, and ought to have been returned; but the ſaid Mr. Bouchier, by notorious bribery and other illegal practices, hath procured himſelf to be returned a burgeſs for the ſaid borough, in prejudice of the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter thereof, and to report the ſame, with their opinion.

Jan. 22, 1723. The ſame petition again read; and referred, in like manner.

CHIPPING-WICCOMBE.

THIS borough is ſituate in the county of Bucks, and was ſummoned to ſend repreſentatives to parliament from the 28th of Edward I.

Br. Parl. Rediviv. 192.

4 Regiſt. 1158.

Willis, Not. vol I. 94.

The precepts were directed at firſt to the bailiffs of the liberty of the honour of Wallingford, who made no return to the ſheriff's precept in the 28th and 30th of Edward I. and in the 2d and 4th Ed. II. as it is ſet out in the *Brevia Parliamentaria Rediviva*; but, in the Regiſter the names, of the repreſentatives for thoſe years, are inſerted in the liſt. Dr. Willis writes, the ſtewards of this liberty made the returns during the reigns of Edward the firſt and ſecond, and in the beginning of Edward the third.

Ib. 95.

Br. Parl. Red. 289

Br. Parl. 1 Ed. VI.

Ib 6 Ed. VI.

It was incorporated, as the Doctor apprehends, in Edward the fourth's time. The returns about the middle of that reign were in the name of the mayor; and before that time, they were between the ſheriff and burgeſſes: but it appears, that the return in the 12th of Edward the ſecond was by Ralph de Brehull, bailiff of the honour of Wallingford; yet I find that the returns, in the 12th and 17th of Edward the fourth, were made by 12 perſons (as they are named in the returns) and no mention made of any aſſent or authority by, or from, others. But in the 1ſt of Edward the ſixth, the return is thus. *Hæc indentura teſtatur, &c. quod major et burgenſes unanimi aſſenſu et conſenſu eligerunt, &c. In cujus rei teſtimonium major et burgenſes ſigillum ſuum appoſuerunt:* and in the 6th of Edward the ſixth, *Quod major, ballivi, et burgenſes unanimi eligerunt, &c. In cujus rei teſtimonium major, ballivi, et burgenſes ſigillum ſuum appoſuerunt.* It was the firſt borough in the county repreſented in parliament. The memoirs relating to its elections and repreſentatives, concerning their ſeats in the houſe, are as follow.

Willis, ut ante.

May 3, 1660. Mr. Turner reported from the committee touching the double return for this borough, the caſe of Thomas Scot, eſquire, who is returned by one indenture to ſerve for the ſaid borough.

A debate ariſing——Reſolved, that the debate on the ſaid report be adjourned till the morrow: but it did not then come on.

5th. Mr. Turner reported from the committee, the matter touching the ſaid returns, that, upon examination of the fact, it appeared to the committee, that Richard Brown, eſquire, returned by one indenture, had more voices, of perſons capable to elect burgeſſes, than Thomas Scot, eſquire, who is returned by another indenture; and the opinion of the committee is, that the ſaid Mr. Brown is duly elected, and ought to ſit: with which the houſe agreed.

Ordered, that the clerk of the Crown in Chancery, do attend at the bar of the houſe, with the return of this borough on Monday morning next; and that the mayor of this borough do then attend, in order to the amendment of the ſaid return. They were not then called in.

9th. The houſe being informed, that the mayor of this borough, and the clerk of the Crown were at the door; they were called in: and the mayor did, at the bar of the houſe, amend the return for this borough; and inſert the name of Mr. Brown in the indenture, inſtead of the name of Mr. Scot.

Ordered, that the mayor of this borough be committed to the ſerjeant at arms attending this houſe; for his abuſe, in making a falſe return for this borough.

Feb. 18, 1672. A petition of Sir William Egerton, knight of the Bath, was read; complaining of an undue practice in one Mr. Lucas, who pretending himſelf to be mayor of this borough, had cauſed a diſturbance and interruption to be made in the election of a burgeſs to ſerve for this place; and by this means cauſed a double return to be made, in prejudice of the ſaid petitioner, who was duly elected, for this place, by the proper mayor.

Ordered, that it be referred to the committee of privileges and elections, to conſider the matter, and report the ſame, with their opinion.

A petition of Sir John Borlace, was read; alledging, he was duly elected a burgeſs to ſerve for this borough; and was, by indenture executed, duly returned by the proper mayor: that one Thomas Gibbons was ſet up in oppoſition to the rightful mayor, to diſturb the election.

Ordered to be referred in like manner.

March 15. Ordered, that the report be received on Monday morning.

17th. Sir Thomas Meeres reported, from the committee, the evidence and ſtate of the caſe touching the election and return for this borough, between Sir William Egerton, and Sir John Burlarcy *, and the votes of the committee thereupon; which were twice read; and upon the queſtion, ſeverally agreed to.

* Sic orig

Ordered, that the clerk of the Crown do attend, and take off the other return. Thus it is in the printed Journal; nor doth it appear how this matter was; but, when the return was amended, it appears as follows.

18th. The clerk of the Crown being called in, took off the return of Sir William Egerton for this borough, from the writ, and the ſame was cancelled at the table.

Jan. 7, 1673. A petition of John Shirley, and others, in the name of themſelves, and others the burghers, freemen, and inhabitants of this borough, complaining of the undue return of Robert Sawyer, eſquire, to ſerve for this borough; contrary to the right and cuſtom, and infringement of the liberties of the ſaid borough, being preſented, and delivered in the houſe;

Ordered, that it be referred to the committee of privileges to examine the matter, and report the ſame, with their opinion. No report appears.

May 30, 1685. A petition of Thomas Lewis, and William Serjeant, eſquires, touching the election for this borough, was read.

Ordered to be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion No report.

In the parliament ſummoned to meet on the 24th of Auguſt, 1698, John Archdale, a quaker, was elected for this borough; but not taking his ſeat in the houſe before a call of the houſe, in the month of January following, I find the proceedings thereupon as follow; viz.

Jan. 3, 1698. The houſe being called over, and the name of John Archdale, eſquire, being called as a repreſentative for this borough the ſecond time;

Mr. Speaker acquainted the houſe, that Mr. Archdale had been with him that morning; and delivered him a letter ſealed: which Mr. Speaker preſented to the houſe, and the ſame was opened and read, and is as follows; viz.

“ London the 3d of the $\overset{11}{\text{mo}}$ called January, 1698-9.”

“ SIR,

“ Upon the call of the houſe, it will appear that
“ I am duly choſen and returned to ſerve in parliament,
“ for the borough of Chipping-Wiccombe,
“ in the county of Bucks; and therefore I requeſt
“ of thee to acquaint the honourable houſe of commons,
“ the reaſon I have not as yet appeared;
“ which is, that the burgeſſes being voluntarily inclined
“ to elect me, I did not oppoſe their inclinations,
“ believing that my declarations of fidelity,
“ &c. might in this caſe, as in others where the
“ law requires an oath, be accepted: I am therefore
“ ready to execute my truſt, if the houſe
“ think fit to admit of me thereupon, which I do
“ humbly ſubmit to their wiſdom and juſtice; and
“ ſhall acquieſce with what they will be pleaſed to
“ determine therein: This being all at preſent, I
“ remain thy real and obliged friend,

“ JOHN ARCHDALE.”

Ordered, that the contents of the ſaid letter be taken into conſideration on Friday morning next.

Ordered, that Mr. Archdale do then attend.

6th. The houſe being informed that Mr. Archdale attended according to order, his letter to Mr. Speaker was again read:—and the ſeveral ſtatutes qualifying perſons to come into, and ſit and vote in this houſe, were read; viz. 30 *Car.* II. 1 *Will.* & *Mar.* and 7 & 8 *Will.* and *Mar*; and then the ſaid Mr. Archdale was called in, and he came into the middle of the houſe, almoſt to the table; and Mr. Speaker, by direction of the houſe, aſked him whether he had taken the oaths, or would take the oaths appointed to qualify himſelf to be a member of this houſe: to which he anſwered, that, in regard to a principle of his religion, he had not taken the oaths, nor could take them: and then withdrew.

Ordered, that Mr. Speaker do iſſue his warrant to the clerk of the Crown to make out a new writ, for the election of a burgeſs to ſerve in this preſent parliament for this borough, in the room of the ſaid Mr. Archdale; who hath refuſed to qualify himſelf to be a member of this houſe, by taking the oaths by law appointed for that purpoſe.

Oct. 26, 1702. A petition of Henry Lord Shelborne, was read; ſetting forth, that the petitioner was one of the candidates at the laſt election of members to ſerve for this borough, where a great number of qualified electors voted for the petitioner; but divers unqualified, were arbitrarily received by the mayor, to vote for Fleetwood Dormer, eſquire; whereby, and by many other undue practices, Mr. Dormer was returned, in prejudice of the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Jan. 20. Ordered to be reported on Tueſday next.

26th. Ordered to be reported on Thurſday next.

28th. Mr. Bromley reported the matter as it appeared; viz.

That upon the poll there was,

For Mr. Dormer 55,
For the petitioner 32.

That the right of election was agreed to be in the mayor, bailiffs, aldermen, and burgeſſes not receiving alms.

And the controverſy was only upon the manner of making burgeſſes.

For the petitioner it was inſiſted, that they ought to be made with the conſent of the major part of all the burgeſſes, duly ſummoned, and aſſembled in the common-hall; and alledged, that they ſhould take off ſo many voters from Mr. Dormer's poll, on account of their not being regularly made burgeſſes, as would give the petitioner a majority. It was objected, and evidence given, that 21 were made at a publick houſe, in January 1698, without notice and ſummons to ſeveral of the aldermen, or capital burgeſſes, and not at the town-hall, where all ſuch meetings ought to be held; and theſe voted for Mr. Dormer: that a proteſtation was produced, ſigned by ſeveral of the aldermen, complaining of this proceeding: that the making Mr. Wharton, and Sir Thomas Skipwith, was objected to, they being made at an entertainment of the mayor; as alſo the making alderman Shrimpton a burgeſs, who was made burgeſs, and alderman, the ſame day, and in like manner.

Mr. Dormer's counſel admitted the making the 21, and 3 others who voted for the petitioner. They ſaid they were made by the mayor, and ſeven others, who are a majority of the 15 in whom the ſole power is veſted to make burgeſſes: that ſome of the aldermen being diſſatisfied in their not being ſummoned, a court was called to meet on the 25th of February following, at the town-hall, in which all the forms were duly obſerved; and, at that meeting, thoſe preſent adjourned to the publick houſe, near the hall, and elected again thoſe burgeſſes, as appeared in the town book.

The town-ſerjeant proved the ſummoning (by the mayor's order) all the aldermen to this laſt meeting, and that the bell tolled, and notice was given, as uſual.

Bigg, and Barnes, one of the aldermen, and he, who was mayor, when theſe elections were made, proved the ſummoning to meet at the town-hall at the ſecond election.

In reply, it was obſerved, that the ſame perſons were the electors, and preſent at both elections, and no other: upon which the committee reſolved,

That Fleetwood Dormer, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for this borough.

The ſaid reſolution being read twice, was agreed unto by the houſe.

Nov. 18, 1707. Ordered, a warrant for a new writ, for electing a burgeſs for this borough, in the room of Fleetwood Dormer, eſquire, made a commiſſioner of prizes.

Oct. 24, 1722. A petition of Harry Waller, eſquire, was read; ſhewing, that at the election of a burgeſs, to ſerve in parliament for this borough, the right honourable the Lord Viſcount Shelburn, of the kingdom of Ireland, the honourable Charles Egerton, eſquire, and the petitioner, were candidates: that Mr. John Smales pretended to act as mayor of the ſaid borough, and has returned the ſaid Lord Viſcount Shelburn, and Mr. Egerton, although the petitioner was duly elected, and returned by the proper officer, who tendered a return of the ſaid Lord Shelburn, and the petitioner, to the ſheriff; who refuſed to accept the ſame, to the manifeſt prejudice of the petitioner, and the rights and privileges of the borough: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter thereof, and to report the ſame, with their opinion.

Nov. 23. Ordered, that leave be given to withdraw the ſaid petition.

Feb. 7, 1725. A petition of Harry Waller, eſquire, was read; ſhewing, that by virtue of a writ for electing a burgeſs, to ſerve in this preſent parliament for this borough, in the room of Charles Egerton, eſquire, deceaſed, a proclamation was made on Friday the 28th of January, 1725, by Richard Shrimpton, mayor of the ſaid borough, for an election to be made on Tueſday, the firſt day of February following, in the morning, at the town-hall of the borough: that the petitioner, at the requeſt of ſeveral voters of the ſaid borough, did offer himſelf a candidate at the ſaid election; and, with a great majority of legal voters, attended at the time and place, appointed by the ſaid proclamation; and the mayor's officers then attended as uſual, and continued ſo to do till after four o'clock in the afternoon; but the mayor did not come to the place of election, nor read any precept or proclamation there, but privately retired to a little room in the George inn, in the ſaid borough, kept by an agent of the honourable Charles Collyear, eſquire; where he, with others, ſigned an indenture, returning him duly elected: that, after ſuch long attendance, the petitioner, with ſome voters and gentlemen, went to the ſaid inn, and there requeſted the ſaid mayor to come to the hall, and proceed to a legal election; but he abſolutely refuſed ſo to do, giving them opprobious language, and bidding them be gone; though ſeveral of the aldermen and burgeſſes aſſured him, there was no diſturbance, or diſorder, in the leaſt: all which illegal and arbitrary practices, are not only injurious to the petitioner, but tend intirely to ſubvert the freedom of elections: and praying &c.

A petition of the aldermen, bailiffs, and burgeſſes, of the ſaid borough and corporation, on behalf of themſelves, and of the burgeſſes of the ſaid burgh, aſſembled on the 1ſt of February, 1725, was preſented to the houſe, and read; ſhewing, that the petitioners, according to proclamation made by Richard Shrimpton, mayor of the ſaid borough, did aſſemble together, in the town-hall of the ſaid borough, to vote for Harry Waller, eſquire, to be their repreſentative in parliament, in the room of Charles Egerton, eſquire, deceaſed; and there peaceably remained the beſt part of the day, in hopes of proceeding to an election; but the mayor, in an illegal manner, on a falſe and frivolous pretence, refuſed to come to the town-hall, though ſeveral of the aldermen and burgeſſes did require him ſo to do; but he abſolutely refuſed, and took upon him to proceed to a pretended election, in a little room at an inn, in the ſaid borough, where he returned Mr. Collyear; whereby the petitioners, who believe themſelves a legal majority, are unjuſtly deprived of the rights of voting: and praying &c.

Ordered, theſe petitions to be heard at the bar of the houſe on the 22d day of February inſtant.

22d. The houſe proceeded to the hearing the matter, touching the election for this borough:

And the counſel were called in:

And the petitions read; and the counſel on both ſides were heard; and examined ſeveral witneſſes, and then were directed to withdraw:

And the houſe reſolved,

That the honourable Charles Collyear is not duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

That the late election of a burgeſs, to ſerve in parliament for this borough, was a void election.

March 8, 1725. A petition of Harry Waller, eſquire, was read; ſhewing, that at the election of a burgeſs, on the 3d inſtant, to ſerve in parliament for this borough, in the room of Charles Collyear, eſquire, whoſe election had been declared void by the houſe, the petitioner, and Mr. Collyear, were candidates; and, upon calling over the liſt of all the voters by the town-clerk, an undoubted majority appeared, and voted, for the petitioner, who ought to have been returned; but Richard Shrimpton, mayor of the ſaid borough, partially admitted ſeveral perſons to vote for the ſaid Mr. Collyear, who never pretended to have any right of voting at any former election; particularly two perſons, whoſe votes were expreſly ordered by the mayor to be entered for Mr. Collyear, although they owned, they had no other authority than by an illegal charter of King James the ſecond: that the mayor was deſired by the petitioner to have the poll immediately caſt up, and declare who had the majority; but Mr. Collyear deſiring a ſcrutiny, the mayor ſaid, the candidates ſhould have it; but did not caſt up the poll, nor declare the majority, and immediately withdrew himſelf; and ſoon after, before any meeting for the ſcrutiny, declared, he was reſolved to return Mr. Collyear; and afterwards, on the ſame day, the mayor appointed a ſcrutiny; and it was agreed, that each candidate ſhould be aſſiſted with three perſons, which were named, to take the ſcrutiny; and, ſoon after the meeting, the mayor was deſired, on the petitioner's behalf, to produce the town-books, in which the names of all the electors were entered, as the only proper foundation upon which any juſt ſcrutiny could be taken; but the mayor abſolutely refuſed to produce thoſe books; Mr. Collyear inſiſting, that the mayor was the only judge who were the electors, and thereupon no ſcrutiny was made; upon which the mayor, Mr. Collyear, and others, went back to the town-hall, and there ſigned a return of Mr. Collyear; and, at the ſame time, one Marſhall, the poſtmaſter, was ordered by Mr. Collyear to read the proclamation againſt riots; which could be done with no other intent, but to diſperſe the electors, who were there aſſembled, purſuant to his Majeſty's writ, in a legal manner: all which arbitrary proceedings, of the ſaid Mr. Collyear, and his agents, are not only injurious to the petitioner, but a manifeſt violation of the freedom of elections: and praying &c.

Ordered, that the ſaid petition be heard at the bar of the houſe on Thurſday ſevennight.

That Mr. Shrimpton, mayor of this borough, do then attend.

12th. Complaint being made to the houſe, that the mayor of this borough, having been ſerved with an order of this houſe, for permitting Harry Waller, eſquire, or his agent or agents, to inſpect the publick books, records, and publick writings, belonging to the ſaid borough, had refuſed to obey the ſame;

Thomas Hollinſhead, a meſſenger attending the houſe, who had ſerved the ſaid mayor with the ſaid order, was called in, and examined.

Reſolved, *nem. con.* that Mr. Richard Shrimpton, mayor of this borough, having refuſed to obey the order of this houſe, for permitting Harry Waller, eſquire, his agent or agents, to inſpect the publick books, records, and publick writings, belonging to the ſaid borough, be, for the ſaid contempt, taken into the cuſtody of the ſerjeant at arms attending this houſe.

Ordered, that Mr. Shrimpton, mayor of the ſaid borough, do forthwith cauſe the ledger-books, for entering the names of ſuch perſons as have been made free of the ſaid borough, to be delivered to the clerk of the houſe.

16th. Ordered, that the ſerjeant at arms, attending this houſe, do bring Mr. Richard Shrimpton, mayor of this borough, in his cuſtody, to attend the houſe to-morrow morning.

17th. The houſe proceeded in the hearing the matter of the ſaid election; and the counſel were called in, and the petition read; and the counſel for the petitioner were heard; and examined ſeveral witneſſes; and ſeveral entries in the town-books were read.

And the counſel for the ſitting-member were heard.

Reſolved, *nem. con.* that it appears to this houſe, that, in an entry of burgeſſes made of this borough on the 20th of March, 1717, there has been an eraſure lately made, and the name of Captain Pyet inſerted, without any legal authurity.

Reſolved, *nem. con.* that it appears to this houſe, that, in an entry of burgeſſes made at this borough, dated the 26th day of September, 1723, an eraſure has lately been made; whereby the name of David Shilfox, a burgeſs of the ſaid borough, is eraſed.

Reſolved, *nem. con.* that Sampſon Preſley, and John Widmer, who were admitted to vote at the ſaid election of a burgeſs, to ſerve in this preſent parliament for this borough, having no pretence to be burgeſſes of the ſaid borough, but under a charter of King James the ſecond, which was never accepted or inrolled, have no right of voting at electing of burgeſſes, to ſerve in parliament for the ſaid borough.

And Mr. Collyear was heard, and withdrew.

Reſolved, that Charles Collyear is not duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

Reſolved, *nem. con.* that Harry Waller, eſquire, is duly elected a burgeſs, to ſerve in this preſent parliament for this borough:

And ordered the return to be mended.

Reſolved, *nem. con.* that it appears to this houſe, that Mr. Richard Shrimpton, mayor of this borough, has been guilty of divers arbitrary, illegal, and partial proceedings, at the late election of a burgeſs, to ſerve in this preſent parliament for this borough; in violation of the freedom of elections of members to ſerve in parliament.

Ordered, that the ſaid Richard Shrimpton be, for the ſaid offences, committed to the priſon of Newgate; and that Mr. Speaker do iſſue his warrant accordingly. Alſo,

Reſolved, that Edward Marſhall, having preſumed to read the proclamation againſt riots, whilſt the burgeſſes of this borough were legally aſſembled, by virtue of his Majeſty's writ, for the electing a burgeſs to ſerve in this preſent parliament for this borough, without having ſufficient authority ſo to do, is guilty of an high infringement of the freedom of elections.

Ordered, that the ſaid Edward Marſhall be, for the ſaid offence, taken into the cuſtody of the ſerjeant at arms attending this houſe.

CHRIST-CHURCH.

THIS is an antient borough in the county of Hants; and, as Dr. Willis writes, was ſummoned in the 35th of Edward the firſt, and the 2d of Edward the ſecond: but there were no returns made to thoſe ſummons. Mr. Prynn has given no liſt of any burgeſſes, or taken any notice of it, in the Regiſter; but, in the *Brevia Parliamentaria Rediviva*, admits the latter ſummons; and agrees it made no return; nor did it after return, till the 13th of Queen Elizabeth: from which time I ſhall begin the memoirs of its repreſentatives and elections.

Willis, 1749. 49. See Andover.

B. P. R. 210.

April 6, 1571. This day Mr. Treaſurer, Mr. ſerjeant Manwood, Geffrie and Lovelace, Mr. Fletman, Mr. Bell, and Mr. Mounſon, were appointed to confer with Mr. Attorney, and Mr. Sollicitor, about the return of the burgeſſes or this, and other boroughs; for that the ſame returned no burgeſſes the laſt parliament.

D'Ewe's Journal, p. 156.

9th. Report was made of the validity of burgeſſes; and ordered, by Mr. Attorney's aſſent, that the burgeſſes ſhould remain according to their returns; for that the validity of the charters of their towns is elſewhere to be examined, if cauſe be.

Ibid. p. 159.

March 24, 1680. A petition of Thomas Hooper, eſquire, was read, touching the election for this borough.

Ordered to be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

March 28, 1690. A petition of Thomas Hooper, and Thomas Dore, eſquires, was read; ſetting forth, that the petitioners were duly elected, by the majority of qualified voices for this borough; but John Stevens, gentleman, now mayor of the ſaid borough, has illegally returned William Etterick, and Francis Gwyn, eſquires: and praying relief &c.

Ordered to be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Oct. 15. The petition aforeſaid was renewed, and referred in like manner.

Nov. 2, 1691. The petition aforeſaid was renewed, and referred in like manner.

9th. Ordered, that Thomas Dore, and Thomas Hooper, eſquires, be at liberty to withdraw their petition, touching the election for this borough.

Dec. 2, 1710. A petition of Peter Gery, eſquire, was read; ſhewing, that the petitioner, and William Etterick, eſquire, were duly elected burgeſſes, to ſerve in this preſent parliament for this borough: but Mr. Stephens, the mayor, refuſed to poll the petitioner's voters; and hath returned Peter Mew, eſquire, with Mr. Etterick, in wrong of the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Oct. 25, 1722. A petition of William Goldwyer, Samuel Hookey, Joſhua Stevens, John Hancock, Thomas Jeanes, and John Burſey, burgeſſes of this borough, in behalf of themſelves, and divers other burgeſſes of the ſaid borough, was read; ſhewing, that this borough is a borough by preſcription; and did antiently conſiſt of a mayor, burgeſſes reſident in the ſaid borough, out-burgeſſes, and inhabitants, called the populace: that, annually, the mayor, and inn-burgeſſes, did aſſemble in their town-hall; and there . . . to nominate three perſons of their body, to be preſented to the inhabitants, or populace, for them to chooſe one for mayor for the enſuing year; which mayor hath been conſtantly ſworn into his office at the following Michaelmas court-leet, held for the borough and manor: that John Stevens was duly elected mayor, and expected to have been ſworn in, according to the conſtant uſage of the ſaid borough; but, by the contrivance of ſome of the burgeſſes and inhabitants, with the lord of the leet and his ſteward, no court was held as uſual: that in April a court-leet was held, and the ſaid John Stevens did appear there, and was preſented as mayor, and demanded to be ſworn, and was refuſed by the ſteward: that James Stevens, who was mayor the year next preceding, and preſent at the election of the ſaid John Stevens, gave up his accounts, as uſual, at the end of the year, and did never act afterwards: notwithſtanding, ſome few burgeſſes met in the ſtreet, and there put Francis Gwyn, eſquire, on nomination for mayor for the year enſuing; and he was ſworn mayor at the next Michaelmas-court, and made one James Colgill his deputy: that the court of King's-Bench was moved, in the nature of *quo warranto's*, againſt the ſaid Francis Gwyn, and James Colgill; the ſame were tried, and granted at the bar in the ſaid court, when a verdict was given againſt them; and confeſſed judgment; and judgments were entered againſt them: that, notwithſtanding the judgments . . . . the ſaid Mr. Gwyn, and Colgill, the ſaid Colgill preſumed to act as mayor; and he, with ſome few of the burgeſſes, proceeded to elect Mr. John Williams for mayor; who took upon him to act, and appointed one Richard Holloway his deputy: that a precept from the ſheriff of the county of Southampton, for electing members to ſerve in parliament, came to the hands of the ſaid Holloway; who, in an indirect way, proceeded to the election: that the ſaid Mr. Williams appeared in perſon, as mayor, at the ſaid election; and the petitioners finding him reſolved to make a return as he thought fit; and the petitioners, and their friends, proteſted againſt the proceedings of the ſaid mayor, or any return he ſhould make, and withdrew without giving their votes; notwithſtanding which, the pretended mayor proceeded in the ſaid election, and returned Francis Gwyn, eſquire, and Sir Peter Mews, knight, to repreſent the ſaid borough: and praying &c.

Sic origin.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter thereof; and report the ſame, with their opinion.

Jan. 21, 1723. Another petition of the aforeſaid William Goldyer, &c. to the ſame effect with the foregoing one, was read; and ordered, to be referred in like manner.

Ordered it be an inſtruction to the committee to hear the ſame on the 28th of February next.

Feb. 12. Ordered, leave be given to withdraw the ſaid petition.

March 6. A petition of Joſeph Hinxman, eſquire, was read; ſhewing, that the petitioner being a candidate for this borough, the 22d of February laſt, to ſerve in parliament for this borough, in the room of Francis Gwyn, eſquire, who lately made his election for the city of Wells; one James Bullock, who took upon him to act as mayor, with ſome new-made illegal burgeſſes, refuſed to admit the petitioner's voters into the town-hall, the place of election; and ordered thoſe that were in to withdraw before the precept was read; and then proceeded to the election, in a very illegal manner; yet a poll was demanded, and the petitioner had a majority of legal votes, and ought to have been returned as duly elected; but the ſaid Bullock hath returned Edward Prideux Gwyn, eſquire, in prejudice of the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter thereof, and to report the ſame, with their opinion.

A petition of Joſhua Stevens, John Hancock, John Burſey, Thomas Jeanes, and Samuel Hookey, burgeſſes of this borough, in behalf of themſelves, and divers other burgeſſes of the ſaid borough, was read; ſhewing, that the ſaid borough is a borough by preſcription, conſiſting of a mayor, burgeſſes, and inhabitants; and the mayor and burgeſſes have right to elect and ſend two members to parliament: that ever ſince the year 1718, there have been great controverſies and proſecutions at law, and before his Majeſty in council, touching the election of a mayor, who is the preſiding and returning-officer of members to parliament for the ſaid borough; and they have had no legal mayor ſince; but a writ lately iſſuing for the electing a member to ſerve in parliament in the room of Francis Gwyn, eſquire, one James Bullock, who pretended to act as mayor, got the precept, and appointed the 22d of February laſt for the election; fearing the ill conſequences of acting with the ſaid Bullock, and ſuch as had been pretended made burgeſſes ſince the ſaid controverſies; proteſted againſt the proceedings; but they went on, and took upon them to order the petitioners, and others, who would have voted for Joſeph Hinxman, eſquire, to withdraw; and have returned Edward Prideux Gwyn, eſquire, as duly elected, though a poll was demanded, and Mr. Hinxman had a majority of legal votes, if any there were, and ought to have been returned: and praying &c.

Sic origi

Ordered, that it be referred to the committee of privileges and elections, to examine the matter thereof, and to report the ſame, with their opinion.

Ordered it be an inſtruction to the ſaid committee, that they do hear the matters of the ſaid petitions on the 26th inſtant.

Nov. 23, 1724. The petition of Mr. Hinxman to the ſame effect, was again read; and referred in like manner.

The following petition of the burgeſſes being different from that preſented in the laſt ſeſſion, and accepted by the houſe of commons, I have thought proper to inſert it.

A petition of Joſhua Stevens, John Hancock, John Burſey, Thomas Jeanes, and Samuel Hookey, burgeſſes of Chriſt-Church, Twynham, in the county of Southampton, in behalf of themſelves and divers other burgeſſes of the ſaid borough, was preſented to the houſe, and read; ſhewing, that the ſaid borough is a borough by preſcription, and did antiently conſiſt of a mayor, burgeſſes reſident in the ſaid borough, out-burgeſſes, and inhabitants called the populace, having a right to elect, and ſend two members to repreſent the ſaid borough: that on the 8th of September annually, the mayor, and reſident, or in-burgeſſes, did uſe to meet in their town-hall, and there nominate three of their body; the mayor preſiding, to be preſented to the inhabitants on the 14th of the ſame month, for them then to chooſe one of thoſe three for mayor for the year enſuing; which perſon nominated and choſen, had been ſworn into the ſaid office of mayor at the following Michaelmas court-leet: that, in 1718, one John Stevens was duly nominated and choſen mayor, according to the ſaid cuſtom, and expected to have been ſworn, as uſual, into the ſaid office for the year enſuing; but, by the contrivance of ſome of the burgeſſes and inhabitants, with the lord of the leet and his ſteward, no Michaelmas court-leet was held; and when a court-leet was afterwards held, in April 1719, by an unknown perſon as ſteward, the ſaid John Stevens offering himſelf, and being preſented by the jury to be ſworn into the office of mayor, he was refuſed to be ſworn, and the court broken up abruptly by the perſon that appeared as ſteward: that James Stevens, who was mayor, and preſided, as uſual, at the nomination, and election of John Stevens, in September 1718, for mayor for the year enſuing, gave up his accounts as mayor at the end of his year as uſual, and neither acted, nor pretended to be mayor afterwards; and in April 1719, died; ſo that from September 1718, there was no perſon who acted as mayor, or that could preſide, through the management and contrivance aforeſaid; notwithſtanding which, in September 1719, ſome few burgeſſes, being a minority of thoſe then living, met in the ſtreet, and there, without any mayor preſiding, nominated Francis Gwyn, eſquire, to be mayor for the enſuing year; and he being afterwards ſworn at the Michaelmas court-leet, nominated one James Colgill his deputy: that, thereupon informations, in the nature of *quo warranto's*, being granted againſt Mr. Gwyn and his ſaid deputy; the information againſt Mr. Gwyn was tried at the bar of the court of King's-Bench, in Michaelmas term 1720; and a verdict was obtained againſt Mr. Gwyn, and thereupon judgment confeſſed by Colgill; and judgments of Ouſter were accordingly entered againſt both: that afterwards, the petitioners and others, being burgeſſes and inhabitants of the ſaid borough, apprehending that the rights and privileges were intirely loſt; in order to reſtore the ſame, applied to his Majeſty, by petition, for a charter of incorporation; which petition was by order of council of the 6th of February 1720, referred to the then attorney and ſollicitor general; and Mr. Gwyn and his friends likewiſe petitioning, that the preſcriptive right of the borough, if loſt, might be revived by writ *mandatory*; that petition was likewiſe referred: that the attorney and ſollicitor-general, having been attended by council on both petitions, and on both ſides, reported, that the corporation was diſabled to act without his Majeſty's aid; and that they could not apprehend any difference between the diſſolution of a corporation, and an incapacity of acting; and upon the whole, for the reaſons given in their report, they repreſented it as the moſt adviſeable method, for his Majeſty, if he thought fit, to grant a charter of incorporation: that the ſaid pretended mayor, taking the votes of the ſaid new illegal burgeſſes, and of thoſe againſt whom judgement of Ouſter had been given, declared the ſaid Edward Prideaux Gwyn to have the majority, and returned him as duly elected: that the petitioners do likewiſe inſiſt, and doubt not but to prove, that the ſaid Joſeph Hinxman, eſquire, had a majority of legal votes, if any ſuch there were; and that he, if any one, ought to have been returned as duly elected to ſerve for the ſaid borough: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter thereof, and to report the ſame with their opinion.

CIRENCESTER.

THIS borough is within the county of Glouceſter. It doth not appear to be incorporated Willis, 1749. 2.
nor to have returned members before the 13th of Queen Elizabeth; at which time I ſhall begin with the memoirs of it.

April 6, 1571. This day Mr. Treaſurer, Mr. Servients Manwood, Geffrye, and Lovelace, Mr. Fleetwood, Mr. Bell, and Mr. Mounſon, were appointed to confer with Mr. Attorney and Mr. Solicitor, about the return of the burgeſſes for this and other boroughs, having returned no burgeſſes the laſt parliament; and to meet to-morrow in the afternoon at three of the clock in Mr. Treaſurer's chamber, at the court.

9th. Report was made of the validity of burgeſſes; and ordered, by Mr. Attorney's conſent, that the burgeſſes ſhall remain according to the returns; for that the validity of the charters of their towns is elſewhere to be examined, if cauſe be.

May 21, 1624. Mr. Glanville reporteth from the 1 Journal, 708.
committee of privileges for Cirenceſter, in Glouceſterſhire, againſt Sir William Maſters, returned, and Sir Maurice Berkeley unduly omitted.—After full hearing, four points reſolved: 1. That no conſent of parties, competitors, can alter the legal courſe of election. 2. Bird cleared from any undue courſe. 3. Where no cuſtom, or charter, to the contrary, the election to be made by all the houſholders. 4. Sir William Maſters duly elected. The ſaid Sir William Maſters had the greater number of inhabitants and freeholders.

Bird, being ſheriff of this county, and being preſent, and uſed by the bailiff as his clerk; this thought no miſdemeanor, nor he any intruder.

Upon the queſtion, no conſent of any competitor in any election, can alter the legal courſe of election.

For Bird; the houſe reſolved to leave him, and neither to clear him, nor cenſure him.

Upon a ſecond queſtion, in a borough not being a corporation, there being here no free burgeſſes, nor charter, nor cuſtom for election; the election to be made by the houſholders, and not only by freeholders.

Upon a third queſtion, Sir William Maſters duly elected, and returned.

July 18, 1660. Sir Edward Turner reports from the committee of privileges and elections, the caſe upon the petition for this borough: that, upon examination of the facts, it appeared to the committee, that * * * Powell, eſquire, who is returned in the ſame indenture with * * * Maſters, eſquire, concerning the validity of whoſe election there is no queſtion, had a greater number of voices than Mr. * * * George the petitioner; and that therefore they were of opinion, that the ſaid Mr. Powell is duly elected, and ought to ſit in the houſe: with which the houſe agreed.

Jan. 10, 1670. The petition of Sir Robert Atkyns, junior, was read; complaining of an undue return, made by the ſteward and bailiff of this borough, of one Henry Powle, eſquire, to ſerve as burgeſs for this place, in wrong of the petitioner, who was duly elected to ſerve for the ſame.

Ordered, that it be referred to the committee of elections to examine, and report the matter, with their opinion.

Feb. 21. Serjeant Charleton reported from the committee of elections the ſtate of the caſe, and the evidences, in the election for this borough, being in conteſt between Mr. Powle and Sir Robert Atkyns the younger; and alſo the ſtate of the matter, in relation to a diſturbance at the election: and that the committee, upon examination of the whole matter, were of opinion;

1. That the majority of the voices, of ſuch as had right of election, was for Mr. Powle.

2. That there was no ſuch diſturbance, or miſcarriage, as could make void the election.

3. That Mr. Powle was duly elected: in all which the houſe agreed.

May 23, 1685. A petition of Henry Powle, eſquire, touching the election for this borough, was read.

Ordered to be referred to the committee of privileges and elections to examine, and report the matter, with their opinion.

March 24, 1689. A petition of John How, eſquire, was read; ſhewing, that he was duly elected a burgeſs for this borough by the majority of qualified electors, and ought to have been returned by the ſteward of the borough, to whom the precept was directed; but he, by undue practices, hath returned Henry Powle, eſquire, and Richard How, eſquire, in injury of the petitioner: and praying conſideration &c.

Ordered, that it be referred to the committee of privileges and elections to examine, and report the matter, with their opinion.

Oct. 6, 1690. The ſame petition was renewed, and referred in like manner.

Nov. 1. Ordered to be reported on Tueſday next.

4th. Mr. Grey reported from the committee of privileges and elections the matter concerning this election: That the petitioner's counſel inſiſted, that the right of election was in all the inhabitants of the ſaid borough, who did not receive alms of the pariſh:

For the ſitting-members, That the right was in the inhabitants; but excluſive, as well of all that received charitable donations given to the poor of the ſaid borough, as of thoſe who received pariſh alms:

That the poll was taken of all perſons who offered themſelves promiſcuouſly; and the numbers were,

For Mr. Powle ——	340,
For Mr. Richard How	323,
For Mr. John How	409:

That the determining of the election depended upon the ſettling the qualifications of the voters; and the great queſtion was, Whether thoſe who received a certain charity, called by-money, ſhould be allowed to have good votes? as to many of whom it only appeared, that it was received only by their wives:

That the nature of this charity is thus; It is a certain yearly charity given to this borough, and diſtributed by the churchwardens and overſeers of the poor to ſuch as do not receive alms of the pariſh, or pay to the poor: for which the donor hath provided, that the churchwardens and overſeers ſhould receive 6 s. and 8 d. for their pains in diſtributing it; and it is ſometimes given to one, and ſometimes to another, by ſixpence and a ſhilling at a time:

That it did not appear that thoſe perſons, who received this charity, had been excepted to, but only at Lord Newburgh's election in King James's time, who was returned, and ſat; but there was a petition againſt him, which was withdrawn, and no determination thereupon. That, upon the hearing, the committee reſolved,

That the inhabitants of this borough, receiving a charitable donative called by-money, have not a right to vote, in electing of burgeſſes to ſerve in parliament for this borough.

That the inhabitants of the ſaid borough, being inmates, have not a right to vote, in electing burgeſſes to ſerve in parliament.

That Henry Powle, eſquire, is duly elected a burgeſs, to ſerve in this parliament for the ſaid borough.

That Richard How, eſquire, is duly elected a burgeſs, to ſerve in this parliament for this borough.

The 1ſt reſolution, being read a ſecond time, was, upon the queſtion, diſagreed to.

The 2d reſolution, being read a ſecond time, was agreed to.

The 3d reſolution, read a ſecond time,

Reſolved, that it be recommitted, for the ſumming up the poll between all parties.

Ordered, that the committee of privileges and elections do ſit on Thurſday next, in the afternoon, in the houſe, upon the matter recommitted as aforeſaid.

Ordered, that the ſteward of the town of Cirenceſter do attend the committee at the time aforeſaid.

8th. Mr. Grey reported from the committee of privileges and elections, That the committee had agreed on ſeveral reſolutions, as followeth; viz.

Reſolved, that it is the opinion of the committee, that they do not proceed to ſum up the poll, without hearing further evidence.

That the maſter of the rolls inſiſted, that he had not been heard as to his own particular caſe; and prayed to be heard thereupon: and thereupon it was reſolved,

That the houſe be moved to give leave to the ſaid committee, to examine farther evidence as to all the parties concerned in the ſaid election: to both which reſolutions the houſe agreed; and

Reſolved, that the ſaid committee do examine further evidence, as to all the parties concerned in the ſaid election.

Ordered, that the ſaid matter be heard on Tueſday fortnight next.

11th. Ordered, that the matter of the election for this borough be heard at the bar of this houſe on this-day-fortnight.

17th. Ordered, that the books of the overſeers of the poor for this town be forthwith left with the clerk of this houſe by John How, or ſuch other perſon as hath the ſame; that the ſame may be inſpected by the parties concerned, in the hearing which is to be at the bar, touching the election of burgeſſes to ſerve in parliament for this borough.

25th. The matter, touching the election of burgeſſes to ſerve in parliament for this borough, came on to be heard at the bar. The counſel for all the parties called in, and heard, and withdrew.

The queſtion was put, That Henry Powle, eſquire, is duly elected a burgeſs, to ſerve in this preſent parliament for this borough. It paſſed in the negative.

Reſolved, that Richard How, eſquire, is duly elected a burgeſs, to ſerve in this parliament for this borough.

Reſolved, that John How, eſquire, is duly elected a burgeſs, to ſerve in this parliament for this borough.

Ordered, that the clerk of the Crown do attend to-morrow morning, to amend the return for this borough.

Dec. 5, 1695. A petition of Henry Ireton, eſquire, was read; ſhewing, that the petitioner, being invited by divers of the inhabitants of this borough, to ſerve as a burgeſs for the ſaid borough in this preſent parliament, was a candidate with John Guiſe, Richard How, and John How, eſquires: that the ſaid Mr. Hows, or their agents, did, by threats and promiſes, both before, and at, the ſaid election, deter and corrupt divers qualified perſons from voting for the petitioner; and did inſiſt, and prevail, that other qualified electors, who voted for the petitioner, were rejected on the poll, to the great prejudice of the petitioner's right; by reaſon of which, and many other illegal practices, the ſaid John and Richard How were returned: and praying &c.

Ordered, that the ſaid petition be referred to the committee of privileges, to examine the matter, and report the ſame, with their opinion. No report.

Jan. 5, 1701. A petition of Henry Ireton, eſquire, was read; ſetting forth, that he was a candidate for this borough, and a majority of rightful voters did declare for the petitioner; but, by treating, and other illegal practices, of William Maſter, and Charles Cox, eſquires, who were alſo candidates, or their agents, and the delay of the bailiff, in the execution of the precept, the ſaid Mr. Maſter, and Mr. Cox, obtained a return, though a majority of rightful voters declared for the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Nov. 3, 1705. A petition of Charles Cox, eſquire, was read; ſhewing, that there is a double return made of burgeſſes, to ſerve in this preſent parliament for this borough: by one indenture, Allen Bathurſt, and Henry Ireton, eſquires, are returned; and by another, Mr. Bathurſt, and the petitioner, are returned, as ſuppoſing Mr. Ireton, and the petitioner, had an equal number of votes; though the petitioner had the majority, notwithſtanding Mr. Ireton, and his friends, did, by bribery, and other undue means, procure many votes; and kept by force ſeveral of the petitioner's voters from polling for him, to the petitioner's prejudice: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Ordered, that it be an inſtruction to the ſaid committee, that they hear the merits of the election, and the matter of the ſaid return, at the ſame time.

7th. A petition of Henry Ireton, eſquire, was read; ſhewing, that at the laſt election of members, to ſerve in the preſent parliament for this borough, the candidates were Allen Bathurſt, eſquire, Charles Cox, Thomas Onſlow, eſquires, and the petitioner: that ſeveral corrupt practices were uſed for obtaining votes for Mr. Bathurſt, and Mr. Cox; the ſteward and bailiff of the ſaid borough behaving themſelves very partially, at the time of taking the poll; and yet the petitioner had a great majority of legal votes, above any of the other candidates: notwithſtanding which, the ſaid ſteward and bailiff have, by one indenture, returned Mr. Bathurſt, and the petitioner; and, by another indenture, Mr. Bathurſt, and Mr. Cox, in prejudice to the petitioner; although the ſteward and bailiff were well informed, that Mr. Bathurſt was a minor: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

15th. The houſe being informed, that Charles Cox, eſquire, who was returned in the double return for this borough, and petitioned, complaining thereof, deſires to withdraw his ſaid petition, and not to conteſt the matter with Henry Ireton, eſquire, returned alſo in the ſaid double return; and that the ſaid Mr. Ireton alſo, thereupon, deſires leave to withdraw his ſaid petition, which complained alſo of the ſaid return and election:

Ordered, that the ſaid Mr. Cox, and Mr. Ireton, be ſeverally at liberty to withdraw their ſaid petitions; and the return of Mr. Cox be taken off the file.

Nov. 27, 1708. A petition of ſeveral of the inhabitants of this borough, in behalf of themſelves, and others of the ſaid borough, was read; ſhewing, that at the late election of burgeſſes, to ſerve in the enſuing parliament for this borough, Thomas Onſlow, Charles Cox, and Allen Bathurſt, eſquires, were candidates: that by notorious bribery, and other undue practices, of Mr. Bathurſt, Mr. Cox, and their agents, and Mr. Robert Brereton, ſteward, and returning-officer, for this borough, they procured themſelves to be returned, in prejudice to the petitioners: and praying &c.

Ordered, that it be heard at the bar on the 31ſt of March next.

Nov. 16, 1709. The ſame petition was again read; and referred to the committee of privileges and elections, to be examined, and reported as before.

23d. Mr. Compton reported, from the ſaid committee, the matter relating to a variation in the ſaid petitions:—That the committee find, that the petition preſented the laſt ſeſſion was ſigned by John Curtis, and Edward Butler, and fourteen others; and the petition, preſented this ſeſſion, is ſigned by the ſame fourteen perſons, without the ſaid John Curtis, and Edward Butler.

Ordered, that the ſaid committee do proceed to hear the matter of the ſaid petition, although the ſame be not ſigned by the perſons in the report mentioned, who ſigned the former petition.

After which, both parties deſiring that the matter might be heard at the bar of the houſe;

Ordered, that the ſaid committee be diſcharged from hearing the merits of the ſaid election for this borough.

Ordered, that it be heard at the bar of the houſe to-morrow fortnight.

Dec. 8. The houſe proceeded to the hearing the merits of the ſaid election, upon the petition of the inhabitants of the ſaid borough:

And the counſel on both ſides were called in; and the petition was again read, and the counſel heard thereupon; and ſeveral witneſſes were examined on both ſides; and the counſel and witneſſes withdrew.

Reſolved, that the inhabitants of the Abby, the Emery, and Spiringate-lane, not receiving alms, have a right to vote, in electing members to ſerve in parliament for this borough.

Ordered, that the further hearing the merits of the ſaid election be adjourned till Saturday morning next:

10th. The houſe proceeded in the further hearing the merits of the ſaid election: the counſel were again called in, and ſeveral witneſſes were examined on both ſides; and the counſel and witneſſes withdrew: and after being called in again, and ſeveral other witneſſes were examined; and the counſel on both ſides heard, it was reſolved,

That Allen Bathurſt, eſquire, is not duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

That Charles Cox, eſquire, is not duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

That the late election of burgeſſes, to ſerve in parliament for this borough, is a void election.

CLITHEROE.

THIS borough is ſituated in the county of Lancaſter. It never was repreſented in parliament till the firſt year of Queen Elizabeth; Willis, 1749. 30. ever ſince which time it has been ſo repreſented. The memoirs following, I have met with relating thereto.

Feb. 18, 1625. Sir Thomas Fanſhaw moveth, that a new writ may iſſue for the choice of a burgeſs for this borough in the room of Mr. George Kirke, who is a Scottiſh man, *ante-natus*, and not naturalized: Which was ordered accordingly.

July 16, 1660. Sir Edward Turner reported upon the return of Colonel William White, being, together with Sir Ralph Aſhton (concerning the validity of whoſe election there is no diſpute) returned for this borough; and the petition of William Hulton, eſquire; that, upon the examination of the fact, the queſtion was, Whether the freemen at large, or the free burghers ſeized for life, or in fee of borough lands or houſes there, have right to elect members to ſerve in parliament? and that, upon conſideration of the teſtimonies, and other evidence, produced on both parts, the committee were of opinion, That the ſaid free burghers, and not the freemen at large, have right to elect; and that the ſaid Mr. Hulton had a greater number of voices of the ſaid free-burghers, than Colonel White; and that therefore he is duly elected, and ought to ſit: to all which the houſe agreed.

It was moved, That Sir Ralph Aſhton might have leave to ſpeak again, at this time, to the ſaid buſineſs of this borough: but denied.

Ordered, that the clerk of the Crown do attend to-morrow, to amend the return.

Feb. 4, 1661. Serjeant Charleton makes report from the committee of privileges and elections, touching the election for this borough, That the committee had examined the matter, upon the petition of Mr. Pudſey, againſt the election of Sir Ralph Aſhton; and that the queſtion was upon the right of election, Whether ſuch freeholders, as had eſtates for life, or in fee; or the freemen at large, had the right of election? and the opinion of the committee, that, according to the judgment given in the laſt parliament, ſuch freeholders only, as had eſtates for life, or in fee, had the right of election: and that Mr. Pudſey had the majority of ſuch voices; and that Sir Ralph Aſhton's election was void; and that Mr. Pudſey ought to ſit in the houſe, as burgeſs for this town: all which, upon the queſtion, was agreed to by the houſe.

5th. The clerk of the Crown's deputy attended, and amended the return.

March 1, 1676. A petition of Sir Ralph Aſhton, baronet, was read; complaining of the election of Sir Thomas Stringer to ſerve for this borough, in injury of the petitioner; who was duly elected, and ought to have been returned.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

May 31, 1678. The ſame petition was again preſented; and referred in like manner.

Dec. 5, 1693. A petition of John Weddal, eſquire, relating to the election of a burgeſs to ſerve in this preſent parliament, was preſented to the houſe.

Ordered, that the ſaid petition do lie on the table.

Dec. 15. A petition of the bailiffs and burgeſſes of the corporation of this borough, was read; ſetting forth, that, on the 24th of November, the high-ſheriff of Lancaſhire came to this borough, and ſent for the petitioner John Liſter, the in-bailiff, and told him he had a precept for the bailiffs to elect a burgeſs for parliament in the room of Anthony Parker, deceaſed; and ſaid he was informed that Mr. Manwaring (then with him) and Mr. Liſter were the bailiffs; but Mr. Liſter told him, that he was one of the bailiffs, and Mr. Manwaring was not: yet the ſheriff delivered the precept to Mr. Manwaring, who is a minor; was not duly elected, and never ſworn bailiff: that Liſter demanded the writ, but was denied to have it, or to hear it read: that afterwards a paper was affixed to the croſs, importing there ſhould be an election on the 30th of November; and the petitioners, the bailiffs, cauſed notice thereof to be given to the foreign burgeſſes to attend: that accordingly the electors did attend; but, before the hour appointed for the election, the Lord Willoughby, Fitton Gerrard, eſquire, and others who are no members of the corporation, came with Mr. Manwaring to the town-hall; and without reading the precept, or calling the court of election, they, by a ſtranger, adjourned all electors to the ſhambles, juſt as the bailiffs, and many others, were coming into court; who demanded that the precept might be read, which was not done: that the ſaid Mr. Liſter attended at the ſhambles; and forthwith after reading the writ, adjourned all the electors to the town-hall, whither moſt of them repaired, and there they did duly elect John Weddal, eſquire; that, within an hour after, the ſaid bailiffs and burgeſſes did execute an indenture, and tendered a counter part to be executed by the high-ſheriff, which he refuſed to ſeal: that the petitioners have herewith ſent the return, which they tendered to the ſheriff, which is all they can do for returning their repreſentative: and praying the judgment of the houſe in the premiſes.

And the petition of John Weddal, eſquire, which was formerly ordered to lie upon the table, was read; ſhewing, that, on the 30th of November laſt, he was duly choſen by the rightful electors, a member of parliament for this borough, in the room of

Anthony Parker, eſquire, deceaſed; and was returned ſo by indenture under the ſeal of the ſaid corporation, the high-ſheriff of Lancaſhire refuſing to make the return; but has unduly returned Filler Gerrard, eſquire: and praying the conſideration of the houſe, &c.

Ordered, that the examination and conſideration of the ſaid petitions be referred to the committee of privileges and elections, and to report the ſame with their opinion.

January 9. Ordered, that the hearing touching the election for this borough, before the committee of privileges and elections, be put off from Friday, till Monday next.

29th. Ordered, that the report be made on Friday next.

Feb. 2. Mr. Bowyer, according to order, reported, that the committee had examined the merits of the election.

It was agreed on both ſides, that the right of election was in burgeſſes and freemen.

The burgeſſes were ſuch as had, in any lands or houſes in the borough, an eſtate of freehold or inheritance: and they were of two ſorts: out-burgeſſes, that lived out of the borough; and in-burgeſſes, that lived in the borough, and had ſuch eſtate in houſes or land there; and both theſe had right of electing.

The freemen were ſuch as lived in the houſes within the borough as tenants; and they had right of electing when the landlords did not vote for theſe houſes; but when they did, the tenants had no right of electing.

It was likewiſe agreed, that they had every year a jury of inquiry, and kept on foot for ſome time of the year, to enquire into this right of burgeſſes and freemen; and, upon their finding of it, the perſon ſo found was entered in a book, called the call-book, and ſworn; and out of this jury the bailiffs were choſen.

It was alſo agreed, that Mr. Roger Manwaring, the bailiff who returned Mr. Gerrard, was found a burgeſs by that jury, and entered in the book and ſworn: that there are two bailiffs; one called the out-bailiff, choſen by the out-burgeſſes; and the other the in-bailiff, choſen by the in-burgeſſes; and that the out-bailiff is the chief, and hath the precedency.

For the petitioner it was objected,

That Mr. Manwaring was not duly choſen bailiff, having been put up with Mr. Wilkinſon the petitioner's uncle, who had equal votes, and was ſworn in; and Mr. Manwaring never ſworn, being a minor under 21 years of age.

To prove which was produced, an extract of the regiſter book of Swetnam; by which it appeared he was chriſtened the 19th of January, 1673; neither did he ever act as bailiff, but in this election.

That the whole number of electors at the time of the election was 85 burgeſſes and freemen, and upon the poll taken before Liſter and Wilkinſon, the bailiffs in the town-hall (which is the proper place for making the election, and to which place the in-bailiff Liſter adjourned from the ſhambles, where the ſitting-member's poll was taken) and that upon the poll the petitioner had 26 burgeſſes and 19 freemen, 45 in all; and none voted there for any body but the petitioner; but a place was left for thoſe who would have voted for any body elſe. After the poll was ended, one proclamation was made, that all who had right to vote ſhould come: that afterwards the petitioner was declared by the bailiffs; and an indenture drawn up and ſigned by the bailiffs and the electors, and ſealed with the common ſeal of the borough, according to cuſtom; and tendered to the ſheriff to be annexed to the precept; who told them he had annexed to it another indenture before, whereby Mr. Gerrard was returned. This was proved by the town-clerk and two other witneſſes.

The town-clerk alſo ſaid, that he was offered by Captain Crofts ſomething worth five guineas, if he would vote for Mr. Gerrard; but had nothing given him; nor voted for him, but for the petitioner.

Nowell ſaid, he ſaw Mrs. Parker offer an elector 40 ſhillings to vote for Manwaring the bailiff, and Mr. Gerrard.

But, on behalf of Mr. Gerrard, it was ſaid, this Nowell was a thief and had ſtole ſhoes; and Mrs. Parker denied the offer, and ſaid Nowell was her chairman, and that the other chairman was arreſted by means of the petitioner, and thereby hindered from being here to teſtify this, as he ſent her word.

On Mr. Gerrard's behalf, it was teſtified, that Mr. Wilkinſon, having a great power in the borough, not only got votes for being bailiff, by treating the burgeſſes and freemen, but got ſubſcriptions of them for the petitioner's being recorder; and ſwore him in at a tipling-houſe, without due election, in order to his being a member of parliament.

That the jury of enquiry was diſcharged by a note under the hand of one of the bailiffs, when ſeveral burgeſſes and freemen were ready to tender themſelves, to make out their right to be ſworn; whereas the jury never uſed to be diſcharged but by both bailiffs. That indirect means were uſed to hinder the jury from meeting for this purpoſe; and thereby Mr. Bradſhaw, and others, were hindered from being found by the ſaid jury, and ſworn, and put in the call-book; and thereby deprived of their votes at the election for members of parliament: This was ſaid by Bradſhaw, and Edmund and John Robinſon, who likewiſe teſtified the fairneſs of Mr. Gerrard's electors; viz. that the ſheriff, when he came to town with the precept, called both the bailiffs together, both Manwaring and Liſter, and told them his buſineſs; and without any contradiction of Liſter, who was the in-bailiff, gave the precept to Manwaring, who was out-bailiff, and had the precedency. That then it was agreed, the election ſhould be on the 30th of November, and papers were put up in the ſtreet; though afterwards countermanded by Liſter. That on the election day, both the bailiffs did meet in the town-hall; but, becauſe there was ſo great a crowd, Manwaring by his clerk, who was then an officer in the town, adjourned to an open place called the Shambles, read the precept, and then proceeded to the poll; wherein Mr. Gerrard had 45 votes, and Mr. Pudſey one, but none for the petitioner; and after the poll was over, proclamations were made regularly, and Mr. Gerrard declared; and an indenture ſealed and annexed to the precept. That Mr. Wilkinſon had the common ſeal, and refuſed to let them have it to put to the indenture. That Mr. Manwaring had often demanded to be ſworn, but was refuſed. That the adjournment from the ſhambles to the town-hall, after the precept . . . read, was without proclamation by the cryer, but was by the bailiff himſelf.

That there were ſeveral exceptions to the freemen and freeholders on both ſides.

Mr. Gerrard's counſel excepted to Slater, and Brenand, who voted for the petitioner, becauſe their landlords voted for the ſame houſes.

For the petitioner, Frankland, who voted for Mr.

Gerrard, was excepted to, becauſe he had ſold his burgage before the election; to Nowell, becauſe an infant; to Colborn, a quaker, not ſworn; Wilſon, becauſe his landlord voted for his houſe; and three others, as not found by the jury, and ſworn: to which laſt it was anſwered, That it was their fault, that hindered the meeting.

Mr. Kenyon, a member, ſaid, he had known the borough long, and infants were not to be bailiffs and burgeſſes there.

Upon the whole, the committee reſolved,

That Fitton Gerrard, eſquire, was duly elected a burgeſs, to ſerve in this parliament for this borough.

The ſaid reſolution, being read a ſecond time, was, on a diviſion, diſagreed to by the houſe.

And John Weddal reſolved alſo not to be duly elected a burgeſs for this borough.

Reſolved, that the ſaid election of a burgeſs, to ſerve in parliament for this borough, is a void election.

Ordered, that Mr. Speaker do iſſue a warrant for a new writ, for electing a burgeſs for this borough.

A motion was made, That Thomas Rigby, eſquire, late ſheriff of Lancaſhire, be ſent for in cuſtody of the ſerjeant at arms. Diſagreed to.

Upon this writ a new election was made, and Chriſtopher Liſter, eſquire, and Fitton Gerrard, eſquire, were both returned: whereupon,

March 10. A petition of Chriſtopher Liſter, eſquire, was read; ſetting forth, that the petitioner was duly returned a member, to ſerve in this parliament for this borough, in the room of Anthony Parker, eſquire, deceaſed, in ſuch manner, as has always been the conſtant uſage of returning members to ſerve in parliament; and yet the ſheriff, by confederacy, and breach of truſt, hath received another indenture, which is ſigned by perſons who have no right to make any return, whereby Fitton Gerrard, eſquire, is returned a member; and hath annexed the ſame, together with the petitioner's indenture, to the precept, and returned the ſame into the Crown-office; by which double return, the petitioner is hindered to ſit in the houſe: and praying &c.

Ordered to be referred to the conſideration of the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

A petition of Fitton Gerrard was read; ſetting forth, that the petitioner is duly elected a burgeſs, to ſerve in this preſent parliament for this borough; and was returned, by indenture, to the ſheriff of the county; who alſo received another indenture of return, whereby Chriſtopher Liſter, eſquire, is pretended to be elected; and hath returned both the ſaid indentures into the Crown-office, to the great prejudice of the petitioner: and praying &c.

Ordered, that it be referred in like manner.

April 14, 1694. Ordered to be reported on Tueſday next.

17th. Mr. Bowyer reported, from the committee of privileges, the matter of theſe petitions.

The counſel could not agree who ſhould begin; which depended upon this queſtion, Whether the election, or return, ſhould be firſt proceeded on? whereupon, the committee ordered the right of election ſhould be firſt conſidered, and then the return.

The right of election was agreed, on both ſides, to be in the bailiffs, burgeſſes, and freemen: the burgeſſes were ſuch, as had eſtates of freehold, or inheritance, in houſes, or lands, within the borough. The freemen were the tenants of ſuch houſes, who were to vote, if their landlords did not; but if they did vote for theſe houſes, the tenants were not to vote for them.

For Mr. Gerrard were called,

Joſeph Wilkinſon; who produced a poll taken by himſelf at the election, being employed ſo to do by Mr. Morris, an agent for Mr. Gerrard; and this was examined by the poll taken by the order of the ſheriff, and found to agree: at the taking of which, all three of the bailiffs were by; and by both theſe polls, for the under-ſheriff's original was produced by the other ſide, Mr. Gerrard had 46 votes, Mr. Liſter 43.

Edward Robinſon ſaid, the under-ſheriff took the poll by the conſent of all parties; the town-clerk being excluded from doing it, as not having done it well the election before. The under-ſheriff came to town the ſame day the election was.

For Mr. Liſter, exceptions were taken to thirteen of Mr. Gerrard's voters: five, becauſe they were not found by the jury, and ſworn before the election; viz. four burgeſſes, and one freeman: one, becauſe his landlord voted for the ſame tenement: a burgeſs, for having ſold his tenement, and being ſtruck out before the election: another a quaker, and not ſworn: and two minors: and three for not paying burgage-rent, viz. 16d. a year. To prove it they called,

William Oddy, the town-clerk; who ſaid, he had been ſo ſix years, and known the town twenty years; and ſaid, it was the cuſtom, that no burgeſs, or freeman, ſhould vote, but thoſe found by the enquiry-jury and ſworn: that he has been at ſeveral elections, and never heard it diſputed: that this jury was diſmiſſed by one bailiff, before the former election, wherein Mr. Gerrard, and Mr. Weddal, were candidates; and no jury made till after the preſent election; but, ſince the election, there is a new jury: that it did not uſe to be diſmiſſed, but by both bailiffs. He alſo ſaid, that it was diſmiſſed before the day to which it was adjourned; but not till they petitioned to be diſmiſſed by Robinſon the foreman.

As to the perſons excepted againſt; he teſtified, that Henry Mallam, Henry Baniſter, Chriſtopher Hartley, and Henry Boocock, who voted for Mr. Gerrard as burgeſſes, and Richard Parkinſon as a freeman, were not found, nor ſworn: that John Wilſon, another freeman, who voted for Mr. Gerrard, Chippendale, his landlord, voted for his houſe: that R. Frankland, who voted for Mr. Gerrard, owned he had ſold his borough-hold before the election; and was ſtruck out of the call-book: that Richard Colborn was a quaker, and not ſworn: that Nowell, who voted for Mr. Gerrard as a burgeſs, was a minor at ſchool; and never knew any minor found or ſworn, but Manwaring, the preſent bailiff, about two years ſince, who is now bailiff, and voted for Mr. Gerrard: that he was ſworn in an alehouſe by the bailiff, and he was preſent; and another ſworn at the ſame time: that he doth not know what right Mallam, Baniſter, and Hartley, or Boocock, have; nor that they offered themſelves to the jury to be found.

Farrar and Wilſon ſaid, they had known the town, one twenty, and the other thirty years; and it was the cuſtom for none to vote in elections, but ſuch as were ſo found and ſworn; and never knew the cuſtom diſputed, or right claimed, by perſons not found and ſworn, till the laſt election: and Farrar inſtanced the caſes of two perſons, who had burgage-tenements, and did not vote, becauſe not found and ſworn; viz. Mr. Hammond, and Richard Groſden: Farrar alſo confirmed all that Oddy had ſaid, about the particular perſons objected to; and ſaid farther, that Slater, Dale, and Colthurſt, who voted for Mr. Gerrard, were burgeſſes, but paid no burgage-rent to the lord of the manor; and therefore, by the cuſtom, were excluded from voting at elections. But in anſwer, it was ſaid by Robinſon, that all who had been owners of theſe houſes before, had voted at all elections without objection; and the ſame was ſaid by T. Dugdale, and confeſſed by Farrar, a witneſs for Mr. Liſter.

For Mr. Gerrard it was anſwered, that this cuſtom was void, becauſe unreaſonable; as putting too much in the power of the jury, or bailiffs, to hinder whoever they pleaſed from voting, though never ſo well entitled.

Henry Bayly ſaid, one of the enquiry-jury owned to him, that they avoided meeting, on purpoſe that Mallam, and the others objected to for not being found, might not have an opportunity of being found, and ſworn; and there being eleven of the jury met, he abſented himſelf, that they might not have a jury: that the town-clerk owned to him, that Mallam, and the other *mandamus*-men, had a right; and declared, he would have entered them, had they come to him. He alſo teſtified, that they offered themſelves to the jury, and were refuſed; yet voted at the laſt election; and ſome had given votes at ſome late elections for bailiffs, but doth not know they did it before: believes they had their borough-holds ſince Mr. Parker's death: that they were received by one bailiff, but refuſed by another.

Robinſon ſaid, that he was foreman of the enquiry-jury: that Mallam, and the others objected to, have lands in the borough, and tendered their writings to the jury:

That Colebourn's right was found; and that he ſtill continues to have it, in all other things belonging to the borough: that Nowell is a man grown, has borough-hold, and tendered himſelf to the jury: that Frankland lives ſtill in the houſe, and ſo has right, till another be entered in the book by the cuſtom: that Parkinſon lives in a free-houſe, and has right, his landlord not voting.

Dugdale ſaid, John Wilſon was in another houſe at the time of the election, than what he now lives in; viz. an houſe of Sir Edward Alſton's, who did not vote: that he was poſſeſſed of the houſe from the 14th to the 23d of February, and was then turned out by Oddy, who broke open the door, and flung out his goods: but Farrar ſaid, he had not that houſe above an hour before he was turned out.

Mr. Gerrard objected to four who polled for Mr. Liſter; viz. Shuttleworth and Webſter, as reverſioners: Riddial; becauſe his landlord voted, and Woane for the ſame; which laſt was allowed by Mr. Liſter's counſel.

Robinſon ſaid, the two firſt were reverſioners of burgage-houſes, and two women had life-eſtates therein; but it was anſwered, that where women have eſtates for life, and cannot vote, there the reverſioners may: and Oddy proved this to be the cuſtom; and that theſe were found by the jury, and ſworn. Robinſon owned he was of the jury who found Webſter, and was for finding him, but is ſince better informed; and Dudley, another of Mr. Gerrard's witneſſes, owned he was alſo of the jury, but againſt finding him. Oddy ſaid, Slater, who voted for Mr. Gerrard, was a reverſioner, as well as thoſe who voted for Mr. Liſter. Robinſon likewiſe teſtified, that William Riddial, who voted for Mr. Liſter as a freeman, his landlord, Warren, choſe to vote for the ſame houſe; and that the landlord might chuſe the houſe he voted for, if he had other tenants: but this was denied by Farrar; who ſaid, landlords could not debar their tenants from voting, when they had other houſes to vote for.

Robinſon and Dudley ſaid, Mr. Nowell, who voted for Mr. Gerrard, was Woane's landlord.

Mr. Kenyon, a member, ſaid, that as to the cuſtom of being found by the enquiry-jury and ſworn; Mr. Manwaring was yet a minor; and that Mallam, and the other *mandamus*-men, bought their borough-holds to ſerve a turn, and Robinſon ſold them to them. Thereupon the committee reſolved,

That Fitton Gerrard, eſquire, is duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

After the counſel being called in, upon the matter of the return, Mr. Liſter declared to the committee that his witneſſes, who could prove his caſe, were gone; therefore they would not open a caſe they could then not prove.

The committee then went upon the ſaid matter, and Mr. Gerrard's counſel called,

Dugdale; who ſaid, Mr. Manwaring, the bailiff, had 38 votes, and Mr. Wilkinſon but 36: that it was brought to an equality by ſetting down wrong; and that he was ſworn bailiff before the laſt election.

Robinſon ſaid; Mr. Manwaring, before the election, was found by the enquiry-jury, whereof bailiff Liſter was one; and ſworn, without objection.

The returns were in this manner: in Mr. Gerrard's indenture, Mr. Manwaring and Mr. Liſter were named as bailiffs; but Manwaring only ſigned the indenture with the other burgeſſes, and not bailiff Liſter. In Mr. Liſter's indenture, Mr. Pudſey and Mr. Liſter are named bailiffs; have both ſigned the indenture; and both returned by the ſheriff. Thereupon the committee ordered the return to be ſpecially reported.

The reſolution of Mr. Gerrard's election was read a ſecond time, and agreed to by the houſe.

Ordered, that the clerk of the Crown do attend to-morrow, to amend the return for the ſaid borough.

Nov. 25, 1695. A petition of Thomas Stringer, eſquire, was read; ſetting forth, that at the laſt election for this borough, Chriſtopher Liſter, Ambroſe Pudſey, eſquires, and the petitioner, were candidates, and the petitioner ought to have been returned as one of the burgeſſes; but the bailiff of the ſaid borough, who refuſed to poll ſeveral of the burgeſſes who would have voted for the petitioner, hath returned the ſaid Mr. Pudſey with Mr. Liſter, to the wrong of the petitioner: and deſiring relief &c.

Ordered, that it be referred to the committee of privileges and elections to examine, and report the matter, with their opinion.

Feb. 8. Ordered to be reported on this day ſevennight.

10th. Ordered to be reported on Wedneſday next.

12th. Colonel Granville, from the committee of privileges, reported the matter, That the committee had examined the merits of the election; and that on the poll there were,

For Mr. Stringer 32,
For Mr. Pudſey — 44:

That the petitioner inſiſted on ſeveral irregularities in the ſaid election: that the right was agreed to be in the bailiffs, burgeſſes, and freemen; but if the perſon who had the inheritance voted, the tenant could not: that the cuſtom is, every year, to have an enquiry-jury in this borough; whoſe office is to enquire who are the burgeſſes and freemen; and ſuch as are found by the jury, are entered in a book; and ſuch only uſed to vote at elections. But the petitioner inſiſted, that at this election the bailiffs refuſed to call an enquiry-jury; by which means ſeveral, who ought to have been found as burgeſſes and freemen, were not found, whereby he loſt ſeveral votes: and for this they called,

Dugdale; who ſaid, he had ſearched the records of the town, and found enquiry-juries had been called in December, November, January, February, March, and April; and, on the 11th of October, he deſired of Mr. bailiff Whitaker to have an enquiry-jury, which he refuſed; and ſaid, it was in their power; and that Mr. Stringer ſhould not be member of parliament: and the ſaid Dugdale, Robinſon, and Deane, ſaid, that on the 25th of October, they, with ſeveral perſons, went to bailiff Liſter, and deſired him to call an enquiry-jury; who ſaid, he would call an hall, and conſider it; but did neither. And Deane ſaid, Mr. Pudſey, and Walbank his agent, told him, if he would be for Mr. Pudſey, there ſhould be a jury called, and he ſhould have a good voice.

Richard Hay ſaid, Mr. Slater aſked him to vote for Mr. Pudſey, and made him the ſame promiſe.

Thomas Nowell ſaid, one of the bailiffs made him the ſame promiſe on the ſame condition.

Dugdale, Wilſon ſaid, that Walbank made him the ſame promiſe on the ſame condition.

Haworth proved a deed from John Dugdale to John Deane; but ſaid, there was a re-conveyance a month after.

Troy ſaid, he went with the petitioner to Clitheroe, and was at the election: that he told the bailiffs of ſeveral freemen who would vote; but was anſwered, they would call none but what were in their call-book, and as they were there.

Dugdale ſaid, he had a right to vote for the houſe he lived in, which he had been poſſeſſed of ſince Michaelmas laſt.

Dean ſaid, it had been found by the enquiry-jury, that the landlord did vote, but not for this houſe: that he was not found for the houſe he lived in; but, about three weeks before the election, and before the proclamation for the diſſolution of the parliament, had tendered fourpence to the town-clerk, to enter his name.

Nowell ſaid, bailiff Whitaker put him into a free-houſe: that he was to live there free till Lady-day, provided he voted as the bailiff did: afterwards, Walbank offered him thirty ſhillings to vote for Mr. Pudſey, which he refuſed, but had thirty ſhillings to keep away; and ſaid, if he had not had that money, he would have been for Mr. Stringer: and bailiff Whitaker threatned, if he came to London, to fling his wife and children in the ſtreet, and after ſent him to the county-goal, though there was one in town.

Dugdale and Robinſon ſaid, they told Whitaker, Nowell was come to appear before the committee, 17th January; who ſaid, he did not care; he had abuſed him, and would ſend him to gaol: that Henry Baily was heir by deſcent to a burgage-houſe, but not found: that Franklyn offered to vote, and had ten ſhillings a year rent reſerved; but did receive alms.

Page ſaid, he lived in a free-houſe at Lady-day, and had taken it for ſeven years: that he covenanted in his leaſe to vote as his landlord did direct him; and would have voted for both the ſitting-members; but afterwards, when Mr. Stringer petitioned, his landlord would have had him given it under his hand, that he would have voted for Mr. Stringer and Mr. Liſter.

Hay, John Wilſon ſaid, had a burgage-houſe, and was ready to vote for Mr. Liſter, and the petitioner.

John Wilſon ſaid, he had been a freeman five years, and would have voted for Mr. Liſter and the petitioner; that Mr. Liſter voted, but did not name the houſe; and he has other burgage-lands.

William Baily ſaid, he had a burgage-houſe, and was ready to have voted, if called.

Henry Woolcock ſaid, he was ready to vote for Mr. Stringer; that he has paid borough-rent two years, which he bought of John Mitchel: but confeſſed that Mr. Parker had made ſome bargain for it, but no money was paid, nor the poſſeſſion delivered.

Blackburn ſaid, he lived in a burgage-houſe five years, and was at the election, but was not called.

Coulters ſaid, he had been found and ſworn, but was ſince removed; but offered 4 d. to the town-clerk to have his name inſerted.

Robinſon ſaid, Webſter had a reverſion after the death of his mother, and received rent, and had a right.

For Mr. Pudſey it was inſiſted,

That the enquiry-jury was diſcharged fairly according to the cuſtom; and many who would have voted for Mr. Pudſey had been found, if there had been an enquiry-jury in being.

Mr. Slater and Mr. Farrar ſaid, the cuſtom of the borough was to call the grand-jury about Candlemas, and diſcharge it about Michaelmas; and this year it was diſcharged at the uſual time, by general conſent, for want of buſineſs: that they knew nothing of paying 4 d. to have their names entered a-new; but if a freeman removed to another burgage-houſe, he ought to be found again: that none but Frankland offered actually to vote, and he was maintained by the town: that Sir John Aſhton, Sir N. Sherborn, Mr. Walmſley, Mr. Croſdale, Mr. Hammond, Mr. Marſden, Mr. Chippendon, Mr. Breman, John Slater, John Yates, and Richard Eyres, had all right to be found, and would have voted for Mr. Pudſey; and ſome of their tenants voted for the petitioner.

That as to ſeveral who endeavoured to be made good votes by the petitioner, they ſaid,

Richard Hays never demanded to be found: that Thomas Nowell put himſelf into a houſe, where another inhabited, a fortnight before the election: that Deane had re-conveyed before the election: that Leonard Nowell was found for William Deane's houſe: that Robert Page might have been found, if he would; but he ſaid he had not his leaſe ſealed: that Mr. Liſter voted for Mr. Wilſon's houſe: that Woolcock was never preſented, and the land was Mr. Parker's ſons: Richard Blackborn has not offered himſelf to the jury, ſince he gave ſecurity: that there are two William Baily's; one voted for the petitioner, and the other had no right: that he believes Coulter had been found if he had come to the enquiry-jury.

Nowell, Howard, and Farrar ſaid, the 30 ſhillings paid to N. Nowell, was for ale drawn on account of Mr. Pudſey. Upon the whole, the committee reſolved,

That Ambroſe Pudſey, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for this borough: which was agreed to by the houſe.

Dec. 23, 1698. A petition of Ambroſe Pudſey, eſquire, was read; ſetting forth, that, at the election of burgeſſes to ſerve in this preſent parliament for this borough, the petitioner was duly elected by the majority of legal voters, and ought to have been returned with Chriſtopher Liſter, eſquire; but the bailiffs of the ſaid borough have returned Thomas Stringer, eſquire, in wrong to the petitioner: and praying the houſe to take the premiſes into conſideration.

Ordered, that this petition be referred to the conſideration of the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion: but this was never reported.

Oct. 24, 1702. A petition of Edward Harvey, eſquire, was read; ſetting forth, that the petitioner was duly choſen a burgeſs to ſerve in this preſent parliament for this borough, and ought to have been returned; but Thomas Stringer, and Ambroſe Pudſey, eſquires, by unlawful practices have procured themſelves to be returned burgeſſes for the ſaid borough, in wrong of the petitioner: and praying relief.

Ordered to be referred to the committee of privileges, to examine the matter, and report the ſame, with their opinion. Not heard this ſeſſions.

Nov. 10, 1703. The aforeſaid petition was again preſented, and ordered to be referred to the committee of privileges and elections, as before.

Dec. 20. Ordered the report from the committee of privileges and elections on this petition, to be made to-morrow morning.

21ſt. Mr. Bromley reported from the ſaid committee, the matter, as it appeared to them, as follows: that the petitioner's counſel opened, that the ſitting-members agents had been guilty of corrupt practices; and ſeveral had polled for them who had no right; which being taken off, the petitioner would have a majority. That on the poll there were,

For Mr. Pudſey — 66,
For Mr. Stringer — 64,
For the petitioner — 32.

That the petitioner's counſel alledged, that the right of election was in the bailiffs and burgeſſes preſented by the jury of enquiry, and ſworn by the bailiffs, and alſo by the freemen: that the burgeſſes are ſuch, as are ſeized of burgage lands of inheritance; and the freemen are the tenants to theſe burgeſſes, who have a right to vote, when thoſe, who have the inheritance, do not vote.

That the counſel for the ſitting-members denied it was neceſſary, that the burgeſſes ſhould be preſented, or ſworn, to give them a right to vote.

Upon which, the petitioner's counſel called Walbank and Breman; who gave an account that they never knew any vote in any election, but ſuch burgeſſes as were preſented by the jury of enquiry, and ſworn by the bailiffs; but at the ſame time ſaid, they took it, that the bailiff ought to ſwear ſuch as were preſented.——And the counſel for the ſitting-members left the matter of the right, to the judgment of the committee.

And as to the corrupt practices, the petitioner's counſel called,

Standiſh; who ſaid Mrs. Parker, deceaſed, Colonel Stringer's ſiſter, came to the jury of enquiry, and inſiſted they ſhould admit Colonel Stringer to be a burgeſs for lands called Stanhope Croft; and threatned if they did not, they ſhould anſwer it in an higher place; whereas the ſaid land was not of burgage tenure: however he owned, that one Cockcroft had been preſented a burgeſs for it, and Colonel Stringer was found by the jury; which, he ſaid, was by means of ſome of them, who were Mrs. Parker's tenants, and received of her 20 ſhillings a year.

Thomas Beach ſaid, Mrs. Dugdale, in Mrs. Parker's name, offered him 40 ſhillings to vote for both Mr. Pudſey and Mr. Stringer; and Mr. Pudſey paid him part of an old debt, and that he voted for Mr. Pudſey becauſe of the ſaid promiſe; though he owned he had not received, nor aſked for the money, which, he ſaid, was, becauſe the election was conteſted. Others, viz.

James Noell, John Hopwood, Alexander Noel, John Dutton, ſaid, Mrs. Parker had promiſed them money to vote for Mr. Pudſey and Mr. Liſter; and ſome of them ſaid, that ſuch promiſes were the occaſion of their voting for them: but owned the petitioner was a ſtranger, and that they had voted for the ſitting-members at former elections; and Mrs. Parker had uſed to give money at Chriſtmas to the poorer ſort, though they did not know of any perſon, except ſuch as had votes, who received ſo much as 20 ſhillings.

As to treating; Brown ſaid, he kept the Black Bull inn in this town; and Mrs. Parker on the election-day, ſhe then being his landlady, ordered him to draw drink to the amount of 40 ſhillings; and when the election was over, and the ſitting-members were carried to his houſe, a great number of perſons (friends to Mrs. Parker and the ſitting-members) came thither and drank; and when the 40 ſhillings was expended they deſired more drink; and he drew, by her order, more drink, to the value of 10 ſhillings; which 50 ſhillings ſhe afterwards paid him.

He ſaid alſo, when he took the houſe of her, ſhe inſiſted he ſhould vote as ſhe would have him, and promiſed him 20 ſhillings each time he voted.

That the petitioner's counſel objected to ſeveral who polled for the ſitting-members, who were not ſworn burgeſſes; and their counſel admitted the fact, as to 17; but inſiſted, that they were good burgeſſes, and ſo preſented, and ought to have been ſworn, but were refuſed by the bailiff; and called

Dugdale and Farrar; who ſaid, that about 12 of them were found by the jury of enquiry the beginning of May; and that in June they demanded a court of the bailiffs to ſwear them; but one of the bailiffs refuſed, ſaying, he did not value the parliament; and adjourned the court till the 3d of Auguſt, the election being on the 28th; yet, on the application of Colonel Stringer and Mr. Pudſey to Mr. Liſter, the other bailiff, on the 20th of July, and upon giving him a note to ſave him harmleſs, he declaring ſome fear of the Earl of Montague, and his intereſt, he called a court and ſwore thoſe twelve burgeſſes:

That evidence was given, that the toll was taken away from the town ſince the time of the laſt election.

But Mr. Dummer being examined as to that point, by the petitioner, ſaid there was nothing done in it; only the leaſe was expired, and Sclater, the bailiff of the town, received the toll, as uſual.

That, upon the whole, the committee reſolved,

That Ambroſe Pudſey, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for this borough.

That Thomas Stringer, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for this borough.

The ſaid reſolutions were read a ſecond time, and agreed to by the houſe.

Jan. 13, 1706. A petition of Daniel Harvey, eſquire, was read; ſhewing, that at the election of a member, to ſerve in the preſent parliament for this borough, in the room of Thomas Stringer, eſquire, deceaſed, the petitioner, and Chriſtopher Parker, were candidates; and the petitioner was duly elected, and returned by Ambroſe Pudſey, eſquire, one of the bailiffs, and a majority of the legal burgeſſes, by indenture annexed to the precept, in order to have the writ returned accordingly; but afterwards, Mr. Parker procured Mr. Dugdale, his ſteward, who is the other bailiff, to return him by indenture, which the under-ſheriff annexed to the writ; and Mr. Parker, and Mr. Dugdale, uſed other indirect practices at the ſaid election: and praying, that he may be admitted the ſitting-member, as duly returned by the indenture annexed to the precept; or have ſuch other relief, as the houſe ſhall think fit.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Ordered, that they hear the merits of the return in the firſt place.

14th. A petition of Chriſtopher Parker, eſquire, was read; ſhewing, that at the laſt election of a member, to ſerve in this preſent parliament for this borough, in the room of Thomas Stringer, eſquire, deceaſed, the petitioner was duly elected, and was returned by Thomas Dugdale, gentleman, one of the bailiffs; but Daniel Harvey, eſquire, procured Ambroſe Pudſey, eſquire, the other bailiff, to return him by indenture to the writ, though he refuſed to return the petitioner, or to caſt up the poll, though earneſtly required ſo to do; and has polled ſeveral perſons for Mr. Harvey, who had no right to poll; and uſed other illegal practices at the election, to the petitioner's prejudice; and hath returned Mr. Harvey, who hath procured many votes by bribery: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

20th. Ordered, that the report be made on Thurſday next.

23d. Mr. Compton, from the ſaid committee, reported the matter; viz. That it was admitted, there were in the corporation two bailiffs:

And upon inſpecting the return, it appeared, that Ambroſe Pudſey, eſquire, one of the bailiffs, hath, by indenture ſigned by himſelf and ſeveral of the burgeſſes, returned Daniel Harvey, eſquire; and Thomas Dugdale, gentleman, the other bailiff, hath, by another indenture, ſigned by himſelf and ſeveral other burgeſſes, returned Chriſtopher Parker, eſquire; and the common-ſeal is affixed to this indenture:

That the indenture, by which Mr. Harvey is returned, is dated 27 December, 1706; and mentioned to be made *inter Ambroſium Pudſay, ar. et Thomam Dugdale, gen. balivos burgi prædict. honorabilem Edwardum Harvey, ar. Thomam Liſter, arm. Robertum Sclater, gen. multoſque alios burgenſes burgi prædict. ex una parte; et Edwardum Cole, arm. vic. com. prædict. ex altera parte.*

The indenture, by which Mr. Parker is returned, is dated alſo the ſame 27th day of December; and is mentioned to be made *inter Edmundum Cole, arm. vic. com. pal. Lancaſtriæ, ex una parte; et Thom. Dugdale, gen. ballivum villæ ſive burgi de Clithero prædict. et Rogerum Nowell, Robertum Barker, et multos alios burgenſes burgi prædicti, ex altera parte.*

Upon which the committee reſolved,

That Daniel Harvey, eſquire, is duly elected a burgeſs, to ſerve in this preſent parliament for this borough: whereto (after it was twice read) the houſe agreed.

March 3, 1713. A petition of Edward Harvey, eſquire, was read; ſhewing, that the petitioner, Thomas Liſter, and Charles Stanley, eſquires, were candidates at the election for this borough, where a majority of legal voters appeared for the petitioner; but by bribery, &c. and other undue practices of Mr. Stanley, and his agents, ſeveral were prevailed on to poll for him, who would otherwiſe have voted for the petitioner; and many admitted to poll for Mr. Stanley, who had no right; by which means he is unduly returned, in wrong to the petitioner: and praying &c.

Ordered to be heard at the bar of the houſe on Tueſday five weeks.

April 13, 1714. The houſe proceeded in the hearing the matter of the ſaid election:

And the counſel were called in, and the ſaid petition read:

And the petitioner's counſel examined ſeveral witneſſes.

Ordered to be heard again to-morrow morning.

14th. The houſe proceeded again in hearing the ſaid election; and the counſel were called in: and the counſel for Mr. Stanley produced ſeveral records of the court of inquiry at this borough; and one Thomas Dugdale was called to prove them, who was objected to by the petitioner's counſel, for that they had given ſome preceding evidence againſt him, which made him an improper witneſs in this caſe.

The counſel were heard touching the ſame.

Reſolved, that the ſaid Thomas Dugdale be not admitted as an evidence.

Of which the counſel were acquainted by the Speaker:

And the records were read by admiſſion . . the petitioner's counſel;

And Mr. Stanley's counſel examined ſeveral witneſſes; and were afterwards heard by way of defence:

And the petitioner's counſel being heard by way of reply;

Reſolved, that the honourable Charles Stanley, eſquire, is not duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

Reſolved, that Edward Harvey, eſquire, is not duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

Reſolved, that the ſaid election, as to the ſaid Mr. Stanley and Mr. Harvey, is a void election.

21ſt. Ordered, that no new writ do iſſue this ſeſſions, for electing a burgeſs to ſerve in this preſent parliament for this borough.

March 28, 1715. A petition of Edward Harvey, eſquire, was read; ſhewing, that at the laſt election of burgeſſes for this borough, where Thomas Liſter, Thomas Parker, eſquires, and the petitioner, were candidates; that the ſaid Mr. Parker, and his agents, were guilty of ſeveral illegal practices, in order to procure the ſaid Mr. Parker to be elected: that ſeveral perſons were admitted to vote for the ſaid Mr. Parker, who had no right; and ſeveral perſons, who offered to vote for the petitioner, and had a right, were rejected: that the petitioner was declared to be duly choſen, and therefore ought to have been returned accordingly; yet a double return is made as to the petitioner and Mr. Parker; and that the ſaid Mr. Parker had an equal number of votes with the petitioner; to the great wrong and prejudice of the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matters thereof, and to report the ſame, with their opinion.

30th. The houſe being informed, That Thomas Parker, eſquire, who is returned in the double return for this borough, deſiring not to conteſt the matter with Edward Harvey, eſquire, who is alſo returned in the ſaid double return; and that thereupon the ſaid Mr. Harvey deſires leave to withdraw his ſaid petition:

Ordered, that the ſaid Mr. Harvey be at liberty to withdraw his petition; that the committee be diſcharged from proceeding thereupon; and that the clerk of the Crown do amend the return.

Oct. 19, 1722. A petition of the inquiry-jury, and others, burgeſſes of this borough, was read; ſhewing, that by the uſage of the borough, time out of mind, all perſons, admitted to vote for members to ſerve in parliament, have been, and firſt ought to be, found, by the jury of enquiry, to be burgeſſes, or freemen, of the ſaid borough; and, previous to every ſuch election, the bailiffs have conſtantly uſed, and ought, from the verdicts of the ſaid inquiry-jury, to make up, and inſert, in a call-book, the names of all perſons who ſhall be admitted to vote: that, by like uſage, the out-burgeſſes firſt, and after them the in-burgeſſes, ought to be polled; and when there is landlord and tenant, the landlord ought firſt to be called, and, in default of his voting, then the tenant ought to be admitted to vote for the ſame: but the petitioners, the ſaid inquiry-jury, were not only urged by threatnings, and other indirect practices, to find perſons in favour of Mr. Liſter and Mr. Curzon; but the bailiffs, in an arbitrary manner, without the privity of the inquiry-jury, or without the leaſt regard to their verdicts, made up ſuch call-books as they thought fit; omitting ſeveral, who had been duly found burgeſſes by the ſaid jury, and inſerting others, who had never been found, nor had any right of voting: and the petitioners offered the burgeſſes a liſt of perſons, to be inſerted in a call-book; one of the ſaid bailiffs did, upon the ſaid bench, in a violent manner, tear the ſame, and commanded the clerk to proceed to poll, according to their own pretended call-book: all which arbitrary proceedings, practiſed by the ſaid bailiffs, tend manifeſtly to the ſubverſion of the conſtitution of the ſaid borough: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter thereof, and to report the ſame, with their opinion.

A petition of James Haldane, eſquire, was read; ſhewing, that at the election of members, to ſerve in parliament for the ſaid borough, Thomas Liſter, Nathanael Curzon, John Monckton, eſquires, and the petitioner, ſtood candidates: that the bailiffs of the ſaid borough, in a moſt arbitrary manner, on behalf of the ſaid Mr. Liſter and Mr. Curzon, acted at the ſaid election: that many corrupt and illegal practices were made uſe of, on the behalf of the ſaid Mr. Liſter and Mr. Curzon, in order to procure them to be returned; and they are returned accordingly, in manifeſt wrong to the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matters thereof, and to report the ſame, with their opinion.

Jan. 16, 1723. A petition of James Haldane, eſquire, to the ſame effect with the former, was again read; and referred in like manner.

Nov. 14, 1724. The petition of the ſaid James Haldane, eſquire, was again read; and ordered to be referred as before.

COCKERMOUTH.

THIS is a borough in the county of Cumberland, and returned to one parliament in the time of King Edward the firſt; but from that time ceaſed, until the 16th of King Charles the firſt, when it was again reſtored: the memoirs of which, with others relating to its members and elections, I ſhall give my reader, as followeth; viz.

Willis, Notitia, vol. 2. p. 213.

Feb. 15, 1640. Reſolved, upon the queſtion, that the borough of Cockermouth, in the county of Cumberland, be reſtored to the antient privilege of ſending burgeſſes to parliament; and that a warrant iſſue, under Mr. Speaker's hand, to the clerk of the Crown, for electing two burgeſſes, to ſerve for the ſaid town, in this preſent parliament.

March 25, 1685. A petition of William Wharton, eſquire, touching the election for this borough, was read.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion. No report appears.

April 1, 1690. A petition of the bailiff and burgeſſes of this borough was read; ſetting forth, that the petitioners did chooſe Sir Orlando Gee, and Goodwin Wharton, eſquire, as burgeſſes, to ſerve in this preſent parliament for this borough; but that Sir Orlando Gee, and Sir Wilfred Lawſon, are returned: and the petitioners are adviſed, it is contrary to law, to return the ſaid Sir Wilfred Lawſon for that ſervice, he being high-ſheriff of the county: and praying the relief of the houſe in the premiſes; and that the ſaid Goodwin Wharton may be admitted to ſerve in the ſtead of the ſaid Sir Wilfred Lawſon, as a burgeſs for the ſaid borough.

Ordered, that the conſideration thereof be referred to the committee of privileges and elections, to examine the matter, and report the ſame to the houſe, with their opinion. No report appears.

Dec. 5, 1695. A petition of Sir Wilfred Lawſon, baronet, was read; ſetting forth, that at the election of members, to ſerve in this parliament for this borough, the petitioner, as he conceives, was duly choſen; but, by the bribery, and other undue practices, of Goodwin Wharton, eſquire, the petitioner was not returned by the bailiff of the ſaid borough: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion, to the houſe. No report appears.

March 14, 1701. A petition of James Stanhope, eſquire, was read; ſetting forth, that at the laſt election of a member, to ſerve in this preſent parliament for this borough, in the room of Goodwin Wharton, eſquire, deceaſed, the petitioner, and Thomas Lamplugh, eſquire, were candidates: that the right of election is in ſuch only as hold by burgage-tenure; and if ſuch burgage-tenure be ſplit and divided, yet there is only one vote for ſuch eſtate; but Michael Hodgſon, the bailiff of this borough, did poll ſeveral, who claimed by divided eſtates; and others, who had no right; whereby, and by other illegal practices, Mr. Lamplugh hath procured himſelf to be returned, in prejudice of the petitioner, and the rights of the borough: and praying &c.

Ordered to be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Dec. 4, 1710. A petition of John Orfeur, eſquire, was read; ſhewing, that at the laſt election of members, to ſerve in the preſent parliament for this borough, Nicholas Lechmere, lieutenant-general Stanhope, and the petitioner, were candidates; and Mr. Lechmere, and the petitioner, were duly elected, although the bailiff rejected the votes of ſeveral perſons that were qualified, who offered their votes for the petitioner; and polled ſeveral perſons, that were unqualified, for general Stanhope; and alſo rejected ſeveral of the petitioner's good votes upon the ſcrutiny; and by the bailiff's partiality, and by divers corrupt and undue practices, uſed by the agents of Mr. Stanhope, he is returned with Mr. Lechmere, to the prejudice of the petitioner: and praying &c. Alſo,

A petition of ſeveral inhabitants of this borough, on behalf of themſelves, and other inhabitants of the ſaid borough, was read; ſhewing, that by the cuſtom of the ſaid borough, their bailiff is choſen yearly by a majority of a jury, impannelled and ſummoned by the perſon, who was bailiff the year before, at a court-leet, held at Michaelmas; and, according to ſuch cuſtom, a jury was returned; but they were rejected, and a bailiff choſen in an irregular manner: that at the election of burgeſſes, to ſerve in this parliament for this borough, by the irregular and corrupt practices of the pretended bailiff, and the agents of lieutenant-general Stanhope (who was one of the candidates) the ſaid Mr. Stanhope is returned, although colonel Orfeur was duly elected; to the great violation of the freedom of elections, and the rights of the petitioners, who are thereby deprived of their legal repreſentative: and praying &c.

It was moved to refer the ſaid petitions to the conſideration of the committee of privileges and elections; but diſagreed to.

Ordered, that the ſaid petitions be heard at the bar of the houſe, on the 13th of February next.

Feb. 13. Ordered, that they be heard on Saturday ſevennight.

24th. Ordered, that they be heard on Thurſday next.

March 1. Ordered, that they be heard on Tueſday next.

6th. The houſe proceeded to the hearing the merits of the ſaid election; and the counſel on both ſides were called in, and the petitions read:

And a poll, taken at the election, being produced; and an objection being made to it, that it was not the original poll; and the counſel for the petitioners producing one Robert Tubman, to be examined as a witneſs touching the original poll; and he being objected againſt, and the counſel being heard touching the ſame, and withdrawn;

Reſolved, that Robert Tubman be admitted to give evidence, as to the original poll that was taken at the ſaid election.

The counſel were called in again, and Mr. Speaker acquainted them with the ſaid reſolution.

And the petitioner's counſel inſiſting, that they ought to proceed to qualify, and diſqualify, only ſuch voters as were queried upon the ſcrutiny; and the ſitting-member's counſel acquainting the houſe, that there were liſts exchanged between the parties, on the 24th of January laſt, of what votes each party would inſiſt upon to diſqualify: touching which matters the counſel on both ſides were heard: and the counſel withdrew; and being called in again, Mr. Speaker acquainted them (by order of the houſe) that they ſhould confine themſelves in giving their evidence to the votes queried at the election, and the liſts mutually delivered on the 24th of January laſt. —The counſel withdrew.

Reſolved, that the houſe will proceed in the further hearing of the merits of this election on Saturday ſeven-night.

17th. Reſolved, that the houſe will proceed in hearing the merits of the ſaid election on Thurſday morning next.

But the houſe adjourned over that day.

March 26, 1711. Ordered to proceed in the further hearing of the ſaid election, to-morrow morning.

27th. The houſe proceeded in the further hearing of the merits of the ſaid election; and the counſel on both ſides were called in; and the petitioner's counſel were heard, and produced ſeveral witneſſes in order to the diſqualifying ſeveral of the voters for Mr. Stanhope; and his counſel were heard, and produced ſeveral witneſſes in order to the juſtifying of ſeveral of the votes of thoſe perſons objected to; and then the counſel and witneſſes withdrew.

Reſolved, that the houſe will proceed in the further hearing the merits of this election on Tueſday morning next, and not any thing to intervene.

April 3. The houſe proceeded in the ſaid hearing, and the counſel on both ſides were called in.

And the counſel for the ſitting-member proceeded to the qualifying of ſuch votes as the petitioner's counſel had objected againſt, and alſo to diſqualify ſeveral perſons who had voted for the petitioner, and examined ſeveral witneſſes relating thereto; and the counſel for Mr. Stanhope producing a deed to qualify one Henry Weſtrey to be a voter; an objection was made to reading the ſaid deed, and indorſements thereon; and the counſel withdrew.

The houſe reſolved, that the ſaid indorſements ſhould not be read.

And being called in, they were ordered to withdraw again: but being again called in, the counſel for Mr. Stanhope were heard, and other witneſſes examined to other matters relating to the election: and the counſel and witneſſes withdrew.

Reſolved, to proceed on Saturday next, after the affair of the Palatines.

7th. The houſe proceeded in the ſaid hearing.

The counſel on both ſides were called in, and the petitioner's counſel were heard, and produced ſeveral witneſſes in juſtification of the votes objected to by general Stanhope's counſel; and alſo produced a letter from Mr. Relfe (agent for general Stanhope) deſiring Mr. Lamplugh's vote for him, as an obligation to the Duke of Somerſet; which letter was proved, and deſired to be read: but it being objected to by general Stanhope's counſel, as not being evidence againſt him, the counſel withdrew.

Reſolved, that the ſaid letter be read.

And the counſel were called in again, and Mr. Speaker acquainted them therewith; and the letter was read; and ſeveral witneſſes were examined, to juſtify other votes objected to by the counſel for general Stanhope; and the counſel being withdrawn, and called in again, and ſeveral witneſſes examined on behalf of the petitioner; it was reſolved,

That James Stanhope, eſquire, is not duly elected a burgeſs to ſerve in the preſent parliament for this borough.

That John Orfeur, eſquire, is not duly elected a burgeſs to ſerve in the preſent parliament for this borough.

That the late election for this borough (as to Mr. Stanhope and Mr. Orfeur) is a void election.

June 9. Ordered, that the clerk of the Crown do attend this houſe, upon Tueſday morning next, to give an account whether there is any return made for this borough, ſince the laſt writ iſſued for a new election there.

12th. The clerk of the Crown attended and acquainted the houſe, that there is not yet any return come in for this borough.

April 16, 1717. Ordered, a warrant for a new writ for electing a burgeſs for this borough, in the room of the right honourable James Stanhope, eſquire, made a commiſſioner of the Treaſury.

June 18. Ordered, a warrant for a new writ for electing a burgeſs for this borough, in the room of Nicholas Lechmere, eſquire, made chancellor of the Duchy of Lancaſter for life.

July 4. A complaint was made to the houſe, that the writ iſſued for the electing of a burgeſs for this borough, is not yet delivered to the ſheriff of the county.

Ordered, that the clerk of the Crown do attend this houſe to-morrow morning, to give an account of the iſſuing the ſaid writ.

Ordered, that the meſſenger to whom the ſaid writ was delivered, do alſo attend this houſe to-morrow morning, to give an account of the ſending down the ſaid writ.

5th. The clerk of the Crown attending, according to order, gave the houſe an account of iſſuing out the writ for electing a burgeſs for this borough.

Mr. Robert Briſcoe, meſſenger attending the great ſeal, attending according to order, was called in; and, at the bar, examined touching his receiving the ſaid writ, and ſending the ſame to the ſheriff of Cumberland; and then he withdrew.

A debate ariſing in the houſe, relating to the writ's not being delivered to the ſheriff of Cumberland;

Ordered, that the debate be adjourned till Tueſday morning next.

Ordered, that Mr. Briſcoe do then attend.

9. The houſe reſumed the adjourned debate of Friday laſt, relating to the writ for electing a burgeſs to ſerve in parliament for this borough:

And a motion was made for Mr. John Tiffin to attend on this-day-fortnight, which paſſed in the negative.

And nothing was farther done in the matter.

Nov. 29. A petition of Lord Percey Seymour was preſented to the houſe, and read; ſhewing, that a writ upon the vacancy of Nicholas Lechmere, eſquire, for this borough was duly iſſued: that ſuch writ was not ſent by a proper meſſenger; but, by indirect means, concealed, and unduly delayed, for ſeveral days before it was delivered to the ſheriff of the ſaid county; yet the petitioner was fairly and duly elected by a majority of legal and undoubted votes, and was returned; notwithſtanding which, Sir Wilfred Lawſon, baronet, a minor, under the age of twenty-one years, and incapable of being elected or returned, did, by many indirect practices, procure ſeveral perſons to vote for him; and did likewiſe prevail with the bailiff, contrary to law and the ſtatute in that behalf made, to return the ſaid Sir Wilfred Lawſon by another indenture as duly elected by a majority; the ſaid bailiff refuſing to allow the petitioner a ſcrutiny, though ſeveral times demanded: and praying &c.

Ordered, that the matter of the ſaid petition be heard at the bar of the houſe upon the 16th day of January next.

A petition of Sir Wilfred Lawſon, baronet, was read; ſhewing, that at the late election of a burgeſs for this borough, the petitioner, and the Lord Percey Seymour, were candidates: that the petitioner had an undoubted majority of legal votes, who voted for the petitioner; and were allowed by Thomas France, bailiff of the ſaid borough; notwithſtanding which, and although the ſaid Lord Percey Seymour, by himſelf, his agents and ſervants, was guilty of notorious bribery, and undue practices, in the ſaid election; yet the ſaid bailiff thought fit to make a double return of the petitioner, and the ſaid Lord Percey Seymour, for the ſaid borough; to the manifeſt injury of the petitioner: and praying &c.

Ordered, that the matter of the ſaid petition be alſo heard at the bar of this houſe, upon Thurſday the 16th day of January next.

Jan. 13. Ordered, that the matters of the ſaid petitions, which were apppinted to be heard on the 16th of this inſtant, be heard on the 18th inſtant.

17th. Ordered, that the clerk of the Crown do attend this houſe to-morrow with the double return for this borough.

Ordered, that Mr. Briſcoe, the meſſenger attending the great-ſeal, do then attend.

18. The houſe being moved, that Sir Wilfred Lawſon be at liberty to withdraw his petition, complaining of an undue election and return for this borough; he deſiring not to conteſt the matter of the return, or the merits of the election; admitting he was a minor, under the age of twenty years, at the time of the election; and that he cannot maintain a majority of votes;

And the clerk of the Crown attending with the indentures of return, annexed to the precept and writ; the indentures of return, and indorſement upon the precept, were read; and are as follow; viz.

Hæc indentura fact' apud burgum de Cockermouth, in comitat' Cumbriæ, octavo die Julii, anno Regni Domini noſtri Georgii, Dei gra. Magnæ Britanniæ, Franc', et Hiberniæ, Regis, fidei defenſor', &c. tertio, annoque Domini milleſimo ſeptingenteſimo decimo ſeptimo; inter Henricum Blencow, ar', vic. com' Cumbriæ præd', ex una parte; et Thoma' France, ballivum burgii de Cockermouth præd', Thoma' Jefferſon, cl. Ricardu' Baynes, gen', Ferdinando Latus, ar', Johannem Gill, Philippu' Stanley, Ricardu' Croſthwaite, Johannem Clocker, Ricardu' Waller, Benjamin' Bowes, Johannem Wood, ſen', Johannem Wood, jun', Ricardum Borranſkell, Samuel Hollaway, ſen', Ricardu' Jackſon, Henricu' Orr, Johannem Inman, Daniel Fryer, Jonathan' Watſon, John Bowes, Jacobu' Franc, ſen', Johannem Winder, Ricardu' Johnſon, Jonathan Hodgſon, Willielmum Sowerby, Thomam Stanger, Thomam Holloway, Joſephu' Simpſon, Willielmum Meales, Timotheu' Taylor, Samuel. Hodgſon, Henricu' Ramſey, Petru' Winder, Willielmum Holloway, Johannem Iredale, Thoma' Laburne, Thoma' Plaſkett, Johannem Ribton, Johannem Blakelin, Johannem Tiffin, Samuel' Buttermer, Johannem Cuppadge, Willielmum Rothery, Jacobu' Fearon, Johannem Dobinſon, Johannem Leathes, gen', et divers' al' burgens' burgii præd', ex altera parte: teſtat' quod virtute præcept', a prædicto vic. com' eid' ballivo direct', pro election' un' burgenſ. pro burgo de Cockermouth præd', loco Nicolai Lechmere, ar', qui quoddam officiu' lucri a dicto Domino Rege acceperit, pro præſenti parliament' dicti Domini Regis inchoat' apud civitat. Weſtm', decimo ſeptimo die Martii, anno regni dicti Domini Regis primo; quod quidem parliament' abinde per ſeperal. adjournament' et prorogationes, uſque ad et in viceſimum diem Februarii ult' præterit' ad-

journat', prorogat', et continuat' fuit, et ibidem modo tent' eſt, præd' Thomas Franc, ballivus et burgenſ. burgii præd', in plena curia burgii præd', apud Guildhall tent' ibidem prædicto octavo die Julii, anno tertio ſuprad', libere et indifferenter, juxta forma' ſtatuti inde edit' et provis', elegerunt Wilfred' Lawſon, bar', eſſen' burgenſ. burgii præd', ad parliament' in eodem præcept' ſpecificat', qui plenam et ſufficien' poteſtat' pro ſe et co'itat' burgii præd' habet ad faciend' et conſentiend' hiis, quæ in dicto parliament' præd' de communi conſilio dict' regni Magnæ Britanniæ contigerint ordinari ſuper negotiis in brevi Domini Regis vic. comit' præd', direct', et ſpecificat. In cujus rei teſtimoniu' tam præd' vic' cum præd' quam præd' ballivus et burgenſ. burgii præd', hiis indenturis ſigilla ſua alternatim appoſuer' die et anno primo ſupradict'.

8 *Julii*, 3 *Georgii Regis*, 1717. An indenture, made at the borough of Cockermouth in the county of Cumberland, between Henry Blencow, eſquire, ſheriff of the county aforeſaid, of the one part; and Thomas France, gentleman, bailiff of the borough aforeſaid, Peter Gregory, clerk, John Langton, and others therein named, burgeſſes of the borough aforeſaid, of the other part: witneſſing, that, by virtue of a precept from the ſaid ſheriff to the bailiff directed, for the election of a burgeſs in the ſtead of Nicholas Lechmere, eſquire, who was lately elected for the ſame borough for the preſent parliament, begun at Weſtminſter, 17 *Martii, primo Georgii*: that the ſaid Nicholas Lechmere has accepted of a place of profit, by means whereof the borough became deſtitute of one of the burgeſſes to ſerve in parliament; and therefore the ſaid bailiff and burgeſſes, in his ſtead, in full court, have elected Percey Seymour, eſquire, commonly called the Lord Seymour, one of the burgeſſes of the ſaid borough, to ſerve in parliament inſtead of the ſaid Mr. Lechmere.

Indorſement upon the precept of the ſheriff of Cumberland, for electing a member for the borough of Cockermouth, as follows;

Executio iſtius præcepti patet in quadam ſchedula huic præcepto annex'; cumque per idem præceptu' mihi præcipitur ad eligend' un' burgenſ. burgi infraſcript', idoneu' et diſcretum; attamen ex quo poſt captionem vocum ſive ſuffragior' omniu' et ſingulorum electorum comparentiu' in plena curia ejuſdem burgi, tent' apud le Guildhall pro eodem burgo die et anno in indenturis annex' ſpecificat', ad eligend' un' burgenſ. pro burgo prædict', octogint' et quatuor elector' præd' pro Percy Seymour, ar', communit' vocat' Lord Percy Seymour, at nonagint' elector' præd' pro Wilfrido Lawſon, bar', ſuffragia deder'; cumque adtunc et ibidem, allegat', ac per teſtes fide dignos probat' fuit, quod præd' Wilfridus Lawſon, adtunc infans infra ætat' viginti unius annorum exiſtebat, et ad huc exiſtit; ideo in un' indentura annex' nomen præfat' Percy Seymour, ac in altera indentura annex' nomen præfat' Wilfridi Lawſon, inſeri feci.

THO. FRANCE, *bailiff.*

Ordered, that Sir Wilfred Lawſon, baronet, be at liberty to withdraw his ſaid petition.

Ordered, that the Lord Percey Seymour be at liberty to withdraw his ſaid petition.

Ordered, that the clerk of the Crown do amend the return for the ſaid borough, by taking off the indenture, by which the ſaid Sir Wilfred Lawſon is returned.

Which he did accordingly.

Ordered, that the clerk of the Crown do eraſe the indorſement upon the precept, and make the uſual indorſement thereupon.

Jan. 19, 1726. Ordered a warrant for a new writ, for electing a burgeſs for this borough, in the room of Sir Thomas Pengelly, knight, made Lord Chief Baron of the Exchequer.

COLCHESTER.

THIS borough is ſituate in the county of Eſſex. It was a borough at the time of the Norman conqueſt; and had then 276 burgeſſes, as appears by the general ſurvey. King Henry the firſt granted them letters patent, which are now loſt; and King Henry the ſecond granted the town to the burgeſſes for a fee-farm of 42 l. King Richard the firſt by his charter (which ſee in Appendix) enabled them to elect bailiffs, hold pleas of the crown, and to plead them within their own burgh; and no other juſtice to intermeddle, but ſuch as they ſhould elect, together with ſeveral other privileges. This charter was confirmed by ſeveral ſucceeding Kings, and King Henry the third added to it, the return of all writs in matters relating to the liberties of the town. King Henry the ſixth not only confirmed, but added greatly to their liberties; viz. ſettled the bounds of the town, and granted them a power yearly, at the election of bailiffs, to chooſe four of the moſt worthy and diſcreet perſons of the town, to be, jointly with the bailiffs for the time being, *juſtices of the peace* for one whole year from the time of ſuch election, within the ſaid town, and the liberty, ſuburbs, and precincts of the ſame, &c. (ſee extract of charter in Appendix.) And his ſucceſſor, King Edward the fourth, not only ratified and confirmed the grants of his anceſtors, but granted, that the bailiffs and burgeſſes, and their ſucceſſors, conſiſting of two bailiffs and one commonalty, ſhould from thenceforth be one perpetual body and commonalty in name and in deed, and have perpetual ſucceſſion; and incorporated them by the name of *bailiffs and commonalty of the burgh of Colcheſter*. But the chief charter is that of King Charles the firſt, dated July 9, 1635, wherein he recites the former charters, and then incorporates it anew by the name of the *mayor* and commonalty of the burgh of Colcheſter, in the county of Eſſex; and directs, that they ſhould have a *mayor*, 16 aldermen, 16 aſſiſtants, 16 common-council men (4 out of each ward) an *high-ſteward*, and a recorder, &c. (ſee extract of the charter in Appendix.)

Doomſd. book.
Morant, p. 46.
Cart. Rich. I.
Cart. Hen. III.
Cart. 25 Hen. VI. m. 23.
Cart. 1 Ed. IV. P. 1. n. 3.
Cart. 10 Car. I.

King Charles the ſecond, by his charter, dated Auguſt 3, 1663, altered the number of officers, and ſettled them thus; viz. 12 aldermen, including the mayor, 18 aſſiſtants, and the like number of common-council-men: theſe ſeveral charters were ſurrendered in 1684, and a new charter was granted, with ſome alterations.

Cart. 15 Car. II.

King James the ſecond reduced the number of officers to 10 aldermen, including the mayor, 10 aſſiſtants, and 10 common-council-men, by his charter, dated September 15, 1688.

At the Revolution, the former charters were reſtored; but about the year 1741, the ſame charters, and privileges, thereby granted to the town, were declared void.

This borough ſent members to parliament 23 Edw. I. and hath retained that privilege ever ſince: the returns were formerly endorſed on the ſheriffs writs; and on thoſe to parliament in the 26th Edward I, which are the oldeſt extant, two names are wrote, with theſe words added, *Qui electi ſunt pro communitate burgi de Colcheſter*. In the 7th of Ed-

Willis. Morant, 99.
26 Ed. I.
Bohun, p. 99.

ward the fourth, only five burgeſſes, named in the return, choſe for that parliament, in the county-court held at Chelmsford. The returns, in the 12th and 17th of Edward the fourth, are, *Balivi burgi de Colecheſter, &c. eligi fecerunt per majorem partem burgenſium magis ſufficiend. duos burgenſes eſſend. pro burgo illo ad parliamentum.* But I cannot omit taking notice, that this ſervice was formerly thought a burthen, and to be exempt from it, King Richard the ſecond, in conſideration of new-building and fortifying the walls of their town againſt the King's enemies, grants them for the ſpace of five years, the following patent of exemption.

2,17 Ed. V eeindenre 33. Hen. VI. Appenix. r. Parl. ediviv. 41.

Ric. II. *Richardus, Dei gratia, Rex Angliæ, et Franciæ, et Dominus Hiberniæ, omnibus ad quos præſentes literæ pervenerint, ſalutem. Sciatis quod de gratia noſtra ſpeciali conceſſimus dilectis nobis burgenſibus villæ noſtræ Colceſter, in auxilium expenſarum quas ſuper clauſura dictæ villæ mure de petra et calce in reſiſtentiam inimicorum, ſi qui villam illam forſan invadere vellent vell intendunt, ad quod opus implend. firmum propoſitum jam ſumpſerunt ſicut dicunt,* quod ipſi per quinque annos proxime ſequentes plennarie ſint exonerati ad mittend. ſeu inveniend. aliquos comburgenſes ſuos de quinque annis ad parliamenta noſtra infra idem tempus tenend. *Ita ſemper quod iidem burgenſes dictum opus infra prædictos quinque annos perficient juxta poſſe ſuum ut prædictum eſt. In cujus rei teſtimonium has literas noſtras fieri fecimus patentes. Teſte meipſo apud Weſtm. 12 Decemb. anno regni noſtri ſexto.*

However, the inhabitants did not make uſe of it; for I find the patent is dated 12th day of December, and was filed to the return of the ſheriff of Hertfordſhire and Eſſex, of the ſame year of Richard the ſecond; and this return bears date 7th January, being the next month after: yet they did, to both the parliaments of that reign, return burgeſſes. Thus far I am authoriſed from authentick records, and hiſtories, to write of the antient ſtate of this borough. The more modern memoirs I have met with, concerning its elections, and repreſentatives, are as follow.

March 28, 1628. Report made from the committee for privileges by Mr. Hackwill:—For Colcheſter, only one return made by the bailiffs; in which Sir Thomas Cheek, and Mr. Alford, returned: that the bailiffs, aldermen, and common-council, conſiſting of 42, in an upper room read the writ, and there elected Sir Thomas Cheek, and Mr. Alford: in a lower room, the common ſort of burgeſſes, in general, elected Sir Thomas Cheek, and Sir William Maſham: that the bailiffs, &c. made their preſcription by election, as they now made it.

Againſt this, alledged, that, till Rich. I. no bailiffs; from thence, till Edw. IV. no common-council. Then 16 appointed by a new charter; which, by conſtitutions ſithence, they have increaſed to . . . Upon this the preſcription holden inſufficient. That the committee alſo of opinion, that the election of Sir William Maſham good; and Sir William Maſham's name to be put in by the bailiff, inſtead of Mr. Alford.

Upon queſtion, Sir William Maſham duly elected; and Sir William Maſham his name to be, by one of the bailiffs now in town, inſerted in the indenture of return, in the place of Mr. Alford; which accordingly was preſently done at the board.

June 3, 1685. A petition of Samuel Reignolds, eſquire, touching the election for this borough, was read.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion. No report appears.

Jan. 22, 1688. A petition of Sir Walter Clarges, baronet; complaining of the undue return, and election, of Mr. Samuel Reignolds, and Mr. Iſaac Rebow, for this borough, in injury of the petitioner, who ought to be returned, to ſerve in this preſent convention; was read.

Ordered, that it be referred to the committee of elections and privileges, to examine the matter, and report the ſame, with their opinion. No report appears.

March 24, 1689. A petition of Iſaac Rebow, eſquire, was read; ſhewing, that he was duly elected a burgeſs for this borough, by the majority of legal voters; but John Potter, mayor of the ſaid borough, hath returned Edward Cary, and Samuel Reignolds, eſquires, as burgeſſes, to ſerve in this preſent parliament for the ſaid borough, in prejudice of the petitioner.

Ordered, that it be referred to the committee of privileges and elections, to conſider, and report the matter, with their opinion.

Oct. 6, 1690. A petition of Iſaac Rebow, eſquire, was read; ſetting forth, that he was duly elected for this borough; yet the then mayor of the town hath returned Samuel Reignolds, and Edward Cary, eſquires, though the petitioner had a greater number of legal votes, than either of the ſaid perſons: and praying the conſideration of the houſe in the premiſes.

Ordered, that the conſideration of the ſaid petition be referred to the committee of privileges and elections; who are to examine the matter, and report the ſame, with their opinion.

Nov. 11. Mr. Grey reported, from the committee of privileges and elections, the ſtate of the caſe on the ſaid petition, as it appeared to the ſaid committee:

That the right of election was agreed, as well by the counſel for the ſitting-members, as the petitioner's, to be in the freemen of the ſaid borough, not receiving alms:

That it appeared to the committee, that the poll was taken promiſcuouſly; and was afterwards to be ſcrutinized:

That three clerks, who took the poll, were produced; upon whoſe books the numbers were,

For Mr. Cary	445,	447,	447.
Mr. Reignolds	445,	452,	452.
The petitioner	485,	483,	484.

That the petitioner, having a majority upon the poll, demanded a return, but the mayor refuſed till the ſcrutiny; and thereupon the clerks books were ſealed up, and delivered to the mayor, who ſent for the petitioner, to be at the ſcrutiny; but he refuſed to come. Upon the ſcrutiny, the numbers were,

For Mr. Cary ———	407,
Mr. Reignolds ——	415,
Mr. Rebow — —	393.

That thereupon the committee reſolved,

That Edward Cary, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for this borough.

That Samuel Reignolds, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for this borough.

The ſeveral reſolutions being read a ſecond time, were agreed to by the houſe.

Nov. 29, 1695. A petition of ſeveral freemen and burgeſſes of this borough, on behalf of themſelves and the major part of the ſaid burgeſſes, was read; ſhewing, that at an election for members to ſerve in this preſent parliament for the ſaid borough, the candidates were, Sir John Morden, Sir Iſaac Rebow, Sir Thomas Cook, and Dr. John Harriſon: that at the election, the then mayor uſed many illegal practices to prevent the election of Sir Thomas Cook, by refuſing ſeveral perſons to poll who were duly qualified; and admitting divers others for Sir John Morden, who had no right to poll; by refuſing a ſcrutiny, when demanded by one of the candidates; and by returning Sir John Morden as one of their burgeſſes, though Sir Thomas Cook had more votes than Sir John, as will appear by the poll-books; which practices of the mayor, tend to deprive the petitioners of their right of election: and praying &c.

Ordered to be referred to the committee of privileges, to examine the matter, and report the ſame, with their opinion.

March 7. Ordered, that the matter of the petition of the inhabitants of the borough of Colcheſter, do come on before the committee of privileges and elections, the day it would have been heard, in caſe other petitions had not been withdrawn.

28, 1696. Colonel Granville reported from the committee of privileges and elections, the matter touching the election for this borough: that the right of election was agreed to be in the ſworn burgeſſes, not receiving alms: that there was a poll taken by the town-clerk; another taken for Sir John Morden; and another for Sir Thomas Cook. —The poll taken for Sir John Morden, did give the majority by two or three for Sir Thomas Cook; and the poll taken for Sir Thomas Cook, did give the majority in like manner to Sir John Morden; and the numbers on the town-clerk's poll, who ſat moſt commodiouſly for taking the ſame, at cloſing thereof, appeared to be thus;

For Sir John Morden 406,
Sir Thomas Cook 408.

But the account given by the town-clerk to the mayor, was,

For Sir John Morden 407,
Sir Thomas Cook 401.

By which, Sir John had the majority by 6; though Sir Thomas Cook had really the majority by two; but it was proved, and not diſowned by the town-clerk, that the town-clerk, upon telling the mayor the numbers, did ſay, that he was not certain.

Sewell and Abbot ſaid, the mayor ſaid, before the election, that Sir Iſaac Rebow and Sir John Morden ſhould be returned, and offered to lay two guineas to one of it; but Hall ſaid he was by at the time Sewell ſpoke of, and did not hear any ſuch words.

That, for the petitioners, it was inſiſted, that the mayor had denied a ſcrutiny; and that many had polled who had no right.

As to this, the petitioner called,

Mr. Duboyes and others, who ſaid, Sir Thomas Cook was invited to be a candidate for this borough, having been a benefactor there: that upon caſting up the poll, Mr. Kendal, who took the poll for Sir Iſaac Rebow, found one or two more for Sir Thomas Cook than Sir John Morden; thereupon Mr. Bennet, Sir John Morden's brother-in-law, demanded a ſcrutiny on Sir John's account: that the town-clerk told the mayor, he found it ſix for Sir John Morden; but ſaid, he was not certain; and deſired the mayor would not declare that night: that ſeveral demanded of the mayor to declare for Sir Thomas Cook, and a ſcrutiny was demanded; and the books were ſealed up in order to a ſcrutiny next day: that the next day, before the mayor declared, Mr. Shaw demanded a ſcrutiny again; but the mayor declared for Sir Iſaac Rebow and Sir John Morden; but refuſed to declare the numbers, ſaying, that he would not return Sir Thomas Cooke; but he had his remedy in parliament: that Sir Iſaac Rebow did ſay, it ſignified nothing to put down queries, for there ſhould be a ſcrutiny for the whole. That ſome objections were made at the poll, and ſeveral were ſtruck out, and queries were left upon foreigners and alms-men; but Mr. Potter (one of theſe witneſſes) owned he had a liſt of the free-burgeſſes in his hand at the time of the poll; but could not ſay it was an exact copy: and that Sir Iſaac Rebow, after the poll was over, did ſay, it was plain Sir Thomas Cook had it by the poll.

To anſwer this, for Sir John Morden, was called,

Major Haynes; who ſaid, there had been a difference between him and Lord Lucas, relating to 150l. recovered of him for money he engaged for at the laſt election for this borough, where Sir Thomas Cook was a candidate; and that Sir Thomas Cook would not do any thing in it till the parliament was diſſolved: and that Sir Thomas Cook ſaid, if he would diſſuade Sir John Morden from being a candidate, and engage Sir Iſaac Rebow for him, he ſhould have the money; but it muſt not be known to be from him, for fear of bribery.

Mr. Roberts was then called for the petitioner, and ſaid, major Haynes aſked him to go to Sir Thomas Cook to make up matters between him and Lord Lucas; and ſaid, that if Sir Thomas Cook would accommodate it, he would perſuade Sir John Morden to deſiſt, or prevail with Sir Iſaac Rebow to join with him; and at laſt major Haynes ſaid, if Sir Thomas Cook would give him 250l. he would do what he had promiſed, and ſtand upon his own feet with Lord Lucas.

That in reply were called, for Sir John Morden,

Mr. Smith and others; who ſaid, ſeveral went about town and declared Sir Iſaac Rebow was a corn-merchant; and that one ſaid, he had 3 guineas to make a party for Sir Thomas Cook; and that the mayor, upon the town-clerk's ſaying Sir John Morden had the majority, cloſed the poll; but Sir John durſt not ride that night becauſe of the tumult: that they did not hear a ſcrutiny demanded till next morning; and that, after the mayor had declared the election, when the mayor ſaid it was too late.

That for the petitioners, exceptions were taken to ſeveral who voted for Sir John Morden: and the firſt was of 27 not to be found in the freemens books: and for this they called,

James Shelton; who ſaid, as to Samuel Motte, he was disfranchiſed: and as to Robert Potter, George Clark, Thomas Burton, William Hall, Abraham Langley, John Tatem, S. Ryder, Robert Robbery, Michael Behaites, John Drake, Thomas Draper, minor; Joſeph Ewry, Jeremiah Groom, Samuel Gibſon, Henry Hall, Robert Humphry, John Herbert, junior, Nathaniel Legg, Sir Francis Maſſam, William Motte, junior, James Peacock, Thomas Prigg, Daniel Pilſon, James Rich, Joſeph Tabor, and Joſeph Wheely; he had ſearched and could not find their names in the books, except three or four, who were ſo long ſince, that he did not believe them to be the men: that they all polled for Sir John Morden; but, he believed, one or two of them polled for Sir T. Cook alſo.

For Sir John Morden, they called, to anſwer this,

Mr. Wheely; who ſaid, William Motte, junior, is in the freemens book: that James Rich was free: that Langley has voted at elections of magiſtrates; but was a quaker, and had not ſworn: that Samuel Gibſon is alſo a freeman.

Mr. Glaſcock ſaid, Sir Francis Maſham was ſworn, which was admitted: that Joſeph Tabor is entered: that Jeremiah Groom and Nath. Legg, were freemen.—Mr. Hayward ſaid, John Wheely had polled five or ſix years; is ſervant to Sir Iſaac Rebow.—John Drake ſaid, Ewry was a freeman.

John Bloys ſaid, Hall was a freeman.

That, for the petitioners, were produced ſeveral certificates taken out of the regiſter-books: by which it ſeemed, Oliver Burking, John Harvey, Richard Field, Abraham Behaites, Francis Mortier, William Ruſh, Arthur Wenceſly, John Cater, Jeremiah Talcot, and John Shorey, were under age at the election.

But for Sir John Morden, there was produced another certificate to prove that Mortier was baptized the 6th of April, 1673.

And Richard Field ſaid, his ſon was 21 at the election; and was four or five years old, when regiſtered.

Mr. Shelton ſaid, 58 others had taken up their freedom ſince 29th of September laſt, and voted for Sir John Morden:

But the town-clerk ſaid, of the 58, twelve were ſworn the 14th of October; and three on the 12th, being the day of the teſte of the writ; and that they had right to demand their freedom; and all the reſt were ſworn before the teſte of the writ.

The petitioners alſo inſiſted, ſome alms-men had voted for Sir John Morden: and called Shelton; who ſaid, he had examined the poors-book, and found that Abraham Dehain, Thomas Roman, John Martin, Thomas Laye, Thomas Coule, and Joſeph Ward, are relieved out of the poors-rate: and Glaſcock ſaid, Thomas Tyler lived in an alms-houſe, and the pariſh find him wood.

Purchaſe ſaid, Thomas Bennet was in the pariſh-books for one ſhilling laſt year; and had taken alms ſince Chriſtmas.

That for Sir John Morden was called,

Mr. Kendal; who ſaid, Coul carried on a conſiderable trade, and was ſaid to be worth 200 l. and Hayward ſaid, Laye was no alms-man; nor could he find Ward in the poors-books.

That Sir John Morden, to diſqualify ſeveral who voted for Sir Thomas Cook, called Mr. Wheely; who ſaid, three were made free after the teſte of the writ: that 27, who voted for Sir Thomas Cook, are not in the freemen's books; but owned, he had not ſeen the free-ſchool-book, where many freemens names are inſerted.

To anſwer this, Glaſcock ſaid, nine of theſe were freemen: and as to others of them, Mr. Shelton ſaid, Joſeph Walters was a reputed freeman; and had made apprentices free. Purchas ſaid, Butcher is a freeman, and that he ſaw him ſworn. Mr. Pullen ſaid, he ſaw Chapell ſworn. Mr. Choak ſaid, he ſaw Brook ſworn. Mr. Scrivener ſaid, he ſaw Abraham Vore ſworn. And further for Sir John Morden, alſo,

Wheelly proved ſeven of Sir Thomas Cook's votes minors. Peirſon ſaid, his two ſons were minors. Mr. Hayward ſaid, nine received charity; four the pariſh paid their rents; one lived in an alms-houſe; ſeven others occaſionally received alms, but could not ſay he found them in the book; eleven others received cloth at Chriſtmas, being paid by that they called rabcot-money; but it appeared, it was not found by the pariſh. Upon the whole, the committee reſolved,

That Sir John Morden was not duly elected a burgeſs, to ſerve in parliament for this borough.

That Sir Thomas Cook is duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

But the firſt reſolution, being twice read, was diſagreed to.

Nov. 4, 1702. A petition of John Potter, eſquire, was read; ſetting forth, that at the election of burgeſſes, to ſerve in this preſent parliament for this borough, the petitioner, Sir Thomas Cook, and Sir Iſaac Rebow, were candidates; and Sir Iſaac Rebow, and his agents, by bribery and corrupt practices, procured ſeveral of the electors for him, and was thereupon returned, in wrong to the petitioner: and praying relief &c. Alſo,

A petition of ſeveral freemen of this borough, on behalf of themſelves and others, freemen of the ſaid town, was read, to the ſame effect.

Ordered, that they be referred to the committee of privileges, to examine the matter, and report the ſame, with their opinion.

A petition of the free-burgeſſes of this corporation was read; ſetting forth, that Sir Thomas Cook, and his agents, did, by bribes, threats, treats, and other undue means, prevail on ſeveral electors to chuſe him for one of the burgeſſes, to ſerve them in this preſent parliament; and hath procured himſelf to be returned, though not duly elected: and praying &c.

Ordered to be referred in like manner.

Ordered, that the committee of privileges and elections do appoint another day, for the hearing the matter of the petitions touching the election for the ſaid borough, than what they uſually ſit upon.

17th. Ordered to be reported on Saturday next.

21ſt. Mr. Bromley reported from the committee of privileges the matter upon the ſeveral petitions, touching the late election for this borough; viz.

Upon the petition of John Potter, eſquire, and ſeveral freemen, complaining that Sir Iſaac Rebow, and his agents, by treating, &c. did procure ſeveral of the electors to vote for him at the laſt election; as alſo, upon a petition of ſeveral free-burgeſſes of the ſaid borough, complaining, in like manner, of Sir Thomas Cook.

The committee began with thoſe againſt Sir Iſaac Rebow; and it was admitted he had a majority, on the poll, of Mr. Potter; but inſiſted, that ſeveral of them were obtained by treats, and corrupt practices: and to prove this, the counſel for the ſaid petitioners called ſeveral witneſſes:

Some of which ſaid (Pollardine and Morren) that John Weely, Edward Johnſon, Joſeph Pierce, and Anthony Hill, were buſy men for Sir Iſaac Rebow, and they went from houſe to houſe to aſk votes for him: that Weely and Hill promiſed to help Cornelius Warren to a loom's work: that Pierce ſaid, he ſhould carry Sir Iſaac in a chair, or ſhould have a crown, if he did not: that the day before the election, he was in company with Sir Iſaac Rebow, and others, and ſtaid an hour with them, and drank wine without paying for it: that on the election-day he went to the Red Lion, being invited by Pierce, and ſtaid drinking there an hour and an half; but was not then aſked his vote.

It was alſo ſaid by ſeveral witneſſes, and not contradicted by Sir Iſaac Rebow's witneſſes, that the Red Lion was a place of general entertainment on the election-day; many going thither to eat and drink; only, it was ſaid by the latter, that thoſe, who did ſo, paid for what they had, and were not treated by Sir Iſaac Rebow, or his managers; and therefore ſome were called to teſtify they did not pay, viz.

Daniel Brown and others: one witneſs ſaid, he paid twopence at his firſt coming there, though his ſhare came to more. It appeared, ſome of theſe voted both for Sir Iſaac Rebow, and Sir Thomas Cook; and Lovegate owned, on the election-day he was invited by Hill (who aſked votes for Sir Thomas Cook) to the Queen's Head, and did not pay.

Johnſon ſaid, that, going out of the Red Lion, Joſeph Pierce ſpoke to him, and ſaid, he hoped he would vote for Sir Iſaac; and then went in, and drank again.

The two Johnſon's received five ſhillings each three weeks before the election (they think) by Sir Thomas Cook's order; but ſaid, they thought it due to them, for carrying him in the chair the preceding election, and had not any thing before for it.

James Aldway ſaid, Pierce treated him, and deſired his vote for Sir Iſaac Rebow.

Jane Swan, a ſervant at the Red Lion, ſaid, Weely, and Johnſon promiſed to pay the reckoning.

For Sir Iſaac it was inſiſted, they all paid their reckoning: and called Benjamin Glamprey, and others, who ſaid, the reckoning was chalked to each company; and they had only bread and cheeſe, and beer; and every one, as far as they obſerved, paid his ſhare; and one of theſe witneſſes collected four or five pounds of the reckoning. John Sheldrake ſaid, Weely and Pierce gave 20 s. to him, 42 days before the election, to vote for Sir Iſaac Rebow.

Samuel Deacon ſaid, he lived at Ipſwich; and Mr. Snelling ſent for him, and deſired him to go to Colcheſter, and vote for Sir Iſaac Rebow, and carry what friends he could with him, and not let them want money, meat, or drink: and ſaid, one Crockat had three ſhillings and ſixpence, and another one ſhilling, by Sir Iſaac Rebow's order, being poor, and having nothing to maintain themſelves; which Crockat owned.

John Betts ſaid, the night Sir Thomas Cook came, Thompſon offered twenty crowns, for twenty votes for Sir Iſaac Rebow.

Sir Iſaac Rebow's counſel called one Dutch; who ſaid, Betts, the laſt witneſs, ſaid, he would ſwear right or wrong before the committee: but Dutch being aſked particularly to this matter, owned himſelf to be preſent, when Thompſon pulled out the money, and made the offer aforeſaid.

Abraham Wyat ſpoke to the reputation of John Sheldrake.

Hereupon the committee reſolved,

That the agents of Sir Iſaac Rebow have been guilty of treating, and other corrupt practices, in order to procure the ſaid Sir Iſaac Rebow to be elected a burgeſs, to ſerve in parliament for this borough.

That Sir Iſaac Rebow is not duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

Upon the petition againſt Sir Thomas Cook, the counſel firſt attempted to prove who were managers for Sir Thomas Cook, and called Lawrence and Hawkins; one of whom ſaid, alderman Boyce, Bery Cock, with others, went out to meet Sir Thomas Cook, when he came to town; and both deſired his vote for him: alſo ſpoke to ſeveral ſums, due for the former election, which were promiſed a little before, but not paid till after the election.

The counſel alſo inſiſted, there had been treating for Sir Thomas Cook, and called Hawkins; who ſaid, Mr. Potter gave him a ſhilling to drink his health, and put him in mind to keep cloſe to Sir Thomas Cook: that, the night before the election, he gave notice to ſeveral to meet at alderman Coxe's, and other houſes, where a great many, who voted for Sir Thomas Cook and Mr. Potter, were entertained; and ſome who voted for Sir Iſaac Rebow.

Smith ſaid, Sir Thomas Cook's friends were entertained at Boyce's, and Mrs. Cox's, on the election-day: and Woodhall ſaid, thoſe who were there did not pay; and Brown declared, he had orders to give every one of Sir Thomas Cook's friends a flaggon of drink.

Byer ſaid, the voters for Sir Thomas Cook were entertained at the White Hart, and Queen's Head.

George Wood ſaid, John Cox offered him a loom's work to vote for Sir Thomas Cook; and Mr. Potter gave him a ſhilling, to poll for him and Sir Thomas Cook; which ſhilling was ſtopt after out of his wages, becauſe he voted for Sir Iſaac Rebow, and Sir Thomas Cook.

Howell ſaid, the morning of the election there were about ſixteen of Sir Thomas Cook's friends at the Shoulder of Mutton; and one Wall adviſed him to give a ſingle vote for Sir Thomas Cook, and gave him a by chain, and ſaid, he would pay the reckoning: he voted for Sir Iſaac, but the others voted for Sir Thomas Cook.

Morris ſaid, Mr. Potter gave him two ſhillings and ſixpence, for coming from Chelmsford, to vote for him, and Sir Thomas Cook.

And others ſpoke of their having five ſhillings paid each of them, for carrying Sir Thomas Cook in the former election.

Upon the whole, the committee reſolved,

That Sir Thomas Cook is duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

That John Potter, eſquire, is not duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

The ſeveral reſolutions in theſe reports, being read a ſecond time, was agreed to by the houſe.

Reſolved, the charge againſt Sir Thomas Cook, a member of this houſe, for bribery, is falſe and groundleſs.

Ordered, that John Weely, agent for Sir Iſaac Rebow, for his corrupt practices, in endeavouring to procure the ſaid Sir Iſaac Rebow to be elected a burgeſs, to ſerve in this preſent parliament for this borough, be taken into cuſtody of the ſerjeant at arms attending this houſe.

Reſolved, that the petition of ſeveral of the free-burgeſſes of the corporation of this borough, againſt Sir Thomas Cook, a member of this houſe, is falſe and ſcandalous.

Ordered, that William Motte, junior, Arthur Winſley, junior, Peter Braſier, Edmund Johnſon, Thomas Gregſon, William Freeman, and William Leech, ſix of the ſaid petitioners, be ſeverally taken into cuſtody of the ſerjeant at arms attending this houſe.

Jan. 10, 1705. A petition of Sir Thomas Cook, knight, was read; ſhewing, that, upon the death of Edward Bullock, eſquire, the petitioner was a candidate at the election of a burgeſs, to ſerve in the preſent parliament for this borough; but by the indirect practice of John Baynham, the mayor there, in making great numbers of freemen, after the vacancy and teſte of the writ, though they had no right before to freedom; and admitting them, and others, to poll, who had no right; and refuſing to make free, and poll many, who would have voted for the petitioner, and who had a right to be made free; and by other indirect practices of the mayor, and the agents for Sir Thomas Webſter, he, the ſaid Sir Thomas Webſter, is returned, in wrong to the ſaid petitioner: and praying &c.

Alſo, a petition of Samuel Great, Stephen Kinſum, John Rayner, Richard Daniel, John Hoyl, and John Boggis, in behalf of themſelves, and other free-burgeſſes of the ſaid town, was read; ſhewing, that, upon the death of Edward Bullock, Sir Thomas Cook, and Sir Thomas Webſter, were candidates at the election of a burgeſs, to ſerve in the preſent parliament for this borough: that John Baynham, the mayor, after the vacancy, to the very day of the election, in a moſt unuſual manner, in ale-houſes and taverns, and private places (and not in the town-hall, as cuſtomary) did make above an hundred freemen for Sir Thomas Webſter, who had no right, being foreigners, alms-men, or minors; and being aſked, if he intended to poll ſuch perſons? he anſwered, that was as he ſhould have occaſion; and they were polled for Sir Thomas Webſter: and yet the mayor refuſed to make ſeveral free, who demanded it, and had a right by birth or ſervice, becauſe he underſtood, they intended to vote for Sir Thomas Cook, who was duly choſen by a great majority of legal electors; but the mayor hath returned Sir Thomas Webſter, in violation of the privileges of the borough: and praying &c.

Ordered, that they be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Dec. 11, 1706. A petition of Richard Daniel, John Bull, Robert Pitfield, Stephen Hinſom, John Hoyt, and John Boggace, on the behalf of themſelves and others, free-burgeſſes of this borough, was read; ſhewing, that, upon the death of John Bullock, eſquire, a precept was directed to John Baynham, mayor of this borough, to proceed to the election of a burgeſs to ſerve in parliament, in the room of Mr. Bullock; and Sir Thomas Cook, and Sir Thomas Webſter, were candidates: that the mayor, after the ſaid vacancy, to the very day of the election, in a moſt unuſual manner, in ale-houſes, and private places, made above an hundred freemen, who had no right thereto (moſt of whom polled for Sir Thomas Webſter) and denied to make ſeveral free, that had a right to their freedom, and would have voted for Sir Thomas Cook: that the petitioners demanded a ſcrutiny, which the mayor promiſed them; but, when they required the books of entry of the freemen, by which only the ſcrutiny could be made, he refuſed to produce them; and declared Sir Thomas Webſter duly elected, and hath returned him, though demand was made of a return for Sir Thomas Cook, who was duly elected, and ought to have been returned; by which, and other undue practices of Sir Thomas Webſter and his agents, the rights of the petitioners, and of the ſaid borough, are violated: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Ordered, that it be an inſtruction to the ſaid committee, That, before they proceed to enquire into the merits of any petition, preſented to the houſe this ſeſſion, touching elections, they do examine, whether they be the ſame in ſubſtance with ſuch as were preſented the laſt ſeſſions of parliament.

Feb. 7. Ordered, that the report from the committee of privileges and elections, touching the election for this borough, be made on Monday next.

10th. Mr. Compton reported the matter upon the ſaid petition, upon the order of the houſe of the 11th of December laſt; by which it is an inſtruction to the committee of privileges and elections, that, before they proceed to enquire into the merits of any petition, preſented to the houſe this ſeſſion, touching elections, they do examine, whether they be the ſame in ſubſtance with ſuch as were preſented the laſt ſeſſions of parliament: The committee have examined, whether the petition, complaining of an undue election of Sir Thomas Webſter, baronet, to ſerve in parliament for this borough, this ſeſſion, be the ſame in ſubſtance with the petition preſented the laſt ſeſſion; and, upon comparing both, they find, that the petition, preſented this ſeſſion, is in the name of Richard Daniel, John Bull, Robert Pitfield, Stephen Henſam, John Hoyt, and John Boggace, on behalf of themſelves, and other free-burgeſſes of the town of Colcheſter:

That the petition, preſented laſt ſeſſion, was in the names of Samuel Great, Stephen Hinſam, John Rayner, Richard Daniel, John Hoyt, and John Buggis, on behalf of themſelves, and other free-burgeſſes of the town of Colcheſter:

That the body of the petitions was *verbatim* * the ſame, but in reſpect of two of the petitioners, who ſigned the petition this ſeſſion, viz. William † Bull, and Robert Pitfield, did not ſign the petition preſented the laſt ſeſſion.

* N. B. They greatly differ in words. Vide the petitions.

† Sic orig.

The committee reſolved, that the petition of Richard Daniel and others, free-burgeſſes of Colcheſter, preſented this ſeſſion, is not the ſame in ſubſtance with the petition of Samuel Great and others, free-burgeſſes of Colcheſter, preſented to the houſe the laſt ſeſſion of parliament: whereto (on its being twice read) the houſe agreed.

Ordered, that the committee of privileges and elections be diſcharged from hearing the matter, touching the merits of the ſaid election.

Dec. 1, 1710. A petition of William Gore, was read; ſhewing, that, at the laſt election of burgeſſes, to ſerve in this preſent parliament, for this borough, the petitioner, Sir Iſaac Rebow, and Sir Thomas Webſter, were candidates: that Nathanael Lawrence, junior, mayor of the ſaid borough, refuſed divers votes for the petitioner, that were qualified, and admitted divers unqualified to vote againſt him, denying a ſcrutiny; and hath unduly returned Sir Iſaac Rebow and Sir Thomas Webſter, who, with their agents, uſed many indirect practices; notwithſtanding which, the petitioner was duly elected by a majority, and ought to have been returned: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine and report the matter with their opinion.

Jan. 22. Ordered, that the report be made on Thurſday next.

27th. Mr. Freeman reported the matter—That the poll was—for Sir Thomas Webſter 693—for

Mr. Gore 685. That the right of election was agreed to be in the mayor, aldermen, common-council, and burgeſſes. That the queſtion was, whether the mayor, of his own authority, without the conſent of the counſel, can make foreigners free. Againſt ſuch authority in the mayor, ſeveral entries in the town-books were produced; viz. In 1654, an order, that no foreigner ſhall be made free, without the conſent of the majority of the common-council. And ſeveral inſtances were produced of perſons admitted by the mayor and common-council, in the years 1656, 1657, 1658, 1685, and 1693. In 1694, a disfranchiſement, in the town-books, of an alderman for miſdemeanors: and Boyſe and Hayward ſaid, one of theſe miſdemeanors was, for making a perſon free in the year of his mayoralty (which was the precedent year) without conſent of the common-council. In July, 1697, an order in the town-book, that no foreigner ſhall be admitted, without conſent of the majority of the free-burgeſſes aſſembled in the common-hall.

* Quere Baynham.

Mr. Potter ſaid, John * Raynham, when he was mayor in 1705-6, 62 days before the election to parliament, without conſent of the common-council, made an hundred foreigners free, and ſwore them, in the night time, in ale-houſes and taverns, without the town-clerk, who ought to ſwear them publickly in the town-hall.

For Sir Thomas Webſter, were called Mr. Berkin, Mr. Griggſon, and Mr. Glaſcock, who ſaid, all the mayors ſince 1697, but one or two, have, of themſelves, admitted foreigners, and there were ſome inſtances of the like admittance before, but very few.

The committee came to this reſolution, That the mayor of this borough cannot make foreigners free of the ſaid borough, without conſent of the majority of the aldermen and common-council.

Upon this, the counſel for Sir Thomas Webſter admitted, the petitioner had a majority: and the committee reſolved, that Sir Thomas Webſter, baronet, is not duly elected a burgeſs, to ſerve in this preſent parliament, for this borough.

That William Gore, eſquire, is duly elected a burgeſs, to ſerve in this preſent parliament, for this borough.

The ſaid reſolutions, being ſeverally read twice, were agreed unto by the houſe; and the return ordered to be amended.

March 3, 1713. A petition of William Gore, and Nicholas Corſellis, was read; ſhewing, that at the election of burgeſſes for this borough, Sir Thomas Webſter, Sir Iſaac Rebow, and the petitioners, were candidates: that ſeveral perſons were admitted to vote at the election for the ſaid Sir Thomas Webſter and Sir Iſaac Rebow, who had no right; and others, who had a right, and would have voted for the petitioners, were refuſed: by which means, bribery and other undue practices of the ſaid Sir Thomas Webſter and Sir Iſaac Rebow, their friends and agents, have procured themſelves to be returned to ſerve for the ſaid borough, in wrong to the petitioners, who had a majority at the ſaid election: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

20th. A complaint being made to the houſe, that the town-clerk of this borough having been ſerved with an order of the committee of privileges and elections, for permitting Nicholas Corſellis, eſquire, and his agents, to inſpect the free-ſchool book, and any publick book, charters, papers, or records, in order for the preparing to the hearing of the matter, touching the election for this borough before the ſaid committee, he, the ſaid town-clerk, had refuſed the ſame.

Whereupon one John Summers, ſervant to the ſaid Mr. Corſellis, was called in and examined at the bar, in relation to the matter of the ſaid complaint.

And the order of the ſaid committee, and the journal of the 25 *Januarii*, 8 *Annæ Reginæ*, in the caſe of Sir Arthur Owen, were read.

Reſolved, that Thomas Glaſcock, town-clerk of this borough, having refuſed to obey the order of the committee of privileges and elections, for permitting Nicholas Corſellis, eſquire, or his agents, to inſpect the publick books and records of the ſaid borough, be, for the ſaid contempt, taken into the cuſtody of the ſerjeant at arms attending this houſe.

13, 1714. A petition of the ſaid Thomas Glaſcock, in cuſtody of the ſerjeant at arms, for his contempt in refuſing to obey the orders of the chairman of the committee of privileges and elections, for permitting Nicholas Corſellis, eſquire, or his agents, to inſpect the publick books and records of Colcheſter, was preſented; ſhewing, the petitioner acknowledges his offence of diſobeying the orders of the chairman of the committee of privileges and elections: and praying to be diſcharged out of cuſtody to return to Colcheſter, to ſhew obedience to the ſaid orders.

It was moved that he be brought to the bar of the houſe on the next morning, in order to be diſcharged; but diſagreed to.

April 5. Ordered, that ſaid Thomas Glaſcock be brought to the bar to-morrow morning, in order to his being diſcharged.

6. The ſaid Thomas Glaſcock brought to the bar, reprimanded on his knees, and diſcharged.

May 1. Ordered, that the report be received on Thurſday next.

6. Sir Gilbert Dolben reported the matter upon the ſaid petition, touching the ſaid election, as follows.

The poll was for Sir Thomas Webſter 630,
Sir Iſaac Rebow —— 604,
Mr. Gore —— — 590,
Mr. Corſellis — — 567.

That the right of election was agreed to be in the mayor, aldermen and common-council, and free-burgeſſes of this borough, not receiving alms.

The queſtion was, whether the common-council, without free-burgeſſes, can make foreigners free:

Againſt ſuch authority in the common-council; the petitioners counſel argued, that this is a borough by preſcription, and therefore 'tis requiſite the free-burgeſſes ſhould be preſent at the admiſſion of foreigners; they alledged, there was no mayor of this borough till the 11th of *Car.* I. and produced the journal of the houſe of commons of the 28th of March, 1628, in the then controverted election for the borough; whereby it appears, that, till the time of Richard I. this borough had no bailiffs; and, till the time of Edward the IVth. they had no common-council: that they alſo produced the following entries in the town-books; viz.

Mar. 23, 1696. An order of common-council for admitting ſeveral perſons to freedom, upon payment of ſuch fines as this houſe ſhall think reaſonable, provided the free-burgeſſes ſhall conſent thereto.

April 27, 1697. An order of common-council, againſt foreigners ſetting up their trade before they have agreed with the mayor and aldermen, or the major part of them, for freedom.

July 6, 1696. An order of common-council, that, from henceforth, no perſon being a foreigner, and not having a right to freedom, ſhall be admitted a free-burgeſs, without the conſent of the free-burgeſſes aſſembled in the common-hall, or the major part of them.

The petitioner's counſel called,

Henry Lamb, Miles Bull, and Robert Paradine; who ſaid, they had known this borough, 20, 30, and 40 years, and the uſage of making foreigners free-burgeſſes, is, by calling a common-floor, which conſiſts of near 1,000 free-burgeſſes; who are ſummoned by proclamation, made by the ſerjeant, in the ſeveral wards, by order of the mayor.

That this uſage was infringed in 1705, when Mr. Rainham was mayor; ſome few inſtances were before that time, of admiſſions by the mayor alone, others by the mayor and common-council; ſince that time there have been many ſuch, but they look upon all ſuch admiſſions to be illegal for want of free-burgeſſes being preſent.

That if the free-burgeſſes conſent in a common-floor, to the admitting of any particular freeman, they may be admitted by the mayor, and are good freemen.

That it appeared by the town-books, that 125 were admitted by Mr. Rainham, in 1705, without the town-clerk; 80 of which, Sir Thomas Webſter and Mr. Rebow's counſel admitted, were foreigners.

That it appeared by the journal, that in the laſt controverted election for this borough, the queſtion was, whether the mayor of his own authority, without conſent of the common-council, could make foreigners free; and upon the 27th of January, 1710, the houſe reſolved,

That the mayor could not make foreigners free without conſent of the majority of the aldermen and common-council.

After which determination of the houſe, there is an order in the town-book, made by the common-council, upon the 17th day of July, 1711; whereby the order of common-council of the 6th of July, 1697, againſt admitting foreigners without conſent of the mayor, aldermen, aſſiſtants, common-council, and free-burgeſſes, or the major part of them, is repealed; and divers foreigners having of late years been admitted, ſome for money paid, and others for honour and ſervices to the corporation, for peace and tranquillity of the town; all perſons who have been ſworn free-burgeſſes before any mayor, upon taking the oath again before the mayor, are, by the ſaid order, declared to be duly admitted and ſworn free-burgeſſes; and for the future, the admiſſions and ſwearing of any perſon a free-burgeſs, having no antecedent right by birth, or actual ſervice of ſeven years apprenticeſhip, is declared to be *ipſo facto* void; and no free-burgeſs be hereafter admitted and ſworn in any other place than the common-hall.

That the petitioner's counſel argued, that this, and the precedent orders of the common-council, are declaratory of a preſcriptive right in the free-burgeſſes to be preſent at the admiſſion of foreigners.

That the ſitting-members council inſiſted, that the mayor and common-council do all corporate acts, and have the right of admitting foreigners to freedom; that there is no inſtance to the contrary in any of the town-books, and that it does not appear in any of thoſe books, that free-burgeſſes were ever preſent at the admiſſion of foreigners: they denied it was neceſſary to have ſuch burgeſſes preſent at ſuch admiſſions:

And they called,

Mr. Nathanael Laurence; who ſaid, he was mayor in the year 1711: that the order of the 17th of July in that year, was made by the common-council in purſuance of the laſt reſolution of the houſe of commons; which reſolution they then took into conſideration: and they alſo conſidered the condition of a great many perſons who had paid for freedom, which ſums the town was not in a condition to repay; therefore they made that order: and he ſaid, they had at that time, an account of thoſe who had been ſworn by the ſeveral mayors; and ſaid further, that the common-council conſiſts of 12 aldermen, 18 aſſiſtants, and 18 burgeſſes of the common-council; that the free-burgeſſes are not of the common-council; that he has known the borough 30 years, and never knew an inſtance of free-burgeſſes being preſent, or ſummoned to be preſent, at any admiſſion of freedom.

That the committee came to this reſolution.

Reſolved, that it is the opinion of this committee, that the right of making foreigners, not having a right of freedom by birth or ſervice, freemen of the borough of Colcheſter, in the county of Eſſex, is in the mayor and free-burgeſſes of the ſaid borough, in common-hall aſſembled.

One of the ſitting-members acquainted the committee, that ſeveral freemen, who had no antecedent right, having been admitted by Mr. Johnſon, their late mayor, at an aſſembly, where were preſent many of the free-burgeſſes, paying ſcot and lot, but not the free-burgeſſes at large; and many others, who had no antecedent right, having been admitted in former mayoralties, without conſent of the free-burgeſſes at large; the majority of votes upon the foot of this reſolution, is with the petitioners; and thereupon the committee came to the following reſolutions, viz.

Reſolved, that it is the opinion of the committee, that Sir Thomas Webſter, baronet, is not duly elected a burgeſs to ſerve in this preſent parliament, for the borough of Colcheſter, in the county of Eſſex.

Reſolved, that it is the opinion of this committee, that Sir Iſaac Rebow, knight, is not duly elected a burgeſs to ſerve in this preſent parliament, for the ſaid borough of Colcheſter.

Reſolved, that it is the opinion of this committee, that William Gore, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament, for the borough of Colcheſter.

Reſolved, that it is the opinion of this committee, that Nicholas Corſellis, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament, for the borough of Colcheſter.

The ſaid reſolutions being read twice, were agreed unto by the houſe, and the return ordered to be amended.

Mar. 30, 1715. A petition of Nicholas Corſellis, eſquire, was read; ſhewing, that at the election for this borough, Sir Iſaac Rebow, knight, Richard Ducane, Samuel Ruſh, eſquires, and the petitioner, were candidates; that the petitioner was choſen by a majority of votes, duly qualified; yet by the partial and illegal practices of the mayor of the ſaid borough, in behalf of the ſaid Sir Iſaac Rebow, and Mr. Ducane, in admitting ſeveral perſons to poll for them, who had no right, and refuſing others for the petitioner, who were duly qualified: that the ſaid Sir Iſaac Rebow, and Mr. Ducane refuſed to take the oaths appointed in the ninth year of the reign of her late Majeſty, for ſecuring the freedom of parliaments, &c. although required to it at the time of the ſaid election; notwithſtanding which, the mayor hath returned the ſaid Sir Iſaac Rebow, and Mr. Ducane, in prejudice of the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matters thereof, and to report the ſame, with their opinion.

Oct. 18, 1722. A petition of Sir Iſaac Rebow, knight, was read; ſhewing, that at the election of members to ſerve in parliament, for this borough, Sir Thomas Webſter, baronet, Matthew Martin, eſquire, and the petitioner, were candidates: that by bribery and other illegal practices, made uſe of by and on the behalf of the ſaid Sir Thomas Webſter and Mr. Martin, they have procured themſelves to be returned for the ſaid borough, in prejudice of the petitioner: and praying, &c.

Ordered, that it be referred to the committee of privileges and elections, to examine into the matters thereof, and to report the ſame, with their opinion.

Jan. 10, 1723. The petition of the ſaid Sir Iſaac Rebow, to the ſame effect was again read, and ordered in like manner.

Nov. 13, 1724. The petition of the ſaid Sir Iſaac Rebow, to the ſame effect, was again read, and referred as before.

CORFE-CASTLE.

THIS borough is within the iſle of Purbeck and county of Dorſet; when it became a borough, doth not appear; but its preſent privileges are fully ſet out in a charter granted thereto, by King Charles the IId. (which ſee in the Appendix) Its firſt return of burgeſſes to parliament was in the reign of Queen Elizabeth, who gave it the privilege of being repreſented in parliament about the 14th year of her reign, as Dr. Willis writes, upon her granting the lordſhip to Sir Chriſtopher Hatton. It doth not appear that any elections were conteſted here until the reign of King Charles the ſecond, of which, and thoſe ſubſequent thereto, I ſhall give my reader the following memoirs: but before I enter upon theſe, I muſt not omit a ſmall ſpecimen of an unanimous election, which ſeems to be of an extraordinary nature; and is as follows. In 1603, Sir John Hobert and Mr. Dackham were returned, of whoſe election I have met with the following relation.

Annæ Regni 31. 2 Willis, 507.

Ib. 497.

“ To the right worſhipful our aſſured frinde Sir
“ John Hobert, knight, give theſe, London.

Ibid. p. 498.

“ Right worſhipfull and our undoubted kinde frind, we the maior and barons of the borough of Corff-Caſtell, within the iſle of Purbeck in the county of Dorſet, ſalute you in Chriſt. Foraſmuch as at the requeſt of the right worſhipfull Sir Edward Cooke, knight, his Majeſty's attorney-generall, we have elected and nominated you to be one of the burgeſſes for our ſaid borough, for the ſervice in his Majeſty's moſt high courte of parliament; and for the other have choſen and elected this honeſt and kinde gentleman, Mr. Edward Dackham, our townſman, this bearer, a man of ſufficient ability and livelihood. Our requeſt therefore unto your worſhipp is, that you would be well pleaſed to afford him your kind aſſiſtance in furtheringe any ſuch motion as might be thought beneficiall and for the good of our towne; as alſo in movinge Sir Edward Cooke, that by his good counſel and direction a graunte from his excellent Majeſtie may (if poſſible) be had, for the corroboration and confirmation of the auntient liberties of our borough, which we hold by charter; wherein, if you vouchſafe to manifeſt your love to our poore corporation, we ſhall have no cauſe at all to repent us of our choice in electing you; but gratefully to accept the ſame, and reſt ever readie, to the uttmoſt of our powers, in what we may, to make requital as occaſion ſhall be miniſtred. Thus commendinge your ſelf, and your ſerious affairs, to the bleſſinge of the Allmightie, doe moſt humbly take our leaves,

“ Corff-Caſtell, the Xth of March, 1603,
“ Your worſhipps unknowne,
“ yet kinde poore frindes,
“ JOHN MILLER, *maior*,
“ ANTHONY DOLLING,
“ WILLIAM BROWNE,
“ ROBERT ABBOT,
“ ROBERT DOLLING,
“ ROBERT CODD.”

This letter is an inſtance of perſons in high ſtations intermeddling in the elections of members to ſerve in parliament, which has been always looked upon as deſtructive of the freedom of elections; and as ſuch I here inſert it.

March 19, 1678. A petition of Sir Nathanael Nappier, knight, was preſented, and read; complaining of an undue return of Peregrine Viſcount Dunblain, to ſerve in this preſent parliament for this borough, to the petitioner's wrong and injury, who ought to have been returned. . . .

Reſolved, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

April 12, 1679. Sir Thomas Meeres reported from the ſaid committee, That they had taken into conſideration the matter of this election; and the queſtion was, Whether the freeholders only of lands or houſes in the ſaid borough, that paid ſcot and lot, or all the freeholders and leaſeholders generally, had right to vote in the elections; and whether the petitioner, or ſitting-member, had the majority.

Sir Nathanael Napier called Richard Jones, and ſeveral other witneſſes; who ſaid, the freeholders, leaſeholders, and chattel-leaſes, always had right to vote; and a blind man, a beggar, who had a cottage, voted in a former election; and all tenants, for twenty years or more, had right; and one Painter had a vote in Lord Latimer's election, though he had but a leaſe of years of Ogden, and paid to church and poor; and then the mayor invited all to the election, as well freeholders, as leaſeholders. That, at this election, the poor men were aſked, as well as the rich; and Mr. Culliford, an agent for Lord Dunblain, gave ſome one ſhilling, and ſome 18 d. for their hindrance of work half a day, as they bragged; and Mr. Kennell's man ſaid, he had a guinea of Mr. Culliford for his vote in this election: that Sir Nathanael Nappier had 36 votes that pay ſcot and lot, of which but 5 were queſtioned by the mayor; and Lord Dunblain but 16 or 15.

Lord Dunblain called ſeveral witneſſes, to prove the right of election was in the freeholders paying ſcot and lot only; and that he had the majority.

Mr. Culliford ſaid, he was at Lord Latimer's election; and all the barons agreed, that the mayor, barons, and freeholders, paying ſcot and lot, had right of voting at elections.

And he and Oſborn proved, that the mayor, being doubtful who had the right, aſked the barons; who told him, all freeholders, paying ſcot and lot, had right; and at that election they were preſent; and Lord Dunblain had 21, and Sir Nathanael Napier had 20, who paid ſcot and lot: that they examined Lord Dunblain's poll with the poor's book, and found all the 21, but Mr. Culliford, paid: and they ſaid, that ſeveral were threatned, if they voted for Lord Dunblain; and others were proffered money.

Jones ſaid, Mr. Ogden gave five pounds to the poor; and he never uſed to give money to the poor: but he ſaid, none of the voters.

Sir William Portman, Mr. Savage, and Mr. Earl, member of the houſe, who were at the election, ſaid, Sir Nathanael Napier had a majority of voters in their opinion: whereupon the committee reſolved,

That Peregrine Viſcount Dunblain is not duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

That Sir Nathanael Napier is duly elected a burgeſs, to ſerve, &c. for this borough: to both of which the houſe agreed; and ordered the clerk of the Crown to attend on Monday, to amend the return.

Ordered, that Edward Dackombe, mayor of this borough, be ſent for, in cuſtody of the ſerjeant at arms attending this houſe, to anſwer his miſcarriages, in the returning of members to ſerve in this preſent parliament for this borough.

Dec. 12, 1698. A petition of Richard Fownes, eſquire, was read; ſetting forth, that he was a candidate for this borough, to ſerve in this parliament, againſt William Culliford, eſquire, who is wrongfully returned; and who, by treating at and before the election, and by divers other indirect practices, obtained ſeveral votes, to the petitioner's prejudice, who otherwiſe had been choſen, and returned: and praying relief in the premiſes. Alſo,

A petition of Edward Clavell, eſquire, was read; ſhewing, that the petitioner, and John Banks, eſquire, were candidates, at the late election of burgeſſes to ſerve in this preſent parliament for this borough; where Mr. Banks and his friends, in order to get a majority of votes, by ſeveral conveyances, multiplied votes, contrary to a late act of parliament; and the mayor admitted ſuch to vote for Mr. Banks; by which means he hath returned him, in prejudice of the petitioner, who was duly elected: and praying &c.

Ordered, that they be referred to the committee of privileges and elections, to conſider the matter thereof; and to report the ſame, with their opinion.

April 3, 1699. Ordered the report to be made on Thurſday morning next.

6th. Sir Rowland Gwynn reported the matter upon the ſaid petitions ſeverally. 1. Upon the petition of Mr. Fownes againſt Mr. Culliford; and, as to them; that the poll was thus;

For Mr. Culliford	85,
For the petitioner	52.

But the petitioner's counſel inſiſted, that there had been treating, promiſes, and threats, made uſe of by Mr. Culliford, for obtaining votes: and called,

Captain William Collins, and Henry Collins his ſon; who ſaid, Mr. Culliford's family lived many years within two miles of this borough; and that his lady and family reſided at captain Collins's, about a mile diſtant from this borough, for ſome time before the election; and Mr. Culliford, and his kinſman, and another, came down, and ſtaid there a month or five weeks before the election; for which Mr. Culliford paid him ſeven guineas: that ſeveral of the Corfecaſtle people, who were voters, came; particularly Mr. Saunders, the mayor, and Mr. Smith, by his wife's invitation; and ſeveral of the Corfe-caſtle people were made to drink by Mr. Culliford: but ſaid, it was but as uſual, and that he did not charge Mr. Culliford any thing for it.

Henry Collins ſaid more particularly, that his father's houſe was made an houſe of entertainment for Corfe people, and the greateſt part of them have come there; whereof he named Saunders, Smith, Row, Dolling, Latin, Clerk, and Speer: that Mr. Culliford invited two or three of them to dine with him, who came at dinner time to the houſe; and a great deal of drink was diſtributed by Mr. Culliford; but could not ſay he paid for it, or ordered it; but Mr. Culliford had drink in a particular cellar, which he called for, for the Corfe people: that he did not know Mr. Culliford aſked their votes, only one Mr. Gentle, who was treated there, ſaid, that he had promiſed Mr. Culliford his vote: that the dinners were ſomething extraordinary, whilſt Mr. Culliford was there; but could not ſay, there was more provided for the Corfe men, nor who paid for it.

George White ſaid, about a fortnight before the election he dined at captain Collins's; but could not ſay any other voter dined there: that Mr. Culliford had promiſed him to provide for his ſon, and he brought him with him that day: that he aſked his vote; but he refuſed, and voted for Mr. Fownes, and Mr. Banks: that Mr. Culliford told him, his drink was almoſt out; and he was forced to ſend for half an hogſhead, to treat his friends, from Saunders; and that Mr. Culliford gave him about a pound of tobacco, about three weeks before the election.

It was alſo inſiſted, that there had been treating by Mr. Culliford's agents, and for that called Frampton; who ſaid, that Atford, who he knew aſked votes for Mr. Culliford, about three weeks before the election, deſired his father to come to his (Frampton's) houſe, where he (Atford) aſked his vote for Mr. Culliford; and Atford called for ſix flaggons of ale, which he paid for: that his father voted for Mr. Fownes, and Mr. Culliford; but he himſelf refuſed to be for Mr. Culliford: he alſo ſaid, Mr. Culliford, about ten days before the election, aſked Gardner for his vote; who ſaid, he had none, but, if he could get a debt owing from Harriſon's children, he could get Tho. Robert's vote; which Mr. Culliford promiſed to endeavour to do, and if he could not, he would pay it himſelf: and White ſaid, Roberts did vote for Mr. Culliford, and Mr. Banks. White alſo ſaid, one Snell, who managed for Mr. Culliford, ſent for him, and threatned to ſue him, if he did not vote for Mr. Culliford; and did ſo; and got a judgment of him, which put him to great charge: he alſo ſaid, he believed Mr. Culliford had got Jones an employment of thirty pounds *per annum*; alſo Robert Row, John Goodwin, and Anthony Thurſman, places: that Thurſman had no vote, and had his place within twelve months; but the others had them longer.

To anſwer this, were called Mr. Smith and others; who ſaid, ſeveral of them had been at Mr. Collins's with Mr. Culliford; and that there was never more than a diſh extraordinary, upon the account of Mr. Culliford's being there: and ſeveral of them ſaid, they had been at publick houſes with Mr. Culliford, where they paid their ſhares, and Mr. Culliford paid no more; and ſaid, he could not, becauſe it was againſt the act: and Rowe and Clark ſaid, they never dined at captain Collins's; neither had they drank a quart, put it all together, there.

Smith ſaid, he dined once at captain Collins's, being aſked by Mrs. Collins; and Mr. Saunders, the mayor, was with him: that he never aſked George White for his vote; but he owing him thirty pounds, ſome of it almoſt twenty years, he did ſue him for it: he owned, he had forty pounds a year, but paid twenty pounds rent out of it, and the remainder was mortgaged for 200 pounds: he alſo ſaid, Frampton was a poor hungry fellow, and had no trade.

And Francis Alford ſaid, they called at old Frampton's, whoſe drink being bad, they went to young Frampton's, and he paid for half a dozen, and old Frampton paid for two or three pots; but there was no diſcourſe of the election, till they came out of the houſe.

Mr. Culliford, junior, ſaid, young Collins kept bad company, and had a prejudice againſt his father, for informing captain Collins of his ill behaviour; and repeated ſome of his ill practices, as taking a letter from the poſt-houſe, and threatning to cut his father's throat: whereupon, the committee reſolved,

That William Culliford, eſquire, is not duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

That Richard Fownes, eſquire, is duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

Upon the petition of Mr. Clavell againſt Mr. Banks, the poll was,

For Mr. Banks 70,
For the petitioner 63.

It appeared, the right of election was in the leſſees for years, paying ſcot and lot; alſo, in ſuch perſons who had the freehold in reverſion, upon ſuch leaſe for years.

The petitioner's counſel inſiſted, ſeveral had voted for Mr. Banks, who had no right to vote. The firſt excepted to were five, who were only truſtees for a charity: and it was admitted by Mr. Banks's counſel, they had no freehold in Corfe, but in reſpect of Mr. Collet's charity, and paid the profits to the poor of Winborne.

Robert Rowe was called; who ſaid, the truſtees for this charity were always reckoned as one vote, and only one was allowed at ſerjeant Bond's, and Mr. Banks's election; and they were objected to for the convention parliament, between Mr. Ogden and Mr. Culliford; but the mayor allowed them againſt Mr. Culliford's will: and Rowe ſaid, he voted for a chattel-leaſe of the ſame eſtate.

The next exception was to 14, who having purchaſed an eſtate, formerly Mr. Dackham's, which the petitioner inſiſted was ſplitting, againſt the late act; but Mr. Banks's counſel produced the deeds, and called Mr. Dackham, who ſaid, the deeds were ſealed on the 12th of February laſt was 12 months: that they were of different tenements, and were ſeveral of them executed a great while after the contracts were made; nor was it then known who would be candidates: and five others were ſealed at the ſame time; one of which voted for Mr. Culliford and Mr. Clavell, and another for Mr. Banks and Mr. Culliford, and ſold to ſeveral perſons to make the moſt money of the eſtate: that the reaſon of ſealing them together, was becauſe of the truſtees, which were the two St. Loes, one of which lived in London, and the other in Dorſetſhire. But in anſwer to this, was called, Mr. Smell, and Mr. John Culliford; who ſaid, that on the 6th of March was 12 months, Mr. William Culliford deſired Mr. Dackham, when he diſpoſed of the reverſion of his tenement, he might have the refuſal, which Mr. Dackham engaged he ſhould; but ſaid, he did not deſign to ſell it; and Mr. Smith ſaid, at that time, he gave a receipt for rent in arrear for ſeveral years, and for rent which would be due at Lady-day following. Mr. John Culliford ſaid, Pyke had only in Corfe 4 d. a year chief rent, but was not excepted to at the ſcrutiny.

They alſo excepted to ſeveral who had no freeholds.

Speer ſaid, that Cole owned, at the election, he had conveyed his freehold to his ſon; but he did not vote for it, living three miles out of town;

And Speer and Saunders were examined as to others, but could not ſpeak poſitively.

Smith ſaid, Grove had no freehold till his mother's death; that Collins has no freehold, but belongs to Hawkins; that John Trew and Mr. Fitch are no freeholders; and Mr. Benfield, junior, and Butter never pretended to any thing till now; that William Talbot's houſe belongs to three, and Cole owned his reſigning to his ſiſter.

To anſwer this, Mr. Banks called Frampton; who ſaid, Talbot had a freehold, called the George, by deſcent; that John Trew had a tenement by aſſignment from his mother, and paid taxes; that Collins had lands left him and his brother, and enjoyed it jointly: Jerom Butler had an houſe and garden by inheritance; that part of the houſe fell down, and he lets the garden; that Grove had lands in like manner; and in the convention parliament of Charles the ſecond, the truſtees for Winborn charity had all votes allowed.

Frampton ſaid, Speer had a leaſe, but had loſt it, and his landlord had given him a note, that he ſhould hold it for life.

The petitioner's counſel admitted that three of their votes were alms-men. Hereupon the committee reſolved,

That John Banks, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for this borough.

The firſt reſolution concerning Mr. Culliford's election, being read, was agreed to by the houſe.

The ſecond reſolution, that Mr. Fownes was elected, was, on a ſecond reading, diſagreed to by the houſe.

The third reſolution, that Mr. Banks was elected, was, on the ſecond reading, agreed to by the houſe.

Ordered a warrant for a new writ in the room of Mr. Culliford.

Nov. 16. A petition of William Culliford, eſquire, was read; ſhewing, that, a late election for this borough, for a burgeſs to ſerve in parliament, being declared void as to Richard Fownes, eſquire, and the petitioner, a new writ iſſued for another election, and they again were candidates; but Henry Dackombe, the mayor, openly declared himſelf in favour of Mr. Fownes, and arbitrarily refuſed to poll for the petitioner, many legal votes, and admitted ſeveral to vote for Mr. Fownes, who had no right to vote; yet, notwithſtanding ſuch indirect practices, the petitioner had a majority of legal votes, and ought to have been returned, the majority appearing upon the caſting up of the poll; but the mayor declared he would return Mr. Fownes for all that: nor could the petitioner prevail with the mayor to enter on a ſcrutiny of thoſe who were queried, and agreed to be examined after the poll; but in breach of truſt, and prejudice of the petitioner, he proclaimed Mr. Fownes to be duly elected: and praying &c. Alſo,

A petition of the ſeveral magiſtrates, burgeſſes, and inhabitants of this borough, was preſented, and read; ſhewing, that a new writ iſſued for the election of a burgeſs to ſerve in this preſent parliament, for this borough, in the room of William Culliford, eſquire, whoſe late election, in competition with Richard Fownes, eſquire, was adjudged void, the ſaid Mr. Culliford and Mr. Fownes were again candidates; but the mayor reſolving, right or wrong, to carry the election for Mr. Fownes, did not only refuſe to poll a great many of legal electors for Mr. Culliford, who were admitted in all former elections; but admitted others to poll for Mr. Fownes, who had no right, nor were ever polled before; and tho' the petitioners often deſired the mayor to proceed in this as in former elections, yet he would not; but arbitrarily carried on the election in behalf of Mr. Fownes, without the leaſt regard to the people's right; and yet Mr. Culliford had a greater number of legal votes; but the mayor declared Mr. Fownes to be duly elected, and has returned him in violation of the rights of this borough, which are in danger of being totally ſubverted without relief of this houſe: and praying conſideration of the premiſes, and that the mayor may anſwer for his illegal practices.

Ordered to be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

March 1. Ordered the report be made tomorrow morning.

2d. Sir Rowland Gwyn reported the matter on the ſaid petitions; that the right of election was agreed to be in ſuch as have eſtate of inheritance, or freehold on a leaſe for years determinable on life or lives, paying ſcot and lot.

On the mayor's poll there were,

For Mr. Fownes — 61,
For the petitioner — 53.

The petitioner's counſel complained of great partiality in the mayor, and inſiſted they would add 19 to their poll who had voted at the laſt election, and ſeven others whoſe right accrued ſince. As to the partiality of the mayor they called,

Cobb; who ſaid, the mayor aſked him to vote for Mr. Fownes before the election, and he ſaid he had no reaſon for it, having loſt his work for voting for him before. The mayor promiſed him his work again, and ſaid, if he wanted money, though he was ſtraightned, he would pay him a guinea in part of what he owed him, which he did pay; but he did not acknowledge, that before he threatned to arreſt the mayor for the money. He alſo ſaid, the mayor went about to aſk votes for Mr. Fownes from houſe to houſe, and the night before the election, the mayor and Mr. Fownes came into the Ship, where he was, and being told Mr. Culliford and Mr. Roſe were above; the mayor ſaid, if Mr. Fownes had but five votes next day, he would return him. This was ſpoke by the mayor to Mr. Fownes over his ſhoulder, to which Mr. Fownes did not reply; but Cobb owned, Mr. Fownes promiſed him nothing for his vote; nor has he had the mayor's work ſince; and he voted for Mr. Culliford.

Furzman ſaid, he voted for Mr. Culliford; but the mayor came to him twice, and aſked his vote for Mr. Fownes, but he refuſed him; whereupon the mayor ſaid, if Mr. Culliford had 100 votes more than Mr. Fownes, he would return Mr. Fownes.

George Gould ſaid, he was at the poll, and took notice that his father was called to vote, and though the mayor knew him to be a good vote, he inſiſted to ſee his deeds, which he made him ride ten miles for, and after ſet down the vote without inſpecting them; and he (Gould) and Mr. Smith ſaid, after the poll was over, Mr. Culliford telling the mayor he had a majority, and deſiring to be returned, he anſwered, what if you have? it is no matter for that, I will return Mr. Fownes; and Mr. Smith ſaid, if any one voted for Mr. Culliford, though he lived a great way off, he would compel him to go for his deeds: and,

Mr. Smith and Mr. Goodwin ſaid, the mayor was partial in polling, particularly as to one Froſt; who, although he bought his lands of the mayor three months before the election, yet the mayor refuſed his vote, ſaying, he knew he had a vote, but ſhould not be allowed then, though he ſhould at another time.—Mr. John Goodwin ſaid, he took the poll for Mr. Culliford by the mayor's direction, and Mr. Culliford deſired him to caſt it up, and he found 78 for Mr. Culliford, and 59 for Mr. Fownes; whereupon Mr. Culliford ſaid, that having the majority he expected to be returned; and the mayor ſaid, no matter for that, he would return Mr. Fownes; and Mr. Culliford demanded a ſcrutiny, which the mayor refuſed, and ſaid there was no occaſion for it.——

Mr. Glover delivered in the mayor's poll, in which the numbers were as before, only three queries entered as to three of the petitioner's voters.

Then the petitioner's counſel proceeded to juſtify 19, which they alledged they ſhould juſtify, as having voted at the former election, and were now refuſed: and called,

Mr. Robert Culliford and Mr. Smith; who ſaid, they were at the election Auguſt was 12 month, at which there was the ſtricteſt ſcrutiny that ever they ſaw, by all the four candidates; and named the 19, viz. Brown, Hayward, Chubb, Roberts, Dolling, Speek, Hibbs, Randyl, Pargit, Beer, Tom, Senell, Solomon, Snook, Long, Roe, junior, Furzman, Camell, and Thomſon: Of theſe they allowed Randyl, Toms and Snook, received alms, and Solomon had received bread. Roberts and Brown were admitted by Mr. Fownes's council. As to the others, they produced Solomon's leaſe of a cottage and piece of ground for his life;—Roe's leaſe for life, but no livery;—Camell's deed of a garden, with ſeizin; Hayward's deed for life, with ſeizin; Furſman's deed, without ſeizin; Thomſon's deed for lives, without livery; Chubb's leaſe for years, determinable on lives to Cobb, whoſe daughter married to Thomas Chubb: and then called Mr. Smith; who ſaid, Hibbs married Hayward's daughter and heir, who was intitled to a meadow in Corfe worth about 4 l. *per* year, and had voted 20 years, and ſince Hibbs had; but ſaid he believed he claimed under a leaſe for years, but paid to church and poor.

Dolling voted Auguſt was 12 months, and was allowed that he was his father's eldeſt ſon, but could not ſay, whether his mother or he had the poſſeſſion.

Smith and Roe ſaid, Long had a freehold of 40 s. *per* year from his grandfather, and voted at the ſame election for Mr. Banks and Mr. Fownes.

Row ſaid, he was preſent when Speck bought a tenement of Randyll, and paid for it, and it was always voted for;

That about 10 or 11 years ſince, Pargit bought a freehold leaſe of a tenement of Norman, and has had it ever ſince.

Smith ſaid, Senell had a leaſe for 80 years, if he lived ſo long, of an houſe of Mr. Hayter, and voted in Auguſt was 12 months for Mr. Banks and Mr. Cavell, and was taxed at 1 d.

As to the ſeven whoſe titles accrued ſince.—— John Froſt was proved by Mr. Smith, that his father bought an eſtate of the mayor, and three months before the election it was aſſigned to him; that the deed was produced, and the mayor ſaid, it ſhould not then be allowed, but ſhould at another time. It was owned, that he had not had it long enough to pay church and poor; and George Gould ſaid, he heard the mayor ſay, he knew he had a vote and ſhould paſs next time.

T. Summers ſaid, James Summers had 5 l. or 6 l. *per* year freehold; and they produced a conveyance to Margaret Fry in fee with ſeizin, and Fry's will; by which it was given to Summers's mother, whoſe heir he was.

Row ſaid, John Bythewood had 20 l. *per annum*, but did not know his title.—Goodwin ſaid, Bythewood's father voted 20 years ago for Sir Nathanael Napper, but could not ſay, whether he was rated; and being further examined, could not ſay, whether it was for land or houſes. But

Furzman and Clark ſaid, he (Bythewood) had the ſame eſtate his father had; that he paid King's tax and all duties but to church and poor, and that his father had voted formerly.

They then produced a conveyance to John Harris's mother, and an aſſignment from John Brooks to Harris without livery; but Smith ſaid, Brooks married Harris's mother, and ſhe was living.

For Samuel Preſby a deed was read, being a leaſe for lives, without livery.

For Francis Alford, a leaſe for lives.

Lewis Cockram was given up, and not inſiſted on by the petitioner's counſel, ſo no title produced; it being owned he voted as a truſtee.

They then excepted to 12 of Mr. Fownes's votes, but gave up John Brown, one of them, as a miſtake in the name, and four as truſtees of a charity. Mr. Richard Fownes was given up by Mr. Fownes's counſel.

Mr. Smith ſaid, Mr. St. Loe had no eſtate, but voted as the mayor's guardian; and Goodwin alſo ſaid, he had no eſtate.

Charles Savage was only a truſtee for Sir John Hankam's eſtate which was ſold before the election.

Speer has no leaſe, doth not pay to church and poor, nor ever voted before.

That Webber's houſe and garden are not above 20 ſhillings yearly, and he and his landlord both voted for Mr. Fownes for it.

As to William Butler, he and Benfield voted for the ſame eſtate, and doth not pay to church and poor: and Joſeph Marſh is reported to have bought a ſmall eſtate, but no conveyance was made at the time of the hearing by the committee.

Mr. Fownes's counſel were then heard on behalf of the mayor, againſt the charge of partiality, and as to refuſing votes, and they excepted to three who had polled for the petitioner: that two or three voted for Mr. Fownes, but the mayor ſaid, they were made ſince the laſt election, and he would not allow them; and the firſt he refuſed, offered themſelves for Mr. Fownes.

As to the charge of the mayor's partiality, Mr. Moreton and Mr. Ogden ſaid the mayor carried himſelf very fair; and Mr. Ogden ſaid, it was allowed ſo by Mr. Culliford's counſel, but Mr. Culliford made ſhort ſpeeches, and aſperſed the gentlemen, which enraged the mob, and they abuſed colonel Strangeways, Mr. Freke and others.

Webber ſaid, he knew David Hibbs, and that he had no eſtate in the borough, the eſtate being his wife's mother's, who paid taxes for it;—that what eſtate Beer had, came to him by the death of Mr. Painter, which was ſold by Painter's adminiſtrators; and though he had the eſtate before the election, he did not pay taxes for it to church and poor, before the election: that Solomon has bread weekly, and been relieved ſeven years ago and ſince, and particularly in the election year occaſionally: — that Robert Row's freehold was not above 12 d. a year: that he knew of no eſtate Camel had, but Brown was poſſeſſed and paid the King's taxes.—As to Hayward, he could not ſpeak; but ſaid, that Dollen had no eſtate, for the right was in his mother.—As to William Long, he could not ſpeak; but ſaid that Anthony Furzman's father was rated, and he not in poſſeſſion.

It was owned, that Thomſon had a freehold leaſe from the church-wardens: that Chubb declared he had no right to vote, having ſold his leaſe to Speer before the election. As to William Snook and Thomas Pargit, he could not ſpeak. That Samuel Senel had nothing to vote for; but that the right was in Hayter, who had a leaſe from the corporation, and voted. As to the ſeven whoſe right accrued ſince the laſt election, Webber ſaid, that Summers had no eſtate, for it was his mother's, and his father was living and in poſſeſſion. Bythewood had a chattle leaſe in the liberty, but paid ſcot and lot to Studland. John Harris's mother had the firſt houſe in the eſtate, and was poſſeſſed of it. As to thoſe of the 19, not ſpoke to by Webber; George White teſtified, that Hayward did not pay to church and poor, and had no freehold. As to Long, Saunders declared the eſtate was aſſigned to him, and he paid ſcot and lot for it. As to Pargit, Norman had the whole, and paid taxes for it. That Froſt's eſtate was a chattle leaſe, and bought juſt before the election, and he had not paid taxes for it.

Mr. Fownes's counſel then proceeded to juſtify their own votes excepted to: and White ſaid, the truſtees for the charity had voted for twenty years, except at Bond's election, when they were excepted to. Mr. Fownes was given up by the ſitting-member's counſel. Speer had voted at the election Auguſt was twelve months; ſhewed his deeds; and has a freehold in right of his wife. Mr. Humphrys ſaid, Mr. Savage ſhewed the copy of the act, whereby he was made a truſteee, to Mr. Culliford's counſel, and was allowed to have an eſtate in fee. Jones ſaid, St. Loe had a freehold, and was in poſſeſſion; but it was owned, he was only a truſtee: that Marſh bought a freehold of one Slough: that Butler has had a freehold from his father theſe two years: that Webber has a freehold between him and another. As to Speck, he was aſked by Jones to aſſign his leaſe for a ſecurity for money; he ſaid, it was in Mr. Culliford's hands.

They then excepted againſt three, who voted for the petitioner. Jones ſaid, Troop, junior, had no eſtate in Corfe; it being his mother's: he did not know that Gentile had any eſtate; nor did he vote before: that as to Robert Symonds, he never knew he had any eſtate till the laſt election; and then he ſaid, he had it of his brother, but ſhewed no deeds; and John Symonds's will was read.

The petitioner's counſel, in reply, as to thoſe three, called Mr. Smith; who ſaid, Gentile, he knew, had a freehold of about five ſhillings yearly: that Toop had a place of ten ſhillings yearly: and there was not a better vote in Corfe than Symonds's.

Upon the whole, the committee reſolved,

That Richard Fownes, eſquire, is duly elected a burgeſs, to ſerve in this preſent parliament for this borough: which, on the ſecond reading, was agreed to by the houſe.

Jan. 6, 1701. A petition of divers electors of this borough, on behalf of themſelves, and others the electors of this borough, was read; ſhewing, that, contrary to the act of parliament for regulating elections, the mayor of this borough gave notice on Wedneſday the 19th of November laſt, to proceed to the election of members to ſerve in this preſent parliament, on Saturday the 22d of that month; and did accordingly proceed to the election, and hath returned Richard Fownes, and John Banks, eſquires; whereby the petitioners are defeated of chooſing their due repreſentatives, . . . if due notice had been given, purſuant to the directions of the ſaid act: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

March 30, 1715. A petition of John Banks, and Richard Fownes, eſquires, was read; ſhewing, that at the election for this borough, the petitioners, Dennis Bond, and William Oakden, eſquires, ſtood candidates: that the petitioners had a majority of legal votes, but that multitudes of pretended votes were allowed by the mayor; and that the ſaid mayor returned the ſaid Mr. Bond, and Mr. Oakden: and that the ſaid Mr. Bond, and Mr. Oakden, were guilty of other illegal practices, to procure themſelves to be elected; and the petitioners are informed, that the ſaid Mr. Bond is not qualified: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine into the matter thereof, and to report the ſame, with their opinion.

Feb. 11. Ordered, that leave be given to withdraw the ſaid petition.

Dec. 10, 1718. A petition of Joſhua Churchill, eſquire, was read; ſhewing, that at the laſt election of a burgeſs to ſerve in this parliament for this borough, in the room of William Okeden, eſquire, the petitioner, and John Banks, eſquire, were candidates: that John Benfield, mayor of the ſaid borough, eſpouſing the intereſt of the ſaid Mr. Banks, admitted of unqualified voters to poll for him; and ſeveral other indirect practices were made uſe of, in favour of the ſaid Mr. Banks; notwithſtanding which illegal proceedings, the petitioner had a majority of legal votes: that the ſaid mayor has nevertheleſs, in farther injury and wrong to the petitioner, and his electors, made an illegal ſpecial return of the ſaid Mr. Banks, and the petitioner; although the petitioner had a great majority of votes, even by the mayor's poll, after the ſcrutiny: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter thereof, and to report the ſame, with their opinion.

11th. A petition of John Banks, eſquire, was read; ſhewing, that at the laſt election of a burgeſs to ſerve in this preſent parliament for this borough, in the room of William Okeden, eſquire, deceaſed, the petitioner, and Joſhua Churchill, eſquire, were candidates: that John Benfield, mayor, admitted a great number of voters to poll for the ſaid Mr. Churchill, which had no right to vote: that a conſiderable number of ſplit voices were admitted to poll for the ſaid Mr. Churchill, in manifeſt violation of the laws, and to the great prejudice of the petitioner: that, notwithſtanding theſe and other illegal practices, the petitioner had a conſiderable majority on the poll, of legal and undiſputed voices, yet the mayor made a ſpecial return of the ſaid Joſhua Churchill, in prejudice to the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter thereof, and to report the ſame, with their opinion:

And that both the ſaid petitions be heard at the ſame time.

Jan. 20. Ordered, that the report be received to-morrow morning.

21ſt. Mr. Hampden, according to order, reported the matter of the ſaid election:

That the right of election was agreed to be in ſuch perſons as are ſeized in fee, in poſſeſſion or reverſion, of any meſſuage, tenement, or corporeal hereditament, within this borough; and in ſuch perſons as are tenants for life, or lives; and, for want of ſuch freehold, in tenants for years, determinable on any life or lives, paying ſcot and lot; and in no others:

That the poll was, for Mr. Churchil 150,
for Mr. Banks 129:

That Mr. Churchill's counſel complained of great partiality, and arbitrary proceedings, of the mayor, in favour of Mr. Banks: and called,

Mr. Thomas Cooper, junior; who proved ſervice of an order of the committee, in December laſt, upon Mr. John Benfield, the preſent mayor, and upon Mr. William Dowdall, the late mayor, for producing the charters, in their cuſtody, to be inſpected by Mr. Churchill's agents: that they trifled with thoſe agents, put them off to different times and places, and then pretended the order to be of no authority, for want of a ſeal; and did not, though required, produce the ſaid charters, which they owned to be in their cuſtody:

That, at the election, the mayor ſhewed all imaginable partiality againſt Mr. Churchill, in favour of Mr. Banks, and made unreaſonable objections to Mr. Churchill's voters; viz. to one, who had been in poſſeſſion, and had voted for forty years, for not proving the marriage of his father, that had been dead ſixty years: to a diſſenter, for not proving he had received the Sacrament within a year before the election: to a tenant by the courteſy, for not producing his title: and to others, who had voted twenty, forty, and ſixty years, for not producing their titles: and where titles were in the ſame circumſtances, as in coparcenary, or the like, he refuſed them for Mr. Churchill, and admitted them for Mr. Banks: that he put all poſſible difficulties on Mr. Churchill's ſide, and admitted all Mr. Banks's voters without ſcruple, though objected to; declaring, he knew thoſe votes to be good:

That the counſel for Mr. Banks alledged, that the mayor had difficulties upon him at the time of the election; but had ſince found, that his poll, wherein Mr. Churchill has ſuch majority, as beforementioned, is right; and in favour of the mayor, they called,

Harry Parker, eſquire; who ſaid, he attended at the election, and that he thought the mayor acted rather in favour of Mr. Churchill, than Mr. Banks: that ſome point of law and difficulty did ariſe at the election, particularly under Mr. Okeden's ſettlement, with reſpect to his having levied, or not levied, a fine, which point affected ſeveral voters; and though a copy of that ſettlement was produced, there was no ſatisfaction given, touching any fine levied thereon; and that Mr. Okeden, in his life, would give no ſatisfaction in that point, though often deſired: that the votes, objected to, were taken with queries, in order to be adjuſted by a ſcrutiny after the poll, but Mr. Churchill, or his agent, refuſed to give any ſatisfaction therein: and the witneſs ſaid, he thought the mayor's behaviour in the election was ſo fair, that, had he been in the mayor's place, he ſhould have done as the mayor did:

That Mr. John Poulden ſaid, he has known the borough above twenty years, has been mayor, and was at this election; and that he thought the mayor acted without partiality.

The committee reſolved,

That John Banks, eſquire, is not duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

That Joſhua Churchill, eſquire, is duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

That it appears, that John Benfield, mayor of this borough, is guilty of divers arbitrary, and illegal practices, in the late election, and return, of a member to ſerve in this preſent parliament for this borough; and of a contempt, in not obeying the order of this committee for the producing the charters of the ſaid borough, in his cuſtody.

That William Dowdall, late mayor of this borough, is guilty of a contempt, in not obeying the order of the committee, for producing the charters of the ſaid borough, in his cuſtody.

The ſaid ſeveral reſolutions were read twice, and agreed unto by the houſe.

And Mr. Benfield, and Mr. Dowdall, were ordered to be taken into cuſtody of the ſerjeant at arms; and the return ordered to be amended.

May 30, 1720. Ordered, that Mr. Speaker do iſſue his warrant to the clerk of the Crown, to make out a new writ, for electing a burgeſs to ſerve in this preſent parliament for the ſaid burgh, in the room of Joſhua Churchill, eſquire, made a commiſſioner of the Victualling-office.

CORNWALL.

THIS is a very large county, in the extreme weſtern part of the kingdom; it is a dutchy, erected by King Edward the third, and granted to his eldeſt ſon Edward, who was called the Black Prince, and his heirs, the eldeſt ſons of the Kings of England (ſee an extract of the charter in the Appendix.) The ſheriff is named by the Duke of Cornwall, who hath his council and officers belonging to the duchy. It was repreſented in parliament at the time of the firſt ſummons of Edward the firſt. In the 26th of Edward the firſt, it returned two knights of the ſhire, and burgeſſes for four boroughs only; to which many others have ſince been added, of which notice is taken in this hiſtory. I meet with nothing more material, relating to its elections, before the Reformation; what has occurred ſince, will here follow.

B P. R. p. 107.

March 20, 1627. Certain letters delivered into the houſe by Mr. Corryton, written by ſome deputy-lieutenants and juſtices of the peace, concerning the election for this county in the preſent parliament: which letters were read.

Sir Edward Coke, Sir Ro. Phillippes, Sir Ro. Cotton, Sir Ben. Rudyard, Sir Tho. Wentworth, Sir Francis Seymour, Sir William Harberte, Sir Jo. Strangeways, Mr. Attorney of the Wards, Mr. Pymme, Mr. Alford, Sir Tho. Cheeke, Sir Nath. Rich, and Mr. Selden, were appointed a committee, to peruſe, and take conſideration of, the ſaid letters; and to report their opinion thereof to the houſe, and of any other letters to be produced, concerning the elections in that county; and to meet at two of the clock in the afternoon.

21ſt. Sir Edward Coke reporteth from the committee, concerning * letters, written about election of the knights of the ſhire of Cornewayle.

It is ordered, all the gentlemen, whoſe names are ſubſcribed to the two letters, dated, the one, 12th of Feb. 1627; the other 26 Feb. 1627; viz. Reginald Mohun, William Wray, Barnard Greenevyle, John Trelawney, Rich. Edgecombe, John Mohun, Walter Langdon, Rich. Trevanion, and Edward Trelawney, ſhall be ſent for by the ſerjeant at arms to attend this houſe.

22d. Upon a motion, Whether the ſerjeant may take bail of the gentlemen in Cornewayle, ſent for?

Reſolved, to give no ſuch direction; but the ſerjeant, at his peril, to bring them up, upon the warrant directed to him in the uſual form.

March 28, 1628. Mr. Sparke:—That, as deputy to the ſheriff of Cornewayle, he made return of one indenture to the clerk of the Crown, and their names entered by him; and that after, another indenture returned, not by the ſheriff.

The clerk of the Crown, to-morrow morning, eight o'clock, to certify the houſe, how he received the ſecond indenture; and if not from the ſheriff, then thoſe members, returned by the ſheriff, to ſit in the houſe, until they be diſplaced by order of the houſe.

29th. The deputy-clerk of the Crown, called in, acknowledgeth, he received but one indenture from Mr. Sparkes, as deputy to the ſheriff; the other, from the parties.

April 21. A petition from Reginald Mohun, Sir Richard Greenevyle, and Sir William Wray, and others, read.

Upon queſtion, the ſerjeant to ſend a meſſenger, to fetch up theſe gentlemen, as delinquents; and to be here by this day fortnight.

Mr. Selden, Sir Guy Palmes, Sir Tho. Hobby, Mr. Littleton, Mr. Noy, Mr. Hackwyll, Sir William Fleetewood, Sir Ro. Cotton, Sir Ro. Phillippes, Sir Nath. Rich, Mr. Alford, Sir D. Digges, Mr, Cooke, Mr. Glanvyle, Mr. Ball, Sir Edw. Coke. and Mr. Pymme:—Saturday next, two o'clock, Star-Chamber:—To conſider, what fit to be done upon this contempt to the houſe.

22d. The former committee, about the petition of Sir Richard Greenevyle, &c. to meet at four of the clock this afternoon, in the Exchequer-Chamber, to conſider of the contempt; and alſo, what fit to be done in the warrants to be ſent for them, more than the ordinary courſe.

Upon queſtion, Sir Bernard Greenevyle, in reſpect of his infirmity, and the ſuit of his ſon, to be ſpared his coming up.

Upon queſtion, Sir Reginald Mohun not to be ſpared.

24th. The committee to conſider of the manner of the meſſengers for Lieſten, and others, of Cornewall,

wall, to meet this afternoon, at four o'clock, in the former place.

Mr. Jo. Mohun, who is made a baron, his name to be leſt out of the warrant.

25th. Sir Nath. Rich reporteth from the committee, appointed to conſider of a courſe for ſending for the gentlemen of Cornewayle, formerly ſent for.

Upon queſtion, Sir Reginald Mohun, in reſpect of his age, and infirmity of body, to be ſpared.

Upon queſtion, ſeveral meſſengers to be ſent for five of them; viz. Sir William Wray, John Trelawney, Walter Langdon, Edward Trelawney, ... Trevanion, eſquires.

Mr. Speaker informeth the houſe, that one William Pemberton, being ſent for by the ſerjeant, ſaid, he would not come; for he ſaid, he hoped the parliament would be diſſolved within three days.

Upon queſtion, to be preſently ſent for by the ſerjeant.

May 8. The ſerjeant informeth the houſe, that all the gentlemen, ſent for out of Cornewayle, are come up, except Mr. Trevanion; who being ſixty miles further . . . . . .

The ſerjeant to take ſecurity from them, to appear, when the houſe calleth for them, and attend the committee.

9th. The committee, for examination of the complaint againſt the gentlemen of Cornewayle, ſent for, to meet this afternoon, in the Exchequer-Chamber, and to report to the houſe to-morrow morning: Mr. Cooke, Sir M. Sands, Sir Henry Percy, Lord Lamberte, Mr. Goodwynn, Sir William Spring, Mr. Strode, Sir Harbottle Grimſton, Sir William Conſtable, Sir William Pooley, Sir Rich. Tichborne, Sir Ro. Killigrew, Sir Francis Glanvyle, Mr. Valentyne, Lord Matravers, Mr. Whitakers, and Mr. Nicholles.

10th. Ordered, that the gentlemen of Cornewall ſhall be here ready on Monday morning, to attend the houſe.

The committee, for that purpoſe, to meet this afternoon, in the former place; with power to conſider of their former petition. Thoſe gentlemen to attend this committee this afternoon.

12th. Sir Robert Cotton reporteth from the committee, for examination of the letters of the gentlemen of Cornewayle, ſent for.——

Three courſes by them, to prejudice the free election. 1ſt. Power: taking upon them to be the governors of the county. 2dly, An aſſembly by them; wherein they elected Mr. Mohun, and Sir Rich. Edgecombe, and ſtile this a laudable cuſtom of the country; where no ſuch cuſtom; and, if any, unlawful. 3dly, Their employing the King's poſts in carrying letters.

2dly, Scandal:—againſt two gentlemen of this houſe; Sir Jo. Ellyott, and Mr. Coriton: that they were unquiet perſons, and in diſfavour with the King, &c.

3dly, Menace; particular, againſt Mr. Coriton, to join againſt him with all their force, if he ſhould not deſiſt. The captains of the trained-band ſummoned to appear at the election.——General to the country.——

Which the committee took to be a ſtrange preſumption in them, to take upon them to know his Majeſty's mind:

That they found their petition a high contempt to the houſe: in the direction: in their appointing their own time, and neglecting the time appointed by the houſe: in their excuſe for not coming up; to ſtay to hang one by martial law; to bind alehouſe-keepers, &c. conceived to be but a ſcorn to the houſe.

A petition from Sir William Ray, and the three others, read: the ſubſtance, to have counſel aſſigned them.

Much debate about it, whether, in this caſe, counſel to be aſſigned, the matters, charged upon them, being only matters of fact.

Upon queſtion, reſolved, firſt to call them in one by one, and to demand of them to anſwer, what counſel, advice, or help, they had, in drawing the letters, or petition.—When they are ſeverally examined, they are to be kept apart by the ſerjeant, and not ſuffered to ſpeak one with another.

Sir William Wray, called in, and, kneeling, demanded the queſtion aforeſaid, ſaith, he came not to the company, till the letter written, and then, required, ſet his hand to it; nor knoweth not, by whoſe direction written: ſo for the petition.

Mr. Jo. Trelawney, called in, and, kneeling, aſked the ſame queſtion,—knoweth not, certainly, who drew the letters, but drawn by ſome of the company; nor by whoſe direction done, but written by one Peter Henden, clerk to the Lord Mohun: knoweth not, certainly, who wrote the petition:—that Sir Reginald Mohun firſt ſubſcribed it.

Mr. Langdon, called, and aſked the ſame queſtions,—that the heads agreed upon among them, and delivered them to a clerk, to draw into form; and then they read them, and approved them: that he himſelf drew the petition: the error, in the direction, of mere ignorance, he having never been a parliament-man.

Mr. Edw. Trelawney, called in, and aſked theſe queſtions; anſwereth, he knoweth not, who drew them: at their meeting, about the King's ſervice, letters tendered to them; which ſubſcribed: nor knoweth, who drew the petition; but ſent to him, and he ſigned it.

Upon queſtion, theſe four gentlemen to be allowed counſel, and to be heard by their counſel. 2dly, That they ſhall be heard at the committee this afternoon, at two of the clock; and the committee to report their opinion to the houſe.

13th. Upon queſtion, no new day to be given to the gentlemen of Cornewayle, to be heard with their counſel before the committee.

Upon queſtion, the gentlemen to be heard by counſel preſently in the houſe, concerning their contempt to the houſe, either in their letters, or petition.

They called in, and heard by their counſel; and then heard, what they could ſay for themſelves.

1. Upon queſtion, Mr. Longdon, and Mr. John Trelawney, to ſtand committed to the Tower, for their offence in their letters, and for their contempt in their petition; there to remain, during the pleaſure of the houſe; and not to be diſcharged, without acknowledging their offence.

2. Upon queſtion, Sir William Wray, and Mr. . . . . Trelawney, to ſtand committed to the ſerjeant; there to remain, during the pleaſure of the houſe; and not to be diſcharged, till they have acknowledged their offence to this houſe.

3dly, Upon queſtion, Whether all theſe four gentlemen to make ſuch recognition of their offence about the . . . . at the next aſſizes, to be holden for the county of Cornewayle, as this houſe ſhall appoint.

Mr. Chancellor Duchy, Sir Edward Coke, Mr. Littleton, Sir Guy Palmes, Mr. Selden, Sir

Francis Barrington, Sir Tho. Wentworth, Sir Ro. Phillippes, Mr. Glanvyle, Sir D. Digges, and Sir Francis Seymour: this committee named, to ſet down, in writing, the form of the recognition; and to be preſented to the houſe.

The four gentlemen of Cornewayle, called in, and, kneeling at the bar, their judgment pronounced unto them by Mr. Speaker.

June 20. A petition from Mr. Serjeant, concerning his fees of the Corniſh men, read.

Mr. Alford, Mr. Pymme, Sir Tho. Hobby, Sir Nath. Rich, Mr. Selden, Mr. Godfrey, to conſider of his fees, and to report their opinion therein to the houſe to-morrow morning: to meet at four o'clock this afternoon, in the court of Wards.

23d. A petition read, from the ſerjeant at arms attending the houſe, concerning the fees of the Corniſh gentlemen.

Referred to the former committee. Sir W. Earle, Mr. Coriton, Sir P. Hayman, Mr. Cooke, Sir Rich. Groſvenor, Sir Thomas Pickering, and Mr. Noy, added. This day, two o'clock, court Wards:—to conſider of the ſerjeant's fees.

May 28, 1660. Upon report, made by Mr. Turner, from the committee for privileges and elections, on the double return for this county, That the committee are of opinion, that, in reſpect of the ſheriff of the ſaid county, his contempt in not attending the committee, to give them an account of his proceedings at the ſaid election, upon ſeveral orders by them in that behalf made, the ſheriff be ſent for in cuſtody.

Reſolved, that the ſheriff of the county of Cornwall be forthwith ſent for, in ſafe cuſtody, to this houſe, in reſpect of his contempt, &c.

July 12. Sir Edward Turner reports, from the committee of privileges and elections, the caſe of the return of knights, to ſerve in this preſent parliament for this county; That, upon examination of the fact, the committee were of opinion, that the election was good; and that Sir John Carew, baronet, who is returned in one indenture, together with . . . . Roberts, eſquire, and . . . . Boſcawen, eſquire, who was a petitioner by one petition, as . . . . Elliot, eſquire, was by another, had the greater number of voices, and were therefore duly elected, and ought to ſit; and that the ſheriff had miſ-carried himſelf, in returning Mr. Roberts, who, by the ſheriff's own poll, had 843 voices; and not Mr. Boſcawen, who had, by the ſame poll, 862 voices.

Reſolved, that this houſe doth agree with the committee, that the ſheriff of this county hath miſcarried himſelf, at the ſaid election.

Reſolved, that this houſe doth agree with the committee, that the ſaid election of knights, to ſerve in this preſent parliament for the county of Cornwall, is good; and that Sir John Carew, and Mr. Boſcawen, are duly elected, and do ſit in this houſe.

Ordered, that the return be amended; and that the clerk of the Crown do attend to-morrow morning for amending the ſame accordingly.

COVENTRY.

Dugdale's Warwick. 1ſt Edit. 91. Cart. 18 Ed. III. n. 3. Cart. 21, 22, 23. R. 2. n. 4.

THIS is a city within the county of Warwick. It was incorporated by King Edward the third, who by his charter dated the 20th of January, in the 18th year of his reign, appointed therein a mayor and bailiffs; and their liberties were greatly encreaſed by King Richard the ſecond; in the year 1404. The parliament, called the *parliamentum in doctorum*, was held here; King Henry the ſixth made it a county of itſelf, *Ob ſpecialem et internam affectionem quam erga civit. ſive villam noſtram de Coventrie, ut majorem, ballivos et communitatem ejuſdem civitatis ſive villa gerimus*; and appointed the bailiffs to be ſheriffs of the ſaid county for ever. It has returned repreſentatives to parliament from the 26th, during the whole reign of Edward the firſt, as appears by the liſt in Dr. Thomas's edition of Dugdale's Hiſtory of Warwickſhire; but intermitted (except 8 Edward II. and 20, and 27 Edward III.) untill 31 Hen. VI. from which time it has generally returned as other boroughs. I meet with no memoirs concerning the elections, or repreſentatives in that reſpect, until before the Reformation. Theſe which occur ſince in the Journals are.

Dugdale's Warwick 92. Cart. ab anno 27. uſque 39 Hen. VI. n. 29.

2 v. 114 See 4 Reg 954.

March 21, 1627. A caſe agreed upon concerning the election of the citizens of this city; one ſheriff returning two gentlemen of the country elected by the major part, and the other ſheriff returning two citizens, reſident in the city; where the two gentlemen not reſident, nor freemen of the city.

Upon queſtion, the debate and determination, [of this] caſe to be deferred till to-morrow morning, and [not] to begin till after nine o'clock. But not called for.

24th. A petition from Coventry read, diſowning the caſe put in under the hands of the former competitors.

Reſolved to refer this queſtion back to the committee of privileges, to be further examined by them, concerning the matter in fact of the number of electors.

April 9. Mr. Hackwill reporteth from the committee of privileges, the caſe of Coventry.—Two indentures returned: by one, Mr. Iſaac Walden, and . . . by the other, Mr. Green and Mr. Pureſey, gentlemen of worth, but no inhabitants, nor freemen.

All freemen electors, and no other—Upon warning, about 600 appeared. The magiſtrates read the ſtatute 1 Hen. V.

That reſolved by all the committee, *una voce*, Mr. Green and Mr. Pureſey well elected.

That the committee thought fit the ſheriff . . . . ſhould at the bar of the houſe acknowledge his error, and that both ſheriffs return Mr. Green and Mr. Pureſey.

Debate. Sir Edward Cook:—For the ſtatute 1 Hen. V. for burgeſſes, reſiants, and ſo for knights of the ſhire; though in the negative, yet, if they elect one not reſident, the election good.

Upon queſtion, Mr. Green and Mr. Pureſey well elected for the city of Coventry.

Upon queſtion, that Knight, one of the ſheriffs, to be called to the bar and acknowledge his error, in not returning Mr. Green and Pureſey, being elected by the major part of the electors.—Hereupon he was called in, and kneeling, accordingly charged by Mr. Speaker. He pleadeth ignorance, and that he was miſled by the ſtatute 1ſt Henry V.

Withdrawn; and called in again, and kneeling at the bar, Mr. Speaker telleth him, the houſe is pleaſed, upon his acknowledgment of his error, to remit him from further puniſhment.—Upon queſtion, the two ſheriffs to be called in, to join in making the return of Mr. Green and Mr. Pureſey—but the clerk of the Crown not being without the door, with the return, the matter deferred—After—the clerk of the Crown and ſheriffs of Coventry called in, and Knight endorſed his name on the back of the writ, to the return of Mr. Green and Mr. Pureſey.

Ordered, that the clerk of the Crown do take the other indenture, whereby Walden and the other citizen are returned, off the file.

July 31, 1660. Sir Edward Turner reported from the committee of privileges and elections, the caſe of the members for this city: that upon the examination of the fact, it appeared to the committee, that the perſons concerned in the ſaid election were very numerous, and that divers names were doubly polled, and ſome names entered of ſtrangers and perſons unknown, as alſo of alms-men and others, that paid not ſcot and lot; and the caſes were found ſo various and perplexed, that, after ſeveral ſittings, the committee could make no conſiderable progreſs therein; and that in regard of the great uncertainties that fell out in the ſeveral, as well the perſons returned as the petitioners, declared themſelves content that the former election ſhould be ſet aſide; and that the committee was therefore of opinion, that the former election be ſet aſide: to which reſolution the houſe agreed, and ordered the ſpeaker to iſſue a warrant for a new writ, for a new election of members for this city.

From this journal it doth not appear, either who were the members returned, or who were petitioners; but I find, that John Beake, eſquire, and Richard Hopkins, eſquire, were returned.

March 20, 1678. A petition of Robert Fielding, eſquire, complaining of unjuſt and partial proceedings, and unwarrantable practices, uſed by the ſheriffs of this county and city, in electing and returning of major Beake and Richard Hopkins, eſquire, to ſerve in this preſent parliament, as citizens for this city, in injury of the petitioner, was read.

Ordered it to be referred to the committee of privileges and elections, to examine and report the ſame, with their opinion.

March 24, 1689. A petition of Thomas Gery, eſquire, was read; ſetting forth, that the petitioner, Richard Hopkins and John Stratford, eſquires, were candidates at the election of citizens of this city, where the petitioner polled ſeveral hundreds of voters, and had ſeveral hundreds to poll; but was denied by the ſheriffs ſo to do; who with great partiality, and ill practices, procured voters for Mr. Hopkins and Mr. Stratford, otherwiſe the petitioner had had the majority of voices; but the ſheriff in prejudice to the petitioner, hath returned the ſaid Mr. Hopkins and Mr. Stratford: and praying relief in the premiſes.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Oct. 6, 1690. The like petition was again preſented, read, and referred in the like manner.

Dec. 12, 1698. A petition of Thomas Hopkins, eſquire, was read; ſetting forth, that, at the late election for members to ſerve in parliament for this city, the majority of the electors appeared, and would have polled, for the petitioner and Richard Hopkins, eſq; had they not been prevented by threats and riotous practices of thoſe that appeared for Sir Chriſtopher Hales, for whom many were polled who were not qualified, and a ſcrutiny of the poll was denied the petitioner; by which, and other undue means, Sir Criſtopher got himſelf returned as duly elected, to the petitioner's wrong, who ought to have been returned in his ſtead: praying &c.

A petition of Thomas Gery, eſquire, was read; ſetting forth, that, at the late election of members to ſerve in parliament for this city and county, the petitioner, Richard and Thomas Hopkins, eſquires, and Sir Chriſtopher Hales, were candidates; and Samuel Hunt, one of the then ſheriffs of the ſaid city, carried himſelf with great partiality againſt the petitioner, and adjourned the poll without the petitioner's conſent, and ſeveral indirect means were uſed by the ſaid Richard Hopkins and Thomas Hopkins, to gain votes for them; otherwiſe the majority would have fallen on the petitioner, who ought to have been returned: praying &c.

Ordered, that the ſaid petitions be referred to the committee of privileges, to examine the matter, and report the ſame to the houſe, with their opinion.

Jan. 3, 1701. A petition of Sir Chriſtopher Hales, baronet, was read; ſetting forth, that at the election of citizens to ſerve in this preſent parliament for this city, the petitioner, Thomas Gery, Henry Neal, and Edward Hopkins, were candidates; that the ſheriff for the ſaid city, and others in favour of Mr. Neale and Mr. Hopkins, did uſe ſeveral corrupt and illegal practices againſt the petitioner, who yet had a majority of all the candidates; yet the ſheriffs, in violation of the rights of the city, and manifeſt partiality, have made a double return: and praying &c.

Ordered to be referred to the conſideration of the committee of privileges and elections to be examined; and to report the matter with their opinion.

7th. A petition of ſeveral of the freemen of the city of Coventry, on behalf of themſelves, and the major part of the freemen of the ſaid city, was preſented to the houſe, and read; ſetting forth, that the freemen of the ſaid city, only, have a right to chooſe members to parliament; many of which .... denied and hindred from polling, at the laſt election, for Edward Hopkins and Henry Neal, eſquires; and great numbers, that were not freemen, were admitted to poll for Sir Chriſtopher Hales and Mr. Gery; and divers miſtakes were made in taking the poll, which was occaſioned by the violence and unlawful practices of Sir Chriſtopher Hales and Mr. Gery's party: notwithſtanding which, Mr. Hopkins and Mr. Neal were duly choſen, and ought to have been returned; but the ſheriffs of the ſaid city have made a double return of Mr. Neal and Sir Chriſtopher Hales, with Mr. Hopkins: and praying &c.

Ordered to be referred as before.

A petition of Henry Neale, eſquire, was read; ſetting forth, that the petitioner was, together with Edward Hopkins, eſquire, duly elected to ſerve in this preſent parliament for this city by a great majority of the freemen, who are the only electors there; though he was oppoſed by Sir Chriſtopher Hales and Thomas Gery, eſquire, and their party, who uſed many and illegal practices; yet Mr. Abraham Owen and Mr. John Collins, the ſheriffs of the ſaid city, have made a double return of the petitioner and Sir Chriſtopher Hales, with Mr. Hopkins, in wrong to the petitioner: and praying a ſpeedy day for hearing his caſe.

Ordered to be referred in like manner.

15th. A petition of ſeveral of the freemen of the ſaid city, was read; ſetting forth, that, at the election of citizens to ſerve in this preſent parliament, for this city, many votes were obtained by indirect practices, for Mr. Hopkins and Mr. Neale, who would otherwiſe have voted for Sir Chriſtopher Hales and Mr. Gery; who yet, had a majority of legal voters, and ought to have been returned; but Mr. Abraham Owen, and Mr. John Collins, refuſed to return them, and have made a double return; and refuſed to give Sir Chriſtopher, and Mr. Grey, a copy of the poll, by which they made the return, in manifeſt violation of the rights and privileges of the ſaid city, and the petitioners; and praying &c.

Ordered to be referred in like manner.

24th. Ordered, that the hearing of the matter, touching the election for this city, which was begun to be heard on Wedneſday, before the committee of privileges and elections, be proceeded on Monday next, before the ſaid committee.

28th. A complaint being made to the houſe, that one Mrs. Ellen, who was ſummoned to attend the committee of privileges and elections, upon the hearing the matter touching the election for this city, has been lately forced away by Mr. Iſaac Ellen, her huſband, and one Mr. Eſſex.

Ordered, that the ſaid Mr. Iſaac Ellen, and Mr. Eſſex, do produce the ſaid Mrs. Ellen at the committee this afternoon.

Feb. 20. Ordered to be reported on Tueſday next.

24th. Sir Rowland Gwyn reported the matter, upon the ſeveral petitions, as follows:

That, on the poll there were,

For Sir Chriſtopher Hales	777,
For Mr. Hopkins ——	771,
For Mr. Neale ——	754,
For Mr. Gery ——	615:

That the counſel for Sir Chriſtopher Hales inſiſted, that the right of election was in the freemen not receiving alms, or charity:

The counſel for Mr. Neale inſiſted, the right of election was in all the freemen, whether they received alms, or no:

And the committee, having heard what was alledged on both ſides, reſolved,

That the freemen of Coventry, receiving alms or charity, have no right to vote at the election of citizens, to ſerve in parliament for the ſaid city of Coventry:

That it was agreed on both ſides, that no perſon could be a freeman, but by ſerving an apprenticeſhip ſeven years, within the ſaid city of Coventry, to one of the ſame trade; and,

The counſel for Sir Chriſtopher Hales alledged, they ſhould take off ſeveral from the poll, who voted for Mr. Neale; and ſhould prove ill practices by Mr. Neale, and his agents.

The firſt head of exceptions, againſt ſome of Mr. Neale's voters, was for not being freemen; and they excepted, and gave evidence, againſt 110, who voted for him, as not being free; to Hugh Bucknall, as having polled twice; and to Joſeph Smith, as under age:

And then excepted againſt 22, as perſons in hoſpitals; alſo to two, as receiving the Counteſs of Devonſhire's gift; viz. 10 s. each, diſpoſed on the 10th of March, 1700:

To 10, as receiving Sir Thomas White's gift, of 40 s. each, the ſame day:

Alſo againſt nine, as receiving Sir Thomas White's loans; which is a loan of money without intereſt, from 10 l. to 40 l. each:

Alſo againſt nine, as receiving Mr. Wheatley's gift of 30 s. each, diſpoſed of to ſeveral tradeſmen on the 16th of December laſt.

Alſo againſt 18, as receiving Mr. Jeſſon's, Mr. Clark's, and Mr. Bohun's gift, being 20 s. or leſs, each, diſpoſed on the 22d of December laſt.

And to three others, for receiving 40 s. each, as Mr. Jeſſon's relations:

Alſo to ſix, as receiving 3 l. each, to put out their ſons apprentices, on the 22d of December:

Alſo to eight others, as having received, or being promiſed, other loan-money, in the diſpoſition of the council-houſe; but it did not appear when it was received, and five of them did not receive it:

Alſo to 36, for having received pariſh-relief.

They alſo gave evidence of ſeven, who were freemen, and would have voted for Sir Chriſtopher Hales, and Mr. Gery, and were refuſed; which they inſiſted to add to their poll.

They alſo inſiſted, that there were ſeveral indirect practices by Mr. Neale, and his agents: and called,

Mr. Edward Hales; who ſaid, that he came to town about a fortnight before the election, and went to ſeveral people in Coventry, and found ſeveral reports againſt Sir Chriſtopher Hales: amongſt others, there was one promoted by Mr. Tongue, a nonconformiſt miniſter, That Sir Chriſtopher Hales had juſtified the French King's honour, in proclaiming the pretended Prince of Wales: and Mr. Hales ſaid, he charged Mr. Tongue with it; who ſaid, he had it from Mr. Palmer of Leiceſterſhire; but Mr. Hales ſaid, he could not ſay, that Mr. Tongue endeavoured . . . . . votes for Mr. Neale.

Mr. Bennet ſaid, alderman Snell aſked his vote for Mr. Hopkins, and Mr. Neale; and ſaid, he was glad the laſt parliament was diſſolved, or we ſhould have been brought under French power, and the Prince of Wales; and in a little time the black liſt would come out.

John Ward ſaid, the night before the county-election, one Owen came to Warwick, and aſked him, why he would be for Sir Chriſtopher Hales; and if he had not ſeen the black liſt? and bid one Fox ſhew it him; which he did, and read it: he ſaid, he did not pay for what he had at that time; that they looked on Sir Chriſtopher Hales as diſaffected. Ward ſaid, he voted for Sir Chriſtopher Hales, and Mr. Hopkins.

Bryan ſaid, a little before the election, Allen told him, he had been writing black liſts, and alderman Owen promiſed to pay him; but Bryan ſaid, he did not ſee any of the ſaid liſts.

Clever ſaid, Mr. Oadham, alderman Diſton, Clements, and Stephen Smith, came to their houſe with black liſts, and he heard Sir Chriſtopher Hales's name read; but his landlord ſaid, he would not read it over, becauſe they were lies.

Gouge ſaid, alderman Snell declared, they would poll their votes twice or thrice, but they would have it; and that Snell endeavoured to gain votes for Mr. Hopkins, and Mr. Neale.

Smith ſaid, alderman Owen told him, if he would not give them both their votes, there would be no occaſion for a licence for his houſe.

Newcombe ſaid, he was at Biſhop's houſe; and alderman Cater aſked Biſhop's wife for her huſband's vote, he not being at home; and ſhe anſwering, he had promiſed one, Cater ſaid, what will you do, if I take away your licence? look to it: that Wright ſaid, one Parker had promiſed his vote to Sir Chriſtopher Hales; and before the election he went to him, and told him he could not vote for him, for he had given a bond of 40 l. concerning ſelling drink; and Mr. Owen, and Mr. Snell, declared, if he voted not for Mr. Hopkins, and Mr. Neale, they would ſue the bond.

William Betſon ſaid, he had polled for Sir Chriſtopher Hales, and Mr. Hopkins; and coming from the poll, Snell told him, he lived by the church and ſteeple; and abuſed him, and ſaid, he would turn him out.

Thompſon ſaid, he was tenant to the city; and the city-bailiff threatned him, that if he did not vote for Mr. Neale and Mr. Hopkins, he ſhould be turned out.

Wedgeworth ſaid, he was tenant to the city; and the bailiff ſaid, his landlords deſired his vote for Mr. Neale; but he ſaying, he had promiſed it, the bailiff replied, do what you will, but you may chance to be turned out of your houſe.

Wedgeworth ſaid, he voted for Sir Chriſtopher Hales, and Mr. Hopkins; and after went to alderman Diſton, to ſign his bill for publick work done by him, and he bid him go to Sir Chriſtopher Hales.

Oadham ſaid, there is a gift of thirty ſhillings a piece to ſeveral poor men, in the diſpoſition of the aldermen; and the diſpoſing it was put off till after the election.

Boſworth and Creaner ſaid, alderman William Snell, and his maid, went about, and gave bread partially to thoſe who voted for Mr. Neale, and Mr. Hopkins.

John and Anne Judd ſaid, alderman Owen, and alderman Snell, aſked his vote; and he ſaid, he had promiſed it to Sir Chriſtopher Hales; and thereupon Judd having been promiſed loan-money, but could not find ſecurity, one Moor offered to take the money, and find ſecurity, and allow Judd 4 l. if he would vote for Mr. Hopkins.

Worſter ſaid, he had promiſed Sir Chriſtopher Hales; and that Wing gave him 5 s. to vote for Mr. Neale, and Mr. Hopkins: and he ſaid, he, and ſome others, were treated by Mr. Owen, and Barnes, for Mr. Neale, and Mr. Hopkins; but could not ſay they ordered it: and one Slim owned, he had 20 s. of alderman Owen, after the election was over, and had a promiſe of 20 l. more.

Hall ſaid, he voted for Mr. Neale, and Mr. Hopkins; and ſaid, he durſt not do otherwiſe, becauſe he owed Mr. Diſton money: and Dyke ſaid, afterwards he received 5 s.

Marler ſaid, alderman Owen told him, if he would vote for Mr. Neale, and Mr. Hopkins, he would give him ſome money at Chriſtmas: that he voted for Sir Chriſtopher Hales, and Mr. Gery, and had no money; but Owen ſaid, he would ſtick in his ſkirts.

Weſt ſaid, he was treated, with others, at the time of the election, and voted for Mr Neale, on account of 30 s. promiſed him; but he owned, it was never paid, becauſe, as he was told, he was not for Mr. Neale in his heart.

Edward Liſter ſaid, his brother was in ſome trouble about ſome money he owed; and Snell ſaid, if he would vote for Mr. Neale, and Mr. Hopkins, his brother ſhould have liberty; and if any trouble came, he ſhould pay the debt: that his brother was arreſted, and eſcaped.

John and Thomas Ward ſaid the ſame; alſo, that Thomas Liſter, and his ſon, voted for Mr. Neale, and Mr. Hopkins: and Snell told Thomas Ward, his buſineſs was done, and the bailiff afterwards ſaid, he had nothing againſt him.

Barton ſaid, he was ſervant to young Mr. Cater, and did deſign to vote for Sir Chriſtopher Hales; but alderman Cater ſaid, if he voted not for Mr. Neale, and Mr. Hopkins, he ſhould turn him out; and they gave him 2 s. at Chriſtmas.

Eleanor Ellen ſaid, her huſband received a letter, to let him know he had a fair opportunity to come down to poll, and get money to pay his debts: that he did come, and, after the election, he received 20 s.

Brooks ſaid, he had 5 s. from Waring of Birmingham, not to come and poll; but he did vote for Sir Chriſtopher Hales, and Mr. Gery.

Wilton ſaid, Peak voted for Sir Chriſtopher Hales, and Mr. Gery, and was put down for Sir Chriſtopher Hales, and Mr. Neale; and one Parkwood being excepted to, Edward Owen ſaid, they would poll him right or wrong; they had 1000 l. on their ſide: and on the laſt day of election, there being many of Mr. Hopkins's and Mr. Neale's men at the bar, ſheriff Owen ſaid, he would poll them at his peril, and he (Owen) abuſed Mr. Gery.

Knight ſaid the ſame as to Parkwood.

Denham and Warner ſaid, ſheriff Owen brought in one Keeling, a ſtranger, to poll.

Hall ſaid, Mr. Hopkins, and the under-ſheriff, aſked his vote; and Hall ſaid, he had none; and Hopkins gave him 6 d. and bid him be true to him, and ſaid, he would be a farther friend to him: that he went to the bar, and came back without polling; and Mr. Hopkins came to him, and ſaid, he had ſpoke to the ſheriff not to deny his poll, and then he went and polled for Sir Chriſtopher Hales, and Mr. Gery.

Walker ſaid, ſheriff Owen gave him a ſlap on the face, becauſe, as he ſaid, he ſpoke to one who was giving his poll.

Wright ſaid, he was an inſpector for Sir Chriſtopher Hales, and Mr. Gery; and ſheriff Collins bid a man pull him back; and one Lander ſtruck him over the breaſt, as he was getting over the bar into his place.

Lunn ſaid, that ſheriff Owen ſaid, if Sir Chriſtopher Hales had it, it ſhould be the deareſt thing he ever had in his life; and ſaid, he would not make intereſt for one who ſhould vote with that rogue Seymour.

Mr. Edward Hales was called in, in regard to caſting up the poll, and demanding a ſcrutiny; who ſaid, the poll was cloſed on Friday, that next morning the books were caſt up, and Sir Chriſtopher Hales had a majority. A ſcrutiny was demanded for Mr. Neale, it began on Monday, and was carried on ſeveral days: that he attended on behalf of his brother, but not by any order from him: that afterwards Sir Chriſtopher appeared, and would have begun again, but was refuſed; and the ſheriff declared the majority of qualified voices for Mr. Neale; however, in regard of the ſhortneſs of the time, he ſaid he would make a double return.

The counſel for Mr. Neale inſiſted, they would juſtify moſt of the votes excepted to; and that the ſame perſons were excepted to on ſeveral heads: that they ſhould diſqualify many who voted for Sir Chriſtopher Hales, and prove ill practices by him and his agents: accordingly they offered evidence to prove the freedom of about 63 of the 110: that they allowed all the hoſpital-men to be diſqualified, becauſe they ſhould diſqualify as many of Mr. Hales's votes: they alſo allowed all diſqualified for charity, except ſuch as had it ſince the election, which were Wheatley's and Jeſſon's; but inſiſted, that about 21 perſons were diſqualified on ſeveral heads, which made the number ſeem greater; and Mr. Carter gave in a liſt of theſe.

They then proceeded to juſtify ſome of thoſe who had been charged with ill practices; and called,

Mr. Carter, ſon of alderman Carter; who ſaid, Barton looked after his horſe: that he aſked his vote for Mr. Hopkins and Mr. Neale, and he did it voluntarily; and after the pariſh officers refuſed to pay his taxes, or houſe rent: that the 2 s. given him was charity money; and he had the ſame the year before, when he voted otherwiſe: that Biſhop kept a diſorderly houſe, and his clerk was debauched there.

Slim ſaid, Worceſter told him, Mr. Edward Hales laid him down 20 s. to ſay, that Barber gave him 5 s. to vote for Mr. Neale, and Mr. Hopkins; and alderman Owen gave him the character of an honeſt man.

Newcombe ſaid, Worceſter took his horſe out of the field, and rode him four or five days; and being charged with it, ſwore he never did it, and afterwards owned it; and that he was going from the town. Bird gave inſtances of Worceſter's bad character; as alſo did Withers.

Alderman Owen ſaid, that as to John Jephcot, he ſerved his time in London; and Richard Jephcot never ſerved his time any where.

Mr. Owen ſaid, that Matthew Neale was an apprentice in London to an apothecary there.

Pickering ſaid, Ithel never pretended to be free, or was ever bound; but was admitted a love-brother; and Cater ſaid, the indentures produced at the poll were falſe.

Craner ſaid, John and Thomas Heathcot neither of them ſerved in Coventry.

Then produced evidence againſt 84 of Sir Chriſtopher Hales's votes, as not being free, eight for receiving loan-money within twelve months before the election, and 12 for receiving city charity; alſo againſt Thomas Graſcombe, for having had an exhibition given to his ſon of 6 l. 13 s. 4 d. as a poor ſcholar, and two for having loan-money.

Mr. Neale's counſel then offered to except againſt ſome of Sir Chriſtopher Hales's votes for receiving pariſh-alms; but there having been two orders made, one upon the mayor, aldermen, &c. dated 21 January; and another upon the clerks of the council-houſe; for delivering an account of what charity had been diſpoſed of by the mayor; and they having not given Sir Chriſtopher Hales's agent an account of thoſe charities they offered to give evidence of, they were not admitted to give ſuch evidence: they alſo proved two perſons ſet down for Sir Chriſtopher Hales, to have voted for Mr. Neale; and one, who polled for Mr. Neale, and was not down.

They then went on, to ſhew diſorders and treating, and ill practices, by Sir Chriſtopher Hales's friends: and called,

Mr. Jeremiah Withers; who ſaid, the magiſtrates ſent him with a letter to the candidates, to come and conſult; but they did not think fit to do it, only went to the mayor and ſheriffs: that in order to prevent diſorders, the magiſtrates cauſed proclamation to be made, that none but thoſe, who were concerned, ſhould come to the election, there having been great diſorders at the former elections; that he had notice from a friend of Sir Chriſtopher Hales's, that if he came he ſhould be beaten; and dared not to be there: he ſaid, the magiſtrates made proclamation, that Mr. Neale, and Mr. Hopkins, were candidates, it being given out they had deſiſted.

Benion, and others, ſaid, Sir Chriſtopher Hales's men met at two in the morning, and Sir Chriſtopher Hales, and Mr. Gery, met them about ſix; Mr. Neale's, and Mr. Hopkins's men, about eight; that Sir Chriſtopher Hales's were about 600, and Mr. Hopkins's and Mr. Neale's about 200; and meeting in the ſtreet, Sir Chriſtopher Hales's men being paſſed by partly on the other ſide of the way, Sir Chriſtopher Hales called them back, and encouraged a fray; and ſome of Mr. Neale's men were wounded: and Mrs. Ellen ſaw Sir Chriſtopher Hales, when he called them back, and bid them ſtand to them; and ſhe aſked him, if he would have murder? who ſaid, no; ſhe replied, then he would not let them fight ſo.

John Pickerell, and others, ſaid, Sir Chriſtopher Hales's men, at the time of the poll, got poſſeſſion of the hall, and were unruly, and daily nailed up the door from the gaol-yard: that they appeared in the ſtreet with ſtaves, and threatned thoſe who were for Mr. Neale; particularly, Mr. Pickerell; and drove the conſtables out of the hall; and Burton threatned one, who was for Mr. Neale: that, by the diſorders at this, and former elections, many were terrified from going to poll; and alderman Owen ſaid, he was afraid, having been abuſed formerly, and threatned now.

Clements ſaid, they threw turnips at major Beak, as he went into the gallery to poll.

Hobſon ſaid, Mr. Edward Hales encouraged his men not to be afraid of irregularities, for Mr. Gery would ſupport them as far as 500 l. would go; and Mr. Price had promiſed Mr. Neale, and Mr. Gery; but afterwards ſaid, if he voted againſt Sir Chriſtopher Hales, Lord Leigh would turn him out of his living: that Lord Leigh was at the Croſs on Thurſday, but could not ſay he intermeddled in the election.

Cochran ſaid, there was a great tumult, and the ſheriffs commanded his aſſiſtance, but he was puſhed down.

Barns ſaid, Oadham, who was an inſpector for Sir Chriſtopher Hales, upon a diſpute about a vote, went and brought 300 men with him, and ſaid, he would have juſtice.

As to treating and ill practices; Jones ſaid, Clift, a tapſter, offered him a crown, either not to poll, or to poll for Sir Chriſtopher Hales, and afterwards 10 s.; but he polled for Mr. Hopkins, and Mr. Neale.

Slim ſaid, Ward carried him to drink at Sir Chriſtopher Hales's coſt, and he went with two or three, and were treated; and Ward ſaid, it ſhould go to Sir Chriſtopher Hales's account: and that Dr. Elliot ſaid, if he would give alderman Palmer, who voted for Sir Chriſtopher Hales, and Mr. Gery, a vote, the alderman ſhould give him 40 s. and Palmer ſaid, ſo he would.

Noble ſaid, William Haddock offered him 6 s. 8 d. to vote for Sir Chriſtopher Hales; and Mr. Wright threatned to turn him out of his houſe, if he did not. Wright had the letting of the houſe, and had given him warning to go out.

Chaplin ſaid, that Mr. Horatio Hopkins aſked Fern, as he was going to poll for Mr. Neale, to poll for Sir Chriſtopher Hales, and Fern ſaid, he was engaged; but, upon further talk, mention was made of 20 s. which Fern ſaid, he would give him: that he afterwards ſhewed money, and ſaid, it was to ſatisfy his maſter, but knows not how much; and he polled for Sir Chriſtopher Hales.

Copſon ſaid, he, and others, were treated: that he intended to vote for Mr. Hopkins, becauſe he owed alderman Owen money on bond; but Salter ſaid, if the bond was ſued, they would collect the money: he ſaid, he voted for Sir Chriſtopher Hales, and the bond was not ſued.

Smith ſaid, he was threatned by ſeveral to loſe their work, if he did not vote for Sir Chriſtopher Hales, and Mr. Gery; and has ſince loſt it.

Sir Chriſtopher Hales's counſel ſaid, they could juſtify moſt of the votes excepted to, but they thought there was no occaſion.

The committee's report is to this effect: That the hearing of the cauſe having taken up ſeven nights; and the evidence for qualifying and diſqualifying of freemen being very long, they conceived it more proper to refer to the minutes, than to fill up the Journal with the particulars in their report: and that, upon the whole, they reſolved,

That Sir Chriſtopher Hales, baronet, is duly elected a citizen, to ſerve in this preſent parliament for this city.

The ſeveral reſolutions were twice read, and agreed unto by the houſe.

Ordered, that the clerk of the Crown do attend to-morrow morning, to amend the return, by taking off Mr. Neale's indenture.

Reſolved, that Mr. Abraham Owen, and Mr. John Collins, the ſheriffs of the ſaid city, are guilty of a falſe and double return, and of divers indirect practices, in the late election for this city.

Ordered them to be taken into cuſtody of the ſerjeant at arms.

Reſolved, that Mr. Edward Owen, under-ſheriff of this city, is guilty of illegal and partial proceedings, in order to obtain an election of a citizen for this city.

Ordered, the ſaid Mr. Edward Owen be taken into cuſtody in like manner.

Nov. 13, 1705. A petition of ſeveral freemen of this city, in behalf of themſelves and many others, was read; ſhewing, that before, and at, the laſt election of members, to ſerve in parliament for this city, many illegal practices were uſed on behalf of Sir Chriſtopher Hales, and Thomas Gery, eſquire; and that by riots and tumults, and partiality of the ſheriffs of the ſaid city, many were deterred from giving their votes according to their inclinations · by which undue practices, the petitioners conceive, they are deprived of their legal repreſentatives: and praying &c.

A motion was made to hear it at the bar, but diſagreed to.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Dec. 4, 1706. A petition of ſeveral of the freemen of this city was read; ſhewing, that at the late election of citizens, to ſerve in parliament for this city, Sir Orlando Bridgeman, baronet, Edward Hopkins, eſquire, Sir Chriſtopher Hales, and Thomas Gery, eſquire, were candidates: that before, and at, the ſaid election, many illegal practices were uſed by the ſaid Sir Chriſtopher and Mr. Gery, and their agents; and that by riots and tumults, and partiality of the ſheriffs of the ſaid city, many were deterred from giving their votes according to their inclinations; whereby the petitioners conceive, they are deprived of their legal repreſentatives: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Feb. 1. Ordered, that the report be made on Wedneſday next.

5th. Mr. Compton reported the matter upon the ſaid petition, as follows: That the petitioners counſel alledged, that, at the ſaid election, the candidates were Sir Chriſtopher Hales, baronet, Thomas Gery, eſq; Sir Orlando Bridgeman, and Edward Hopkins: they admitted, the two firſt had the majority on the poll; but inſiſted, that by the riots, &c. before and at the election, the voters for the latter were deterred, and hindered from giving their votes: and called,

Mr. Billins, who was mayor at the ſaid election: and he ſaid, Sir Orlando Bridgeman, and Mr. Hopkins, were invited to be candidates at the laſt election, and came thither about the beginning of March, 1704; and it having been reported that they deſiſted, they deſired leave to walk and declare themſelves at the croſs: accordingly they walked on the 8th of March, and declared themſelves candidates at the croſs; but there being a great riot, he adviſed with the aldermen, and they agreed to write to ſecretary Harley, for the Queen's directions, how to keep the peace; who anſwered them, that they ſhould uſe their beſt endeavours according to law, for that purpoſe, as being anſwerable for the peace of the city: that accordingly he and his brethren, on a market-day, walked in their formalities, and proclaimed (by the crier) that no perſons ſhould appear at the election, but ſuch as had right to be there, and none come with ſticks: that afterwards Sir Chriſtopher Hales, and Mr. Gery came to him; and the latter ſaid, he underſtood he intended to buſy himſelf at the election, and he had nothing to do there; that he was a deputy-lieutenant, and had power of the poſſe, and that their men ſhould come with ſticks: that he (the mayor) then propoſed ſeveral methods for polling to the candidates, particularly to poll by wards, which Sir Orlando Bridgeman and Mr. Hopkins were willing to do; but the others refuſed that method: Sir Chriſtopher Hales propoſed to proceed by way . . ballot: that the night before the election, he ſet a ſtrong watch; and about one or two in the morning before the election, he took a walk, and ſeeing ſome butchers rallying with ſticks, he took them away: afterwards there were more, and ſome of them having ſticks, he was called out again about four, when he ſaw ſtones thrown, and heard ſeveral cry, "A Hales and Gery!" and he diſperſed them; but half an hour after he was called out again, and they appearing with ſticks, and having knocked down a watchman, and dragged him about ſo, that ſome time after he died; and he himſelf attempting to take away a butcher's ſtick, he was cut with a pebble; and between four and five he ſaw Mr. Gery, Mr. Robert Smith, and Mr. Burton, with them: that the election began about nine of the clock, and continued three days: that he appointed 30 or 40 with halberts to attend on both parties: that during the poll he went ſeveral times into the hall; but did not ſtay there, nor ſaw any diſturbance while he was there: that Mr. Gery aſked him to poll, but he declined it.

Biſcaore ſaid, he was ordered to carry an halbert the night before the election, to keep the peace; and one took it away, and ſaid he had nothing to do with it; and he was wounded: that ſome of Sir Chriſtopher Hales's and Mr. Gery's friends did carry halberts; and others might, but refuſed them.

Wall ſaid, he being an officer in the city, was at the mayor's, when Mr. Gery came in, and told him, if he raiſed the conſtables againſt his men, he had an equal ſhare of power, and would (as deputy-lieutenant) raiſe the poſſe: and on the election-day, in the morning, they threw ſtones at the mayor, and made the mayor withdraw into his parlour, whither Mr. Gery followed him: that one Chaplin, who would have voted for Sir Orlando Bridgeman and Mr. Hopkins, was horſed, viz. carried on a cowle-ſtaff by ſome who were on the other ſide.

Wood ſaid, he was ſet by the mayor and juſtices to aſſiſt the conſtables, and about five in the morning Mr. Gery's people appeared with ſticks; and he attempting to take the ſtick from one of them, Mr. Gery ſaid, they ſhould carry them, and threatned him.

Mr. S. Paul ſaid, he was at this city, May was 12 months, and about three or four in the morning he ſaw many got together, with halberts: that Mr. Gery was preſent, and they fell upon the halberdeers and took away their halberts, and beat them.

Benyon, a conſtable, ſaid, he was preſent on the election-day, and about five in the morning there were about 500 met together: that the mayor endeavoured to break them, and they threw ſtones at him; and afterwards Mr. Gery followed the mayor into his parlour: at the poll he was ſet to keep the peace, and brought up ten for Sir Orlando Bridgeman and Mr. Hopkins, and they were abuſed and put back, about 500 perſons being there aſſembled; and one getting up to poll, they cried, "No freeman!" "A horſe! a horſe!" and that attempting to bring up the men on the ſecond day of the poll, one Sheres was horſed, and dragged in the dirt:

He ſaid, ſome of Sir Chriſtopher Hales's and Mr. Gery's men were appointed to watch by the mayor, but would not appear to watch, though warned by the mayor; that there were three inſpectors on the ſide of Sir Chriſtopher Hales and Mr. Gery.

Lander ſaid, the mayor and aldermen ordered that no ſticks ſhould be brought at the election; but Mr. Gery ſaid, they ſhould, and he would juſtify it: that when they polled for Sir Chriſtopher Hales and Mr. Gery, things were quiet; but when they offered for the others, they were ready to eat them; and one Savage coming to juſtify a vote, they ſaid, he had polled before, and called for an horſe for him.

Philips ſaid, that he was ſent for to keep the peace of the election-day: in the morning he heard murder cried; and his maid ſaid, he would be knocked on the head: that he went, and ſaw the mayor, conſtables, &c. engaged: one Matthews was ſeized, and knocked down: another company with Mr. Gery ſeized one Biſcaore, who did not fall till kicked by Onyon, and Mr. Edward Broughton, and Mr. Stephen Hales, were preſent: that they called for an horſe for him when he went to poll, and he went back: that Mr. Gery made a ſpeech, and bid them bring ſticks, and he would juſtify them.

Shaw ſaid the ſame, as to Mr. Gery's bidding them bring ſticks: he was preſent when the mayor was wounded, and Mr. Stephen Hales and Mr. Burton were with them, the latter of whom ſtruck at the mayor: that they got down and wounded ſeveral of the watchmen, which cauſed the mayor to come: that he went up ſeveral times to poll, and they cried, no halberts, and put him back; and one ſaying, take care of Shaw, they afterwards knocked him down; but he owned, they offered to let him poll quietly.

Newcomb ſaid, he attempted ſeveral times to poll on Wedneſday, and could not get into the hall: on Thurſday he polled for Sir Orlando Bridgeman and Mr. Hopkins: that Mr. Wade, who repreſented Mr. Hopkins, was put back on Wedneſday as far as St. Mary-hall.

Colonel Davenport ſaid, he went to ſpeak with Sir Orlando Bridgeman in the hall: that the mob treated him ill, telling him, he ſhould declare who he was for, though he ſaid, he had no vote: and he ſaid, had it not been for one man, he ſhould have been knocked down.

Barns ſaid, he was at the election, and at the mayor's when Mr. Gery ſaid, he was a deputy-lieutenant, had the power of the county, and would be obeyed: was preſent, when the mayor, &c. in their formalities, read the ſecretary's letter, and forbid the ſticks; and one Dines ſaid, they would bring the ſticks: and Barnes ſaid, he was an inſpector for Sir Orlando Bridgeman and Mr. Hopkins, and was much abuſed, and put out of the hall by Sir Chriſtopher Hales, who ſaid, down with him, and that he would cure him of coming from London to elections: that the poll was partially carried on for Sir Chriſtopher Hales and Mr. Gery, and their inſpectors polled ſeveral without the conſent of the ſheriff; and Lawrence, one of the ſaid inſpectors, polled and rejected whom he pleaſed: that he did not vote at this election, his friends not thinking it ſafe ſo to do: that when they came from London, they were aſſaulted at two places by Sir Chriſtopher Hales's and Mr. Gery's men; and Mr. Oadham committed him to priſon, on pretence of an aſſault on Dines ſix days before.

Ellen ſaid, when he went to poll for Sir Orlando Bridgeman and Mr. Hopkins, he was inſulted; and Mr. Oadham ſent him to Bridewell wrongfully.

Chambers ſaid, he was abuſed, and committed in like manner.

Bates ſaid, he attempted to poll twice for Sir Orlando Bridgeman and Mr. Hopkins, and the ſecond time he went to the mayor, and the mob abuſed them both, but the third time they let him poll; but afterwards they beat him, abuſed him, and almoſt ſtrangled him: that he was laid up for weeks, and is ſince in the hoſpital.

Bedford ſaid, on the firſt day of the election he endeavoured to bring up ſome to vote for Sir Orlando Bridgeman and Mr. Hopkins, but could not: that when Sir Chriſtopher Hales and Mr. Gery thought they ſhould loſe the election, they called for horſes, particularly Mr. Gery himſelf, and Mr. Wright and Mr. Meak, inſpectors and agents, for Sir Chriſtopher Hales and Mr. Gery.

Legburne ſaid, he was refuſed to poll for Sir Orlando Bridgeman and Mr. Hopkins, and knocked down.

Cater gave a general evidence to the ſame purpoſe, with others; and ſaid, he aſked, who were inſpectors for Sir Chriſtopher Hales and Mr. Gery? and he was told by Mr. Gery (pointing to the mob) "There are our inſpectors."

Mr. Chiſwell ſaid, he was one of the ſheriffs, and had denied having ſecurity to indemnify him.

The clerk of aſſize produced records of aſſaults and batteries. And Mr. Cater ſaid, ſeveral were convicted on both ſides, and fined; but the mayor and aldermen were acquitted.

For Sir Chriſtopher Hales and Mr. Gery, their counſel obſerved, they had ſerved in three parliaments for this city; and this laſt election was very fair.

The poll was—for Sir Chriſtopher Hales 827—Mr. Gery 819, Sir Orlando Bridgeman 597, Mr. Hopkins 537; which was as great a poll as had been known for 20 years; that the riots were before the election, and what diſorders happened there, were no more than uſual in popular elections: and called, Mr. Wright, junior, who ſaid, on the 6th of March, Sir Orlando Bridgeman and Mr. Hopkins came to town; and on the 8th they, with ſeveral aldermen, walked the ſtreets, and had ſeveral hundred men with them, and reported, that Sir Chriſtopher Hales and Mr. Gery, who were then attending in parliament, deſiſted: that about 30 or 40 of Sir Chriſtopher Hales and Mr. Gery's friends were in the ſtreet, and had orders not to ſtrike any body; but were fallen upon by the others, and wounded a man who is ſince dead: that Coventry has many noble charities, and the mayor and aldermen commanded their votes for Sir Orlando Bridgeman and Mr. Hopkins; and the city bailiffs and town-clerk went to the tenants and threatned to turn them out of their eſtates: that on the election day he waited on Sir Chriſtopher Hales and Mr. Gery to get their men together: that the mayor ordered the halbert-men, who were for Sir Orlando Bridgeman and Mr. Hopkins, to abuſe thoſe who were for Sir Chriſtopher Hales and Mr. Gery: that they ſeized Lord Leigh's man with letters; and many of the halbert-men were drunk: that the poll began and went on very fairly; and that for 20 years there hath not been ſo fair an election, though the other ſide endeavoured all they could to make a riot; a great many of the charity-men claimed to be polled: that on Wedneſday Sir Orlando Bridgeman declared, he never ſaw ſo peaceable an election; and on Thurſday wrote a letter, that he would give no further trouble to his friends: that he never knew any poll by wards, or otherwiſe than now: that he remembered Mr. Fielding's election, and is now about 30 years of age.

Haycock ſaid, he was at this election, on the 22d of May: at five he was ordered to attend the mayor, being a conſtable; and about two o'clock two halbert-men broke his door, being fuddled: that Sir Chriſtopher Hales and Mr. Gery's men would have avoided the halbert-men; but the halbert-men were ordered to meet them; and Mr. Edward Owen bid them charge the peace with them, and, if they did not obey, to knock them down: that all was peaceable at the poll, and any one might have polled, if he pleaſed: that Ellin was committed for leaving his family; and before the poll was over, the bell-man was ſent to ſummon all thoſe, who had not polled, to come and poll.

Tippin ſaid, he had taken the poll at all elections for 10 or 12 years, and now did it for Sir Orlando Bridgeman and Mr. Hopkins, for whom he voted: and that he could not ſee above a third part of the hall; but ſo far as he ſaw, it was as peaceable an election as any.

Cleavor ſaid, Mr. Edward Owen ordered him to bring a ſtick three quarters long, and if he could not reach their heads, to ſtrike their faces; and gave him four tickets for his vote for Sir Orlando Bridgeman and Mr. Hopkins.

Mr. Lloyd ſaid, he was preſent all the three days, and ſaw the mayor aſſault Mr. Gery, by ſhoving him, and that Mr. Gery bid his men be quiet and eaſy: he had ſeen five or ſix elections, and none ſo quiet as this: that Mr. Cater aſſaulted and abuſed him, having taken Sir Orlando Bridgeman and Mr. Hopkins's money: and the bell-man gave notice to perſons to come to poll before the poll was cloſed.

Meak ſaid, the two clerks of the city, and bailiffs, were ſent by the mayor and juſtices to demand his father's vote for Sir Orlando Bridgeman and Mr. Hopkins; and he refuſing it, was put out after the election.

Revet — that, a fortnight after the diſſolution of the parliament, one offered him three or four tickets, of 12 pence each, to vote for Sir Orlando Bridgemen and Mr. Hopkins: that the poll was fair; and Mr. Owen aſked him, if he had polled? and ſaying, he had not, he bid him not poll, ſaying, they would poll their men elſewhere.

Wadcock ſaid, he was deſired by the ſheriffs to take the poll: that he had done ſo ſeveral times, but never ſaw any ſo quiet as this: that on Thurſday in the afternoon, he went to Sir Orlando Bridgeman (upon his not coming to the hall) at old Mr. Hopkins's; who was at firſt denied, but after told him, he would poll no more. Upon the whole, the committee reſolved,

That Sir Chriſtopher Hales, baronet, is not duly elected a citizen, to ſerve in this preſent parliament for this city.

That Thomas Gery, eſquire, is not duly elected a citizen, to ſerve in this preſent parliament for this city.

That the late election of citizens, to ſerve in this parliament, is a void election. Which ſaid reſolutions, being twice read, were agreed to by the houſe. And

Reſolved, that it appears to the houſe, that there has been a notorious riot and tumult, and other illegal practices, at the election of citizens to ſerve in this preſent parliament for this city, in contempt of the civil authority, and violation of the freedom of elections.

April 23, 1707. A petition of ſeveral freemen of this city, in behalf of themſelves and other freemen of the ſaid city, was read; ſhewing, that at the laſt election of citizens, to ſerve in parliament for this city, many illegal practices were made uſe of by the mayor to return Sir Orlando Bridgeman and Mr. Hopkins: and praying &c.

Ordered, that it be referred to the committee of privileges and elections to examine the matter, and report the ſame with their opinion.

Nov. 24, 1708. A petition of Robert Craven, eſquire, was read; ſhewing, that before and during the time of the laſt election of citizens, to ſerve in this parliament for this city, many illegal and indirect practices were uſed to procure votes for Sir Orlando Bridgeman and Edward Hopkins, eſquire; and the ſheriffs of the ſaid city carried themſelves with great partiality for them: notwithſtanding, the petitioner had a great majority of legal voices, and ought to have been returned as one of the citizens to ſerve in this parliament; yet Sir Orlando Bridgeman and Mr. Hopkins are returned, contrary to the petitioner's right: and praying &c.

Ordered to be heard at the bar on the 1ſt of February next. But by means of other petitions it was not heard until,

March 1. The houſe then proceeded to the hearing of the merits of the ſaid petition: and the counſel on both ſides were called in; and the ſaid petition was read; and the counſel were heard, and ſeveral witneſſes were examined touching the right of election: and a book being produced, alledged to be of the company of fullers in this city, to prove that they were a company or corporation within the ſaid city: and the counſel and witneſſes being withdrawn, a motion was made, and the queſtion put, to receive the ſaid book as evidence, but diſagreed to: and the counſel being again called in, Mr. Speaker acquainted them therewith; and they were further heard as to the right of election: and the counſel being again withdrawn, it was reſolved, That the right of electing citizens, to ſerve in parliament for this city, is in ſuch perſons who have ſerved apprenticeſhips for ſeven years, within the ſaid city, to one and the ſame trade, not receiving alms, or conſtant charity.

And the counſel were called in, and acquainted therewith.

And the petitioner's counſel proceeded to ſhew the proceedings and behaviour of the ſheriffs at the election, and alſo the merits of the election; and ſeveral witneſſes were examined in relation thereto.

And the petitioner's counſel proceeding, in order to diſqualify ſeveral of the ſitting-members votes, upon account of their having received pariſh charities:

And the ſitting-members counſel inſiſting, that they have not been able to make any diſcovery of what perſons (on the petitioner's part) have received the charities of the Sacrament-money, and bread-money, ſo as to make objections to the petitioner's votes upon that account; the miniſter and church-wardens alledging, they kept no account of the ſame: and witneſſes being examined, in relation to that matter, the counſel and witneſſes withdrew; and a motion was made, and the queſtion put,

That the petitioner be admitted to give evidence, to diſqualify any of the ſitting-members votes, upon account of receiving Sacrament-money, or bread-money:—it was diſagreed to.

And the counſel were again called in, and Mr. Speaker acquainted them therewith.

Then the counſel for the petitioner proceeded, and called witneſſes, in order to diſqualify votes on account of Sir Thomas White's gift: after which the counſel and witneſſes withdrew; and a motion being made, and the queſtion put,

That perſons, receiving Sir Thomas White's gift, are thereby diſabled from giving their votes, in electing members to ſerve in parliament for the ſaid city:—it was diſagreed to.

Ordered, that the further conſideration of the merits of the ſaid election be adjourned till Thurſday morning next.

3d. The houſe again proceeded in hearing the merits of the ſaid election; and the counſel being called in, Mr. Speaker acquainted them with the laſt reſolution on Tueſday.

Then the petitioner's counſel objecting againſt ſeveral of the voters for the ſitting-members, in reſpect of their having received Thomas Wheatly's gift, and other gifts of the like nature; which they inſiſted were ſuch charities, as diſabled them from giving their votes at the ſaid election: ſeveral witneſſes were examined, and counſel on both ſides were heard, in relation thereto; and being withdrawn, and a motion being made, and a queſtion put,

That perſons, receiving Thomas Wheatly's gift, are thereby diſabled from giving their votes, in electing citizens to ſerve in parliament for this city:—it was diſagreed to.

And the counſel were again called in, and Mr. Speaker acquainted them therewith; and the counſel were heard, and ſeveral witneſſes examined, touching other matters relating to the ſaid election; and the counſel and witneſſes being withdrawn,

Reſolved, that Sir Orlando Bridgeman, baronet, is duly elected a citizen, to ſerve in the preſent parliament for this city.

That Edward Hopkins, eſquire, is duly elected a citizen, to ſerve in the preſent parliament for the ſaid city.

Nov. 30, 1710. A motion being made, that Mr. Speaker do iſſue his warrant to the clerk of the Crown, to make out a new writ, for the electing a citizen, to ſerve in this preſent parliament for the city of Coventry, in the room of Robert Craven, eſquire, deceaſed; and it being obſerved, that there were two petitions delivered to the clerk of the houſe, relating to the election for the ſaid city, purſuant to the orders of the two laſt parliaments; the ſame were read: and it appearing, that they did not complain againſt the ſaid Mr. Craven's election;

Ordered, that Mr. Speaker do iſſue his warrant to the clerk of the Crown, to make out a new writ, for the electing a citizen for the city of Coventry, in the room of the ſaid Mr. Craven, deceaſed.

Dec. 5. A petition of ſeveral freemen of this city, in behalf of themſelves and many others, was read; ſhewing, that before, and at the election of members, to ſerve in parliament for this city, many illegal practices and riots were made uſe of, on behalf of Thomas Gery, eſquire, who, with Sir Orlando Bridgeman, Edward Hopkins, and Robert Craven, eſquires, were candidates; whereby many were deterred from giving their votes according to their intentions; and thereby the petitioners conceive, they are deprived of one of their legal repreſentatives: and praying &c. Alſo,

A petition of William Treen, ſenior, Joſeph Mayo, ſenior, Joſeph Mayo, junior, William Pilkington, and James Mayo, on behalf of themſelves and others of the company of fullers, and freemen, and of Ralph Whitehead, Thomas Clark, Richard Nicklin, Henry Clark, and Thomas Craner, in behalf of themſelves, and many ſcores of other freemen of the ſaid city, was read; ſhewing, that the petitioners, and their maſters before them, have always enjoyed all privileges, and done all duties, as freemen of the ſaid city; but, at the laſt election of members to ſerve in parliament for the ſaid city, the ſheriffs would not ſuffer the petitioners to vote (though they have an undoubted right ſo to do) under pretence of a reſolution of the houſe of commons: that the petitioners always uſed to vote in elections, and conceive, they can have no other remedy for the injury done them, but the juſtice of the houſe: and praying &c.

Ordered, that they be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Dec. 13, 1711. This laſt petition of the freemen of the fullers company, and the other freemen therein named, was again read; ſhewing, that the petitioners have been apprentices in the ſaid city, and ſerved ſeven years: that they, and their maſters, always enjoyed all privileges, and done all duties, belonging to the freemen thereof; but that, at the election for members of parliament for the ſaid city, on the 18th of October, 1710, the petitioners were debarred by the ſheriff of their right of voting, under pretence of a reſolution of this houſe; wherein it was determined, "That the right of election was only in freemen ſerving their apprenticeſhip in the ſaid city:" that the petitioners (the fullers) and their predeceſſors, are, for the benefit of their fulling-mills, compelled to live out of town, and pay to church and poor, and ſerve all offices belonging to the companies of the ſaid city; and the petitioners, and other trades, have been admitted to vote, for many years; and all of them have undoubted claim to it, by the conſtant method of election in the ſaid city: and praying, that their right may be aſcertained, and reparation for the injury ſuſtained, by the denial of their votes.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

March 5. Ordered, that the report be made on the morrow-ſevennight.

13th. Mr. Freeman reported the matter upon the ſaid petition: That they had heard counſel for the petitioners, and for the late ſheriffs of Coventry. The petitioners counſel called,

Whadcock and Wright; who ſaid, the fullers company, as appears by their books, have been incorporated above 200 years; that they have two ſeats in St. Michael's church, in Coventry; they pay to church and poor in the city, though they live out of it; have always enjoyed all privileges, that are peculiar to freemen of that city only; and have voted in all elections to parliament for 20 years paſt, and never were objected to, till within three years paſt: that ſeveral of the fullers company live with their families in the city, and have ſhops there, which none but freemen are permitted to have; they generally live without the city, for conveniency of water uſed in their trade; but were never, on that account, refuſed any privilege of freemen, or denied to vote, till 1708:

That above 60 perſons at a time have come from London, and have been permitted to vote without exception; and the petitioners were refuſed by the ſheriffs at the laſt election.

Whereupon the committee reſolved,

That the members of the company of fullers, within this city, being freemen, not receiving alms, have a right to vote in the election of members, to ſerve in parliament for this city.

That ſuch freemen of the city of Coventry, as do not receive alms, or weekly-charity, and have ſerved ſeven years apprenticeſhip within the ſaid city, or the ſuburbs thereof, have a right to vote in the election of members, to ſerve in parliament for this city: whereto (on their being twice read) the houſe agreed.

March 5, 1713. A petition of ſeveral freemen of this city, in behalf of themſelves, and many hundreds, was read; ſhewing, that at the election for the city of .... Sir Chriſtopher Hales, baronet, Sir Fulwar Skipwith, baronet, and John Neale, eſquire, were candidates: that ſeveral indirect practices were made uſe of, in behalf of the ſaid Sir Chriſtopher Hales and Sir Fulwar Skipwith; and by themſelves, and their agents; and, by great riots, ſeveral were deterred from giving their votes, according to their inclination; by which the petitioners conceive themſelves greatly injured: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

March 30, 1715. A petition of Sir Chriſtopher Hales, and Sir Fulwar Skipwith, baronets, was read; ſhewing, that the petitioners, Sir Thomas Samwell, and Sir Adolphus Oughton, were candidates, at the late election for this city: that the ſheriffs of the ſaid city refuſed many freemen, who would have polled for the petitioners, and admitted others to vote for the ſitting-members, who were not freemen; and by theſe, and other arbitrary and illegal practices, have returned Sir Thomas Samwell, and Mr. Oughton, in prejudice to the petitioners; and that Mr. Oughton was required to make oath of his qualification, which he did accordingly; but believes he is not qualified according to the meaning of the late act of parliament for that purpoſe: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter thereof, and to report the ſame, with their opinion.

Oct. 18, 1722. A petition of the honourable Fulwar Craven, eſquire, and Sir Fulwar Skipwith, baronet, was read; ſhewing, that at the election of members, to ſerve in parliament for the city of Coventry, the petitioners, Sir Adolphus Oughton, and John Neale, eſquire, were candidates: that the ſheriffs of the ſaid city begun the poll at a place no ways convenient, although the petitioners proteſted againſt taking it . . any other place but the uſual place, where it hath been taken for forty years laſt paſt: that after the ſheriffs had polled 106 perſons for the ſaid Sir Adolphus Oughton, and Mr. Neale, and five only for the petitioners, Sir Adolphus Oughton, and Mr. Neale, under pretence of making the place more convenient, deſired the ſheriffs to adjourn the poll for an hour, which they did; the petitioners, with ſeveral hundreds of perſons, who had right to vote, attended at the time of adjournment, and demanded their poll; but the ſheriffs, and Sir Adolphus Oughton, and Mr. Neale, never came to the court that day; and that, after the petitioners had waited ſeveral hours, and ſent ſeveral freemen to the ſheriffs, to know why they did not come to poll, according to the adjournment, they declared, they would poll every man that had a right, and would come and demand their poll the next morning: the petitioners attended next morning, at the ſame place, and above a thouſand voters, and demanded to be polled; but the ſheriffs not coming, the petitioners ſent to know, why they did not come; were told by the ſheriffs, they had already made their return, and would poll no more: and praying &c.

Ordered to be heard at the bar on the 8th day of November next.

A petition of ſeveral perſons, whoſe names are thereunto ſubſcribed, on behalf of themſelves, and ſeveral hundred other freemen of the ſaid city, was read; ſhewing, that when the late parliament was drawing near a concluſion, John Kilſby, mayor, then, and now, one of the deputies of the poſtmaſters-general, and the aldermen of the ſaid city, determined amongſt themſelves, to have only ſuch perſons returned members to ſerve in parliament as they ſhould approve, without regard to the rights of the electors, whoſe concurrence they deſpaired of obtaining, having loſt their affections by an indiſcreet, partial, and inſolent adminiſtration of the government of the ſaid city: and, in order to the carrying on this deſign, the making new ſheriffs, which, according to the charter and cuſtom, ought to have been between Michaelmas and Allhallow-tide, was delayed till a little before the writs iſſued for the election; ſeveral perſons were nominated before that time to ſerve the office, and excuſed, upon their declaring, that though they were in the ſame intereſts with the ſaid magiſtrates, yet they would run no hazards, but if there were an election of members in their year, they would . . what was juſt: that the ſaid mayor and aldermen, together with Sir Adolphus Oughton, knight and baronet, and John Neale, eſquire, two of the candidates, for whom the ſaid magiſtrates had early engaged, and uſed all indirect and arbitrary means, by threats and promiſes, to force the freemen of the ſaid city to vote for them, did at laſt prevail upon John Shaw, and Humphrey Lewis, one, or both, not free of the city, to take upon them the office of ſheriffs; promiſing them rewards, and to indemnify them from all their unwarrantable practices: they concluded theſe to be fit tools for their purpoſe, being men of very little ſubſtance, much meaner than have been known heretofore to bear that office: that before the county-court was held, and the election made, the ſheriffs gave notice, by proclamation, they would open the writ the Tueſday morning following, at ten of the clock, at a very inconvenient place by them prepared, for taking the poll: notwithſtanding which notice, they began the election an hour ſooner than the time appointed; thoſe they had procured to vote for Sir Adolphus Oughton, and Mr. Neale, with others their friends and adherents, having taken ſuch poſſeſſion of the place, that few of the freemen could come near it, who deſired to give their votes for Sir Fulwar Skipwith, baronet, and Fulwar Craven, eſquire, two other of the candidates; and after polling 106 for Sir Adolphus Oughton, and Mr. Neale, and 5 for Mr. Craven, and Sir Fulwar Skipwith, though there were at leaſt 1500 freemen then preſent expecting to be polled, the ſheriffs adjourned the court for an hour, and went with Sir Adolphus Oughton, and Mr. Neale, and with the mayor and aldermen to a publick houſe, and in a little time to another; from whence the ſheriffs were not ſuffered to return to court, nor even their wives, who were crying in the ſtreets, nor any perſon to come to them, except the agents and friends of the ſaid Sir Adolphus Oughton and Mr. Neale: that many freemen demanding the ſheriffs to proceed with the election, it was ſignified to them, they would the next morning; and great numbers of the freemen came then to the place where the ſheriffs had taken the votes the day before, but found the ſhed they had erected, pulled down, upon pretence of making it more convenient, and no proviſion made for another; and after waiting ſeveral hours for the ſheriffs to open the court, they were told that the ſheriffs had returned Sir Adolphus Oughton and Mr. Neale; which return the petitioners have reaſon to believe was extorted by force and violence, becauſe the ſheriffs were kept up all night in the publick houſe: the petitioners are able to prove many other arbitrary, illegal, and corrupt practices of the mayor, aldermen, ſheriffs, and of the members, and what riots and diſorders were committed by them and their agents; and that the mayor himſelf, inſtead of keeping the peace, broke it: that one of the candidates, as the petitioners have heard, has a commiſſion in the foot guards, by the means of his colonel, a great peer in this realm, in high places and commands; whoſe intereſt in him, as his chief favourite, they often hear of, and are as often threatned with his power; obtained an order for all the freemen ſerving in any the forces in Great Britain, and Ireland; and alſo thoſe that are penſioners at Chelſea-hoſpital, to march to the election to vote for him and Mr. Neale; and many of them appeared there in their regimental cloaths, with their ſwords, to the terror of the other freemen, ſome of whom, at the inſtigation of the candidate officer, were cut and wounded by them: the petitioners have another inſtance of the moſt extravagant uſe that gentleman made of the authority his commiſſion gives him; but above all, the vileſt and moſt impudent action was, the liberty the magiſtrates, and the returned members, and their agents, took, to pretend a recommendation for one of the members from a very great perſon, whoſe name ought never to be mentioned without due reſpect, and who abhors any ſuch practices: theſe proceedings the petitioners conceive to be in the defiance of the laws of this realm, and manifeſt violations of thoſe made for the freedom of elections; ſcandalous and exorbitant abuſes of the power entruſted with the mayor and magiſtrates of the city, and the ſhare the mayor has had in them; beſides an open breach of the act of parliament, which has provided that no perſon employed in the revenue of the poſt-office, ſhall intermeddle in the elections of members of parliament; and all theſe proceedings are moſt flagrantly injurious to the rights of the petitioners, and many others, near nineteen parts in twenty of the freemen of the ſaid city, being deprived of an opportunity to give their votes for the proper perſons to repreſent them in parliament: and praying &c.

Ordered to be heard at the bar, on the 8th day of November.

A petition of the mayor, aldermen, council, ſheriffs, chamberlains, wardens, and divers of the enregiſtered freemen of this city, in behalf of themſelves and many hundred others, enregiſtered freemen, reſiding in the ſaid city, was read; ſhewing, that at the election of citizens to repreſent the ſaid city in parliament, ſuch unheard of riots and diſorders . . . . committed, and by ſome undue influence carried to ſuch an unexampled exceſs of violence, that both the houſes, goods, and perſons of divers of the petitioners, were expoſed to the moſt immediate danger: that the legal authority of the magiſtrates, was, by the fury of the ſeditious, entirely ſubdued, and totally diſabled to diſcharge the duties of their reſpective offices, and maintaining the peace of the city; moſt of the peace-officers employed by them, were maimed and diſabled in the execution of their orders: that by theſe tumultuous proceedings, moſt of the petitioners were deprived of their undoubted right of giving their ſuffrages for perſons to repreſent them in parliament; and deſpair of any poſſibility for the future, of the peace of the city, as to allow of any ſubſequent elections being carried on, in ſuch a manner as to admit them to the exerciſe of that moſt valuable privilege, with either freedom in their choice, or ſafety to their perſons: the petitioners apprehend theſe great diſorders are principally occaſioned by the want of having the right of electors aſcertained and explained; and by a great number of perſons, many of which never reſide in the city, who claim a right of voting, neglecting or refuſing to be enrolled in the regiſter of the city-freemen, purſuant to the antient cuſtom of the ſaid city, and the preſent uſage of other corporations: That for want of ſome proper regulations in theſe particulars, great numbers of foreigners are brought in at elections from diſtant parts of the country, under the pretence of being outlying freemen; who, being ſtrangers to the city, and unknown to the inhabitants, are the chiefeſt promoters, and audacious actors in all the miſchiefs that are committed upon that occaſion: and praying &c.

Ordered to be heard at the bar on the 8th day of November.

29th. Ordered the ſaid ſeveral petitions to be heard at the bar on the 15th day of November.

Nov. 1. Ordered leave be given to withdraw the ſaid petition of the freemen of this city.

Ordered leave be given to withdraw the ſaid petition of the mayor and aldermen of this city.

15th. The houſe proceeded in hearing the matter of the ſaid election, and the counſel were called in.

The petition of the honourable Fulwar Craven, eſquire, and Sir Fulwar Skipwith, was read.

The counſel for the petitioners were heard, and examined ſeveral witneſſes touching the partiality of the ſheriffs, and the manner of proceeding in the ſaid election.

Ordered to be heard again on Saturday morning.

16th. Ordered the ſaid election, which was to be heard to-morrow morning, be heard again on Monday next.

19th. The houſe proceeded to the farther hearing of the ſaid election.

And the counſel for the ſitting-members were heard, and examined ſeveral witneſſes touching riots and tumults, which interrupted the ſaid election.

And the ſaid counſel called a witneſs to be examined touching the qualification of ſuch perſons as have a right to vote, in the electing of citizens to ſerve in parliament for this city; and that being objected to by the counſel for the petitioners;

The counſel were heard thereupon.

Reſolved, that the ſitting-members counſel be admitted to give evidence touching the qualification of ſuch perſons who have right to vote in the election of citizens to ſerve in parliament for this city.

Mr. Speaker acquainted the counſel therewith.

Ordered to be farther heard on to-morrow morning.

20. The houſe proceeded in the farther hearing the merits of the ſaid election.

And the counſel for the ſitting-members proceeded in the examining witneſſes touching riots and tumults, and for ſettling the right of election, and ſummed up their evidence. And the petitioners counſel were heard by way of reply.

Reſolved, that the right of election of citizens to ſerve in parliament for the ſaid city, is in ſuch freemen as have ſerved ſeven years apprenticeſhip to one and the ſame trade, in the ſaid city, or the ſuburbs thereof, and do not receive alms or weekly charity; ſuch freemen being duly ſworn and enrolled.

Reſolved, that it appears to the houſe, that there were notorious and outrageous riots, tumults, and ſeditions, at the late election of a citizen to ſerve in parliament for the ſaid city in defiance of the civil authority, and in violation of the privilege of elections; cauſed by the agents and friends of the petitioners, who were the authors, contrivers, and promoters of the ſaid riots, tumults, and ſeditions.

Reſolved,

That Sir Adolphus Oughton, baronet, is not duly elected a citizen to ſerve in parliament for this city.

That John Neale, eſquire, is not duly elected a citizen to ſerve in parliament for this city.

That the late election of members to ſerve in parliament, for this city, is a void election.

Reſolved, that it appears to this houſe, that Charles Buggs was one of the principal promoters of the ſaid riots, tumults, and ſeditions at the late election of citizens to ſerve in parliament, for this city.

That the ſaid Charles Buggs be, for his ſaid offence, taken into cuſtody of the ſerjeant at arms attending this houſe.

It was moved to adjourn, and diſagreed to.

Reſolved, that George Newcombe was one of the perſons principally concerned in the ſaid riots and tumults.

Ordered, that the ſaid George Newcombe be, for his ſaid offence, taken into cuſtody of the ſerjeant at arms attending this houſe.

Reſolved, that William Wells was one of the principal contrivers and promoters of the ſaid riots, tumults, and ſeditions; and is alſo guilty of uttering ſeditious and ſcandalous words againſt the government.

Ordered, that the ſaid William Wells be, for the ſaid offence, committed to the Gate-houſe.

A motion was made to adjourn, and diſagreed to.

Reſolved, that it appears to the houſe, that Sir Thomas Gery, knight, was one of the principal contrivers and promoters of the ſaid riots, tumults, and ſeditions.

Ordered, that the ſaid Sir Thomas Gery be, for his ſaid offence, taken into cuſtody of the ſerjeant at arms attending this houſe.

Reſolved, that Mr. Thomas Kimberly was another of the principal contrivers and promoters of the ſaid riots, tumults, and ſeditions.

Ordered, that the ſaid Mr. Thomas Kimberly, for his ſaid offence, be taken into cuſtody of the ſerjeant at arms attending this houſe.

Reſolved, that Mr. Thomas Wright was one of the principal contrivers and promoters of the ſaid riots, tumults, and ſeditions.

Ordered, that the ſaid Mr. Thomas Wright be, for his ſaid offence, taken into cuſtody of the ſerjeant at arms attending this houſe.

Reſolved, that Mr. George Aldridge, practitioner in phyſick, was one of the principal contrivers and promoters of the ſaid riots, tumults, and ſeditions.

Ordered, that the ſaid Mr. George Aldridge, for his ſaid offence, be taken into the cuſtody of the ſerjeant at arms attending this houſe.

Reſolved, that Mr. Benjamin Holden was one of the perſons principally concerned in the ſaid riots and tumults.

Ordered, that the ſaid Mr. Benjamin Holden be, for his ſaid offence, taken into the cuſtody of the ſerjeant at arms attending this houſe.

Jan. 15. A petition of the honourable Fulwar Craven, eſquire, and Sir Fulwar Skipwith, baronet, was read; ſhewing, that the right of electing citizens to ſerve for this city was reſolved by the houſe, to be in ſuch freemen as have ſerved ſeven years apprenticeſhips to one and the ſame trade, in the ſaid city or ſuburbs thereof, and do not receive alms or weekly charity; ſuch freemen being duly ſworn and enrolled: that the petitioners, Sir Adolphus Oughton, and John Neale, eſquire, were candidates: that the ſaid Sir Adolphus and Mr. Neale were declared to be elected by the ſheriffs . . . . ſeveral hundreds to vote for them who were no freemen, and rejecting more that were undoubted freemen, who offered to vote for the petitioners; and by divers indirect and partial proceedings of the ſaid ſheriffs and magiſtrates, the ſaid Sir Adolphus Oughton and Mr. Neale are returned for the ſaid city, in wrong to the petitioners: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter thereof, and to report the ſame, with their opinion.

Jan. 10, 1723. A petition of the honourable Fulwar Craven, eſquire, and Sir Fulwar Skipwith, baronet, was read; ſhewing, that the houſe having voted the late election of Sir Adolphus Oughton, and Mr. Neale, for this city to be void, a writ iſſued for a new election, which was on the 11th of December, 1722; the houſe declaring the right of election to be in ſuch freemen as has ſerved ſeven years apprenticeſhip to one and the ſame trade, in the ſaid city or ſuburbs, and not receiving alms or weekly charity; ſuch freemen being duly ſworn and enrolled: that the petitioners, and Sir Adolphus Oughton, and Mr. Neal were candidates at the ſaid new election, and after the ſame had, in a very dilatory manner, been continued by adjournments to the 22d of December, 1722, the ſitting-members were declared elected; a majority for them on the poll being obtained by the ſheriffs admitting ſeveral hundreds to vote for them that were not freemen, and rejecting more undoubted freemen, who would have voted for the petitioners; and the magiſtrates committed divers other indirect proceedings, in ſwearing and enrolling the freemen in favour of the ſitting-members; and though a ſcrutiny was granted by the ſheriffs, yet the mayor refuſed the inſpection of the books in which the freemen were enrolled: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter thereof, and to report it with their opinion.

Feb. 10. Ordered, that leave be given to withdraw the ſaid petition.

CRICKLADE.

Willis, 1749. 62. THIS borough is ſituate in the county of Wilts: and, Dr. Willis writes, it returned repreſentatives to Edward the firſt's parliaments, and afterwards only to the parliament in the 20th of Edward the ſecond. But Mr. Prynn, in his regiſter, ſtates Reg. 954. this to be the firſt return; and afterwards they agree, it ſent to eight of Edward the third's parliaments. Mr. Prynn has inſerted returns from the firſt to the thirteenth of Richard the ſecond, from the end of whoſe reign (except in the 1ſt of Henry IV. and 1ſt and 9th of Henry V.) it ceaſed till the reign of Henry VI. when it returned to eleven parliaments, and to two of Edward the IV's; after which, I apprehend it has been regular in its returns with other boroughs. I meet with no memoirs of its elections until 1685; of which, and thoſe following, I find theſe, viz.

May 23, 1685. A petition of Thomas Freak, eſquire, touching the election for this borough, and a petition of Edmund Webb touching the ſame election, were read.

Reſolved, that the ſaid petitions be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

June 10th. Sir Chriſtopher Muſgrave reported from the committee of privileges and elections, the matter concerning this election.

It was agreed by the counſel on all ſides, that the right of election for this borough is in the freeholders, copyholders, and leaſeholders for three years; whereupon, and upon examination of the whole matter, the committee came to the following reſolutions.

That Charles Fox, the ſitting-member, is duly elected to ſerve as a burgeſs in this preſent parliament for this borough.

That Thomas Freake, eſquire, the preſent member is not duly elected to ſerve as a burgeſs in this preſent parliament for this borough.

That Edmund Webb, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for this borough.

Which reſolutions being twice read, were agreed to by the houſe.

Ordered the clerk of the Crown to attend, to amend the return.

Jan. 22, 1688. A petition of Thomas Freake, eſquire, complaining of an undue election and return of members for this borough to ſerve in this preſent convention, and of divers undue proceedings at the time of the ſaid election, was read.

Ordered to be referred to the committee of privileges and elections, to examine and report the matter thereof, with their opinion, to the houſe.

April 1, 1689. Colonel Birch reported from the committee, the matter concerning this election.

The queſtion was, whether the poll was duly cloſed or no. It was agreed by the counſel on both ſides, that the right of election was in the freeholders and copyholders of the borough-houſes, and leaſeholders for any term not leſs than three years, only the counſel for Mr. Webb alledged they ought to be poſſeſſed of an eſtate in their own right, and not in right of their wives.

For the petitioner, was called Thomas Tainter, who delivered in two papers; one being a poll taken by the bailiff, and the other by the conſtable: by the former, Mr. Freake had 5, and Mr. Webb 21 voices.

By the latter it appeared, that Mr. Freake, beſides the voices in the bailiff's poll, had 45 voices, colonel Webb 4; ſo that the conſtables poll being taken for good; in the whole Mr. Webb had 25 voices, Mr. Freake 50.

That Tainter ſaid, when he was bailiff, he adviſed with his neighbours who had the right of election, and they agreed it was in the freeholders, copyholders, and leaſeholders; and they uſed to begin at one end of the town and go to the other, and take the houſes in order, and the majority of voices carried it; but at this laſt election the bailiff went to what houſes he pleaſed, and left the reſt.

That there uſed to be no denial of voices to thoſe who had an eſtate in their wives right. That after the bailiff had denied to go on with the poll, the conſtable took it. That Mr. Fox had about 60, and Mr. Freake 50 voices. That Baſſet was excepted to by the bailiff, becauſe he claimed in right of his wife, though he uſed to vote, and had polled before for colonel Webb, and had been allowed. That Tainter himſelf, though he has been a freeholder theſe 60 years, was denied. That he was there, when the conſtable ſpoke to the bailiff to go on with the poll, but the bailiff refuſed, ſaying, he was in fear of his life.

Mr. Pledwell ſaid, he was employed to take the poll, and as the bailiff called them, he ſet them down; that by his poll, colonel Webb had 21, and Mr. Fox 5; that ſeveral offered to poll for Mr. Freake, and were refuſed; that he called William Fry to the poll, two or three times before he would anſwer; and ſays the bailiff, "I call William Fry, junior;" ſays he, "detain no poll." Thereupon there was a great ſhout, and he ſhut up the poll, and ſaid he was in fear of his life.

Goring ſaid, John Wild, the bailiff, declared he would return colonel Webb, if he had but ſix votes; that there was no King; that it was but a convention; and let the worſt come to the worſt, it would coſt him but 40 pounds.

Charles Kilmiſter ſaid the ſame, and the bailiff began at one end of the town, and ſkipped to the other; he remembered three elections, and they uſed to go through in order, and that when he had called all the votes for colonel Webb, he left off. He ſays, the bailiff refuſed to go on with the poll, and then the conſtable took it.

Thomas Kilminſter ſaid, the bailiff declared, if colonel Webb had but ſix votes, he would return him: that he voted for colonel Webb; but many, who did ſo, would not do ſo again, becauſe things were carried ſo foul.

Bird ſays, the bailiff took colonel Webb, and Mr. Fox's votes firſt; and that they did not go on as uſual.

Dennis ſaid, he has been bailiff of Cricklade: that this election was not as formerly, becauſe they did not call houſe by houſe; and at ſome they did not call at all: that, at the cloſing of the poll, he called one or two who had no votes, at which the people laughed; whereupon the bailiff ſaid, he was afraid of his life, and cloſed the poll. Says, he never knew any one excepted to, whoſe eſtate was in right of his wife, but has known ſuch to have voted; and that the bailiff had no cauſe for his fear.

For colonel Webb, the counſel ſaid, they would not inſiſt againſt the right of election, but would proceed to ſhew the force: and called,

Mr. Maſkallyn; who ſaid, he was deſired by the bailiff to take the poll: he ſuſpects it did not go on as they expected, and Mr. Freake called rogue, and Baſſet called thief; and one Dennis was in a paſſion, and ſtruck one Mr. Williams, which he ſuppoſes was the occaſion of the fray. He believes the bailiff was afraid; but ſaid, he intended to go on with his poll, if there was no danger; whereupon it was replied, if he was afraid, he had beſt take his piſtols; ſo, he ſuppoſes, he was afraid, and ſhut up the poll. He then delivered in a liſt which the bailiff polled; and the perſons firſt placed are ſuch, who ſhewed their leaſes to the bailiff; the next were freeholders; and the laſt were thoſe whoſe right he doubted: that when the laſt perſon polled, the diſturbance began, which he thinks was ſo great, that it was impoſſible for the bailiff to go on, without great abuſes.

Violet ſaid, there was a great mutiny, and the bailiff was threatned, but he ſaw no blows ſtruck; and thinks the diſturbance ſo great, that it was hard for the bailiff to go on: that when the bailiff went to his houſe, they ſent to him to go on with his poll; and he told them, he was afraid: ſays Mr. Freake's brother, "if you are ſo, you may "come with piſtols, and defend yourſelf."

Palmer ſaid, he was preſent all the time; that there was a noiſe and diſturbance; that ſilence was called two or three times, yet the noiſe went on; and ſaw Mr. Dennis bouncing people up and down.

John Calf ſaid, a man, employed by Mr. Freake, told him, if he would draw his beer for him, and be for him, he would give him double or treble for it.

And Mr. Fox, a member, ſaid, he was preſent at the election, and the firſt or ſecond that gave his vote was a child about 15 years of age; which giving intimation of unfair play, gave ſome heat; at laſt one Fry came (ſome one put in to occaſion debate) and being aſked if he had a leaſe, he ſaid he had none; thereupon there was a great hum, and the bailiff and captain Maſceline went away: he ſays, though ill words paſſed, he does not know, nor did take notice of any noiſe after they had conſulted how to go on with the poll: that he ſent to the bailiff to go on with the poll; but was anſwered, he was afraid; at laſt ſent word, the conſtable ſhould keep the peace; and when he came, they called over the names of thoſe who had been bailiffs, and they were to be judges of the poll.

Sir Edmund Warneford, a member, ſaid, he was alſo there; and they went on quietly, till, upon the diſpute about a lad's polling, there grew a great noiſe:

And that another being called, who ſaid he had no leaſe, the noiſe increaſed: that he ſaw no blows; but the bailiff ſhut up his paper, and ſaid, he was in danger of his life: he was ſent . . ., to come, and go on with the poll; but ſaid, he was in fear of his life, and would not come: upon the whole, the committee were of opinion, That the poll was unduly cloſed by the bailiff; and reſolved,

That Edmund Webb, eſquire, is not duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

That Thomas Freake, eſquire, is duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

That the proceedings of the bailiff be reported ſpecially to the houſe: which two firſt reſolutions were read twice, and agreed to by the houſe.

Ordered, that John Wild, bailiff of this borough, be ſent for in cuſtody of the ſerjeant at arms, for his miſcarriages in the election of burgeſſes for this borough.

April 1, 1690. A petition of Samuel Barker, eſquire, was read; ſetting forth, that the petitioner had the majority of duly qualified votes for this borough; notwithſtanding which, the bailiff, by many indirect practices, uſed by him and colonel Webb, hath returned colonel Webb, in prejudice to the petitioner: and praying the conſideration of the houſe, and that a ſhort day may be appointed to hear it.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame to the houſe, with their opinion.

Oct. 16. A petition of Samuel Barker, eſquire, was read; ſetting forth, that the burgeſſes, elected to ſerve in parliament for this borough, have, time out of mind, been choſen by the freeholders, copyholders, and leaſeholders, by leaſe in writing, for any term not leſs than three years; by the majority of whom, on February the 24th laſt, the petitioner, with Charles Fox, eſquire, were duly elected; but the bailiff hath returned the ſaid Charles Fox, and Edmund Webb, eſquires, in prejudice to the ſaid petitioner: and praying &c.

Ordered to be referred as before.

N. B. The reaſon of inſerting this laſt petition was, becauſe it differed from the former.

Nov. 26, 1695. A petition of ſeveral of the inhabitants of this borough was read; ſetting forth, that on the 19th of October laſt, about two o'clock in the afternoon, John Wild, bailiff of this borough, gave notice by proclamation, That, at nine o'clock the next morning, he would proceed to the election of burgeſſes, to ſerve in this preſent parliament for this borough; which ſhort notice being looked upon as inſufficient, and ſeveral of the electors being abſent, and others intending to go to neighbouring markets, on that the bailiff was applied to to defer the day of election to a reaſonable time; but he poſitively refuſed to do it, and went to an election according to this ſhort notice, and hath returned Edmund Webb, and Charles Fox, eſquires, as duly elected; though ſeveral of the petitioners proteſted againſt the election, and did not give their votes: which actings of the bailiff were done with deſign to ſurpriſe the petitioners; and are illegal, as they conceive, and may be of dangerous conſequence to the conſtitution of parliaments, if not prevented: and praying the conſideration of the premiſes &c.

Ordered, that the conſideration thereof be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Feb. 20. Ordered, that the report be received on Saturday morning next.

22d. Colonel Granville reported, The committee had examined the matter of the ſaid petition; and it appeared, that the notice was given in at two o'clock, that the election would be the next day at nine: that application was made to the bailiff to put off the election; which he refuſed.

The petitioners called Mr. Hays; who ſaid, that the bailiff, the day before the election, refuſing to defer it to a further time, and denying a liſt of ſuch who had right to vote, Mr. Styles, one of the candidates, went out of town.

Skilling ſaid, one Watts, and Fitzhugh, were out of town; and one of them did not come to town till the election was near over.

That it was agreed, the right of election was in the freeholders, copyholders, and leaſeholders for not leſs than three years; from whence the petitioners counſel inferred, it could not be a reaſonable notice, becauſe deeds were to be produced, to make out the voters rights, which would require ſome time.

For the ſitting-members was called Mr. Maſcaline; who ſaid, when they were come to the church to elect, people were ſurpriſed that Mr. Styles did not appear; and that the bailiff ſent three times to him, but he did not think fit to come; and upon the third meſſage, word was brought, he was gone out of town; whereupon the bailiff went on with the poll, upon the advice of the neighbours and gentlemen preſent: that three proclamations, at leaſt, were made before the cloſing it; and believes, it was at leaſt one before it was cloſed: that by the bailiff's liſt, there could not be above 15 or 16 abſent; ſome of whom he knew would have been for the ſitting-members.

That it appeared by his, and Collin's evidence, there had been many elections for this borough, on as little notice.

The poll was, For Mr. Fox 61,
For Mr. Webb 50,
For Mr. Styles 15.

And it appeared, that eight of the petitioners voted at this election, and another was in town.

Thomas Weſton proved another of the petitioners to be in Cricklade, at the time of the election, viz. Anthony Reading: upon which the committee reſolved,

That Charles Fox, eſquire, is duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

That Edmund Webb, eſquire, is duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

That the petition of the burgeſſes of this borough, complaining of an undue election, is vexatious, frivolous, and groundleſs.

The ſeveral reſolutions, being read twice, were agreed to by the houſe.

Dec. 16, 1698. A petition of Joſeph Stiles, eſquire, was read; ſetting forth, that Charles Fox, eſquire, and the petitioner, were duly choſen, to ſerve in this preſent parliament for this borough; but the bailiff hath returned Edmund Plydal, eſquire, in the petitioner's wrong: and praying relief in the premiſes.

Ordered to be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Nov. 23, 1708. Ordered a warrant for a new writ, for electing a burgeſs to ſerve for this borough, in the room of Edmund Dunch, eſquire, made maſter of the Queen's houſhold.

Dec. 5, 1710. A petition of Sir George Hanger, knight, was read; ſhewing, that the petitioner, and Edmund Dunch, eſquire, were duly choſen burgeſſes, to ſerve in the preſent parliament for this borough, and ought to have been returned; but Henry Dennis, and John Walls, bailiffs of the ſaid borough, refuſed to poll ſeveral good voters for the petitioner, and admitted ſeveral bad voters for Samuel Robinſon, eſquire, whom they have returned, in wrong of the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

March 3, 1713. A petition of Samuel Robinſon, eſquire, was read; ſhewing, that the petitioner was a candidate at the election for this borough: that Sir Thomas Read, baronet, William Gore, eſquire, and Henry Pool, eſquire, were alſo candidates: that ſeveral were admitted to poll for the ſaid . . Thomas Read, who had no right; by which illegal practices, the ſaid Sir Thomas Read has procured himſelf to be unduly elected, in wrong of the petitioner, who ought to have been returned: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

April 14, 1714. Ordered, that Mr. Robinſon have leave to withdraw the ſaid petition.

June 11. A petition of Edmund Warnford, eſquire, was read; ſhewing, that at the election for this borough, in the room of Sir William Gore, eſquire, deceaſed, the petitioner, and Samuel Robinſon, eſquire, were candidates: that the ſaid Mr. Robinſon, by bribing, &c. has procured himſelf to be returned, in wrong of the petitioner: that John Lane, bailiff, polled ſeveral, who had no right, for the ſaid Mr. Robinſon; and refuſed others, who had right, for the petitioner; and denied to return the petitioner, although he had a majority of 63; and declared, before the election, that if Mr. Robinſon had but five votes, he would return him: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter thereof, and to report the ſame, with their opinion.

In the year 17$\frac{20}{21}$. The houſe took into their conſideration the conduct of the directors of the South-Sea company, four of whom were members of the houſe. And

Jan. 23, 1720. Ordered, that Jacob Sawbridge, eſquire, be ſummoned to attend in his place immediately; and being ſoon after come into the houſe,

A motion was made, and the queſtion propoſed, that the ſaid Mr. Sawbridge, a member of this houſe, is guilty of a notorious breach of truſt, as a director of the South-Sea company; and thereby occaſioned very great loſs to great numbers of his Majeſty's ſubjects, and has highly prejudiced the publick credit.

Mr. Sawbridge was heard in his place; and being withdrawn,

Reſolved, *nem. con.* That Jacob Sawbridge, eſquire, a member of this houſe, and one of the directors of the South-Sea company, is guilty of a notorious breach of truſt, as a director of the ſaid company; and has thereby occaſioned very great loſs to great numbers of his Majeſty's ſubjects, and has highly prejudiced the publick credit.

Reſolved, *nem. con.* That the ſaid Jacob Sawbridge be, for his ſaid offence, expelled this houſe.

Ordered, that the ſaid Jacob Sawbridge be taken into the cuſtody of the ſerjeant at arms attending this houſe.

24. Ordered a warrant for a new writ, for electing a burgeſs to ſerve in this preſent parliament for this borough, in the room of the ſaid Mr. Sawbridge.

Oct. 18, 1722. A petition of the honourable Matthew Ducie Morton, eſquire, and ſeveral burgeſſes, inhabitants of this borough; ſhewing, that the petitioner Mr. Morton, with Thomas Gore, eſquire, and Sir Thomas Read, baronet . . . . at the election of members to ſerve in parliament for the ſaid borough, the ſaid Mr. Morton had a majority of votes, duly qualified, to have elected him, in the room of the ſaid Sir Thomas Read; but the bailiff of the ſaid borough, in a moſt arbitrary manner, cloſed the poll, without the conſent of the ſaid Mr. Morton, and at a time when there were ſeveral perſons willing to vote for him; and admitted ſeveral perſons, no-ways qualified, to vote for the other candidates; and by bribery, and other indirect practices, rejected the legal votes for the ſaid Mr. Morton, in manifeſt violation of him, and the other petitioners, the burgeſſes and electors of the ſaid borough: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine into the matter thereof, and to report the ſame, with their opinion thereon.

A petition of the honourable Ducie Morton, eſquire, was read; ſhewing, that the petitioner, together with Sir Thomas Read, were candidates, at the election of members to ſerve in parliament for this borough; and the petitioner had a majority of votes, duly qualified, to have elected him a member for the ſaid borough, and ought to have been returned; but the bailiff of the ſaid borough, in a moſt arbitrary manner, cloſed the poll, without the conſent of the petitioner, and at a time when there were ſeveral perſons ready, and willing to vote for him; and admitted ſeveral perſons, no-ways qualified, to vote for the ſaid Sir Thomas Read and Mr. Gore, and refuſed the legal votes of the petitioner, in manifeſt violation of his right; by which proceedings, and by other illegal practices, the ſaid Mr. Gore, and Sir Thomas Read, procured themſelves to be returned for the ſaid borough, in prejudice to the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter thereof, and to report the ſame, with their opinion.

Jan. 22. Ordered leave to be given to withdraw the ſaid petition.

CUMBERLAND.

THIS county, which is the moſt northern part of this kingdom, was won from the Scots by the Conqueror; and from that time has been a part of this kingdom. It has been repreſented in parliament from the time of the firſt returns, in the 28th of Edward the firſt. The return in 2 Hen. V. is in the Appendix. The memoirs I have met with of the elections, are theſe following.

Journal, 14. May 28, 1624. A petition, relating to the election for this county, having been before the committee of privileges and elections, Mr. Glanvyle reported for Ferdinando Huddleſton, knight for this county.

Reſolved he may ſerve, notwithſtanding he be outlawed. This reſolved upon queſtion.

Nov. 3, 1680. A petition of Ferdinando Huddleſton, eſquire, was read, touching the election for this county.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Oct. 24, 1702. A petition of Sir Wilfrid Lawſon, baronet, was read; complaining, that the petitioner, and Richard Muſgrave, eſquire, were duly choſen knights of the ſhire for this county, to ſerve in this preſent parliament; but the high-ſheriff was, by undue means, prevailed on to return Gilfrid Lawſon, eſquire, with Mr. Muſgrave: and praying relief &c.

Ordered to be referred to the committee of privileges and elections, to examine the ſame, and report the matter, with their opinion.

March 24, 1714. The houſe taking notice, by the book of returns, that there was no return for this county;

Ordered, that the ſheriff of this county do attend this houſe, to give an account why there is no return of members, to ſerve for this county.

April 4, 1715. A complaint being made to the houſe, that the under-ſheriff of this county, who executed the writ for electing knights of the ſhire for the ſaid county, had not made any return by the 17th day of March laſt, being the day appointed for ſuch; by which means, none of the members choſen to ſerve for the ſaid county, or the boroughs therein, can be admitted to give their attendance in the houſe;

Reſolved, that Thomas Croſsby, under-ſheriff of the county, having neglected to return the writ for electing the members for the ſaid county by the 17th day of March laſt, being the day appointed for the return thereof, is guilty of a great breach of the privilege of the houſe.

Ordered, that the ſaid Thomas Croſsby be, for his ſaid offence, taken into the cuſtody of the ſerjeant at arms attending this houſe.

5th. Mr. Speaker acquainted the houſe, that the clerk of the houſe had, this day, received a certificate from the clerk of the Crown, That the ſheriff of the county had made his return of the members of the ſaid county.

27th. A petition of Thomas Croſsby, under-ſheriff of the county of Cumberland, in cuſtody of the ſerjeant at arms attending this houſe, for neglecting to return the writ for electing the members of the ſaid county by the 17th day of March laſt, being the day appointed for the return thereof, was preſented to the houſe, and read; ſetting forth, that the petitioner is deeply ſenſible of his fault, and extremely ſorry, that he has ſo juſtly incurred the cenſure of this houſe; but as he profeſſes to have had no evil intention in the delay of this return, humbly hopes you will ſhew a merciful diſpoſition towards him: he heartily aſks pardon for his fault; and begs, in regard the duty of his office, and his own preſſing affairs, require his preſence in the country: and praying that he may be releaſed from his confinement.

Ordered, that he be brought to the bar of this houſe on Friday morning next, in order to his being diſcharged out of cuſtody.

29th. The ſaid Mr. Croſsby was brought to the bar, reprimanded by the Speaker, and diſcharged.

DARTMOUTH, otherwiſe CLIFTON-DARTMOUTH-HARDNESS.

Willis. Notitia, vol. 2. p. 361.

4 Regiſt. 959. B. P. R. 254.

THESE are three towns which compoſe one borough, or three diviſions of one borough, lying upon the ſea-coaſt in the ſouth part of Devonſhire. It has been a mayor-town from the reign of King John, and returned burgeſſes to parliament 26 Edw. I; and from that time ceaſed till 24 Edward III; from which time, to this, it has returned. In the 26th of Henry the ſixth, they were choſen in the county-court, as appears by the indenture for the county. The more modern memoirs I have met with, in reſpect of its elections, and its members, are theſe.

Feb. 18, 1672. A petition of Nath. Herne, eſquire, was read; complaining of the election of one Joſiah Child, merchant, to ſerve for this borough, in the room of William Gould, eſquire, deceaſed; whereas the petitioner was duly elected to ſerve for this place.

Ordered, that the ſaid petition be referred to the committee of privileges and elections, to conſider the matter, and report it, with their opinion, to the houſe.

March 22. Reſolved, that as to all matters of elections and privileges, the committee be diſcharged from ſitting till after the receſs, ſave only as to the matters between Sir Leoline Jenkins, and Mr. Hales, for the port of Hyeth; and between Mr. Herne, and Mr. Child, for this borough; and all other matters are to go on in courſe, after the receſs, as they ſtand in order.

March 26, 1673. Ordered, the matters concerning this election for this borough, and all other matters depending before the committee of privileges and elections, be put off till after the receſs; and all perſons diſcharged of their further attendance. Not any thing more done this ſeſſion; nor do I find it was ever preſented again.

May 30, 1685. A petition of Charles Boon, eſquire, was read, touching the election for this borough.

Ordered to be referred to the committee of privileges and elections, to conſider and report the matter, with their opinion. No report made.

Oct. 25, 1689. A petition of Joſeph Herne, eſquire, was read; ſetting forth, that Charles Boon, eſquire, late member of this houſe for this borough, dying the 12th of Auguſt laſt, on the 14th of the ſame month the houſe ordered a new writ to iſſue, and accordingly it iſſued the 16th of the ſame month; and the petitioner, and George Booth, eſquire, were candidates for burgeſſes for this town, and the petitioner was duly elected by a great majority of the legal freemen thereof, and accordingly returned by the bailiff and burgeſſes of the ſaid borough; but one Mr. Whitrow, as mayor of the ſaid town, tho' not legally choſen, hath taken upon him illegally to make 25 new freemen, after the date of the writ; and by theſe new pretended freemen, and ſome of the former freemens election, he having the poſſeſſion of the writ, hath therewith returned Mr. Booth, in prejudice of the petitioner: and praying conſideration &c.

Ordered to be referred to the committee of privileges and elections, to examine the matter, and report it, with their opinion.

Nov. 22. Ordered that Mr. Whitrow, mayor of this borough, have the privilege of this houſe to attend the committee of privileges and elections this afternoon.

27th. Ordered, that the report of the committee of privileges and elections, touching the election for this borough, be made to-morrow, at ten o'clock.

28th. Mr. Grey reported the matter, as it appeared to the committee:

That the right of election was in the freemen of this borough; and that the determining the preſent election, depended upon the allowing, or diſallowing, of the voices of twenty-five freemen, made the 17th of Auguſt laſt, whereof 24 voted for Mr. Booth; and if theſe 24 were not good voices, the majority was agreed to be with the petitioner.

As to the making the ſaid 24 freemen; that the fact was, that Mr. Boon, late burgeſs of the ſaid borough, being dead, on the 13th of Auguſt laſt, there was an order of the houſe for a new writ, to chooſe a new burgeſs in his room. On the 16th of Auguſt the writ was teſted, and on the 16th of Auguſt it was diſcourſed at Dartmouth, that Mr. Boon was dead; but Mr. Booth, and Mr. Herne, were not then named particularly, as candidates for burgeſſes.

The 17th (being Saturday, no common-court-day) the 25 freemen in queſtion were made; but it was agreed, the mayor might call a court any day.

That formerly the freemen of the ſaid borough had been made by the conſent of the mayor, and greater part of the magiſtrates, of the ſaid borough.

That when the ſaid 25 freemen were made, there were for the town five magiſtrates, beſides the mayor; whereof two, viz. Saunders and Kennicot, were unqualified for not taking the oaths.

That, at the making of theſe freemen, there were preſent the mayor, and three magiſtrates, viz. Mr. Mudd, Holeſworth, and Saunders; and Mudd and Holeſworth proteſted againſt the making them, but Saunders agreeing with the mayor (Mr. Whitrow) he claimed a caſting vote, and ordered the town-clerk to ſwear them; who, though at firſt refuſed, yet at laſt did ſwear them.

It appeared, ſome of theſe 25 were 50 or 60 years of age: that it was uſual, when there were not ſufficient freemen for the ſervice of the town, to make new freemen; and at this time there were 50 or 60 freemen: that only freemen are returned on juries; and that upon one jury that but 11 appeared, whereupon the mayor ſent out for another juryman.

That, upon the whole, the committee reſolved,

That the ſaid 25 freemen were not duly and legally made.

That George Booth, eſquire, is not duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

That Joſeph Herne, eſquire, is duly elected a burgeſs, to ſerve in this preſent parliament for this borough: which reſolutions were read twice, and unanimouſly agreed to by the houſe.

The clerk of the Crown, attending at the door, was called in, and amended the return, by inſerting Mr. Herne's name inſtead of Mr. Booth's.

Ordered, that Mr. Whitrow, late mayor of this borough, be ſent for in cuſtody of the ſerjeant at arms attending this houſe, for his miſdemeanors, touching the election of a burgeſs to ſerve in parliament for this borough.

Dec. 4. A petition of John Whitrow, late mayor of this borough, was read; expreſſing his ſenſe of the diſpleaſure he hath deſerved from the houſe, and his ſorrow for the ſame, and for making any freemen after the teſte of the writ for a late election of a member to ſerve in this preſent parliament; and begging the pardon of the houſe, and that he may be diſcharged out of cuſtody.

Ordered to be diſcharged, paying his fees. And he was brought to the bar of the houſe by the ſerjeant, and reproved by Mr. Speaker for his diſorderly making freemen after the teſte of the writ for electing a burgeſs there; and diſcharged accordingly.

March 24. A petition of George Booth, and Arthur Baily, eſquires, was read; ſhewing, that the petitioners were duly elected for this town, notwithſtanding which the bailiff of the ſaid town had returned Joſeph Heron, and * * * Hayne, eſquires: and praying the conſideration of the houſe &c.

Ordered, that the conſideration thereof be referred to the committee of privileges and elections, to examine, and report the matter, with their opinion. No report made.

Dec. 12, 1698. A petition of John Whitrow, junior, merchant, was read; ſhewing, that the petitioner was duly choſen a burgeſs, to ſerve in this preſent parliament for this borough, yet the mayor hath returned Sir Joſeph Herne, and Frederick Herne, as choſen: and praying relief in the premiſes.

Ordered to be referred to the committee of privileges and elections, to conſider the matter, and report the ſame, with their opinion.

Nov. 28, 1699. The ſame petition was renewed againſt Frederick Herne, eſquire, only.

And the houſe being acquainted, that the former petition was againſt both members, and the preſent only againſt one of them, refuſed to refer it to the commitee as uſual.

Dec. 2. Ordered a warrant for a new writ, for electing a burgeſs, in the room of Sir Joſeph Herne, knight, deceaſed.

Jan. 9. A petition of John Davy, eſquire, high-ſheriff of the county of Devon, was read; acquainting the houſe, That having, purſuant to their writ to him directed, ſent his precept to the mayor and burgeſſes of this borough, for electing of a burgeſs to ſerve in this preſent parliament for the ſaid borough, in the room of Sir Joſeph Herne, deceaſed; and delivered the ſame to Mr. Whitrow, the mayor, who proclaimed the day of the election, but died before the day appointed; and that the burgeſſes and freemen did, notwithſtanding, proceed to the election; and ſome have returned Nath. Herne, eſquire, by one indenture; and others returned Rowland Holt, eſquire, by another indenture: and praying the direction of the houſe, whether both the ſaid indentures, or which, he ought to return; or whether he can return either of them, they not coming to his hands by the proper officer, who died after proclamation, and before the election.

Ordered, that the ſheriff be directed, according to his duty, to make return of his writ.

18th. A petition of Nath. Hern, eſquire, was read; ſhewing, that the petitioner was duly elected a burgeſs, to ſerve in this preſent parliament for this borough, in the room of Sir Joſeph Herne, deceaſed, and was returned by an indenture, ſigned by all the capital burgeſſes but one, and moſt of the rightful freemen; but Rowland Holt, eſquire, hath procured himſelf to be returned by another indenture, ſigned by one of the capital burgeſſes only, and ſome others not duly qualified: both which indentures, with the writ for election, the ſheriff of Devon hath returned into the Crown-office: and praying conſideration of the houſe therein.

Ordered, that the conſideration thereof be referred to the committee of privileges and elections, to examine, and report the matter, with their opinion.

A petition of all the magiſtrates, but one, all the common-council, and greater number of free-burgeſſes of this borough, was read; ſhewing, that it hath been the ancient uſage of the ſaid corporation for the magiſtrates, or the firſt 12 maſters, or the greater number of them, with the mayor, to make freemen, which by the vote of the houſe of commons in 1689, was declared to be the right of the ſaid magiſtrates or maſters; yet one Joſeph Bully, the laſt preceding mayor, with one John Whitrow, a magiſtrate, on the 25th of July laſt, on a pretence of a *mandamus* out of the King's-Bench court, ſwore 13 freemen of the ſaid borough, though proteſted againſt by all the reſt of the magiſtrates; by which means Whitrow, in a few days, not only got himſelf to be elected mayor, and other annual officers of his party choſen, but did not doubt to make himſelf, or whom he pleaſed, a parliament-man for the ſaid borough, in the room of Sir Joſeph Hern, then deceaſed; ſince which the ſaid Whitrow is alſo dead; and though the ſaid Bully hath been ſerved with ſeveral *mandamus's* to ſwear one Caleb Rochet mayor, and other officers who were duly elected, yet he refuſeth ſo to do on pretence of his not being perſonally ſerved with the ſaid *mandamus*; nor indeed could he, becauſe he abſented till after the returns, by which means he not only hopes to evade the due courſe of law, but to keep the ſaid Rochet, and other officers, from their reſpective offices: and praying conſideration &c.

Ordered, that the ſaid petition do lie upon the table.

24th. A petition of Rowland Holt, eſquire, was read; ſhewing, he was duly elected for this borough, in the room of Sir Joſeph Hern, deceaſed, and was returned as ſuch to the ſheriff of Devon, by the old indiſputable freemen, the mayor dying the day before the election; but Nathanael Hern, eſquire, hath alſo procured himſelf to be returned, by another indenture ſigned by ſome of the electors, though the petitioner had the majority, yet the ſaid ſheriff hath returned both the indentures to the Crown-office: and praying the conſideration of the houſe.

Ordered to be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

Feb. 5th. Ordered the report of the election to be made on Thurſday morning next.

8th. Ordered the report to be made on Saturday morning next.

10th. Ordered the report to be made on Monday next.

12th. A petition of all the magiſtrates but one, and all the common-council of this borough in behalf of themſelves and the major part of the free-burgeſſes of the ſaid borough, was read; ſhewing, that the laſt election of a mayor and other uſual and annual officers for this borough, the petitioners duly choſe Caleb Rochet for mayor, and other officers; but Joſeph Bully, who then acted as mayor, unduly and arbitrarily ſwore John Whitrow mayor, and ſeveral other annual officers not duly choſen, and for admitting and ſwearing Mr. Rochet, and the other legal officers, Bully hath been ſerved with ſeveral *mandamus's* out of the King's-Bench, by leaving them at his dwelling-houſe, he abſconding therefrom till after the returns, by which means the petitioners are not like to have the right of the ſaid election tried at law, before the year expires for which they are choſen: that Whitrow dying on the 15th of December, the borough hath been ever ſince without a mayor; but on the 5th inſtant, Bully cauſed proclamation to be made of an election of a mayor in the room of Mr. Whitrow; and accordingly, without any manner of precedent, choſe and ſwore one John Sikes, a common freeman, as mayor, on purpoſe, as the petitioners conceive, to get the precept for a new election for a burgeſs to ſerve in parliament, into the hands of Bully and Sikes, that they may return whom they pleaſe; all which is contrary to the rights of the ſaid borough: and praying that the ſaid Bully may be enforced to a ſpeedy trial of the truth of the premiſes, and the petitioners may be relieved therein.

And a debate ariſing thereupon;

Reſolved, this houſe will on this day ſeven-night take into conſideration the matter relating to charters and *mandamus's* which have been lately made and granted.

Sir Rowland Gwyn reported the matter concerning the election for this borough.

That the record of the ſaid double return was brought before the committee by the deputy-clerk of the Crown.

The writ directed to the ſheriff of Devon, commanding him, that in the room of Sir Joſeph Herne, deceaſed, *infra burgum prædictum unum alium burgenſem eligi faciat.* That purſuant thereto, the ſheriff directed his precept, *majori burgi de Clifton-Dartmouth-Hardneſs, necnon burgenſibus prædicti burgi.*

That it was allowed in fact, that the mayor Mr. Whitrow, accordingly appointed the 16th of December laſt for the election, and notice given for the ſame; but the mayor died the day before that appointed for the election, yet the burgeſſes made an election, at which Mr. Holt and Mr. Hern were candidates.

That the return of Mr. Hern and Mr. Holt, and alſo the precept, were delivered to the clerk of the Crown affixed to the writ. That both returns take notice of the death of the mayor. That Mr. Holt's is expreſſed to be by ſeveral of the burgeſſes. That Mr. Hern's is expreſſed to be by ſeveral of the magiſtrates and free-burgeſſes, and under the common-ſeal.

Theſe were the matters opened by the counſel, but no witneſſes examined: upon which the committee reſolved,

That Nathanael Herne, eſquire, is not duly returned a burgeſs to ſerve in this preſent parliament for this borough.

That Rowland Holt, eſquire, is not duly returned a burgeſs to ſerve in this preſent parliament for this borough; which being twice read, they were agreed to by the houſe.

A motion was made for the ſpeaker to iſſue his warrant, &c. for making out a new writ for electing a burgeſs to ſerve in this preſent parliament for this borough;

And a debate ariſing in the houſe thereupon;

Reſolved, the ſaid debate be adjourned to this day ſeven-night after the conſideration of the matter relating to charters and *mandamus's*: but I do not find any further proceedings in this matter, nor any writ ordered this ſeſſion.

Feb. 13, 1700. A petition of Thomas Vernon, and William Ball, eſquires, was read; ſhewing, the petitioners duly elected burgeſſes to ſerve in this parliament for this borough; that the ſheriff's precept was delivered to Joſeph Bully, the mayor of the ſaid borough, who proceeded regularly to the election, where all parties joined; and the petitioners had the majority on the poll, were declared duly elected, and returned by the ſaid Bully to the ſheriff by indenture annexed to the precept; and the common-ſeal of the corporation was put to the ſaid indenture; and the ſheriff ſent the indenture to one Thomas Granger of Lyon's inn, and alſo the writ for election; and the indenture ought to have been affixed to the writ and returned therewith into the Crown-office; but the ſaid Granger hath returned another indenture with the writ into the ſaid office, and hath ſuppreſſed the firſt mentioned indenture, in prejudice of the petitioners: and praying &c.

A motion to hear it at the bar, refuſed.

Ordered to be referred to the committee of privileges and elections, to examine and report the matter, with their opinion. A motion to hear the matter of the ſaid petition, in the firſt place, refuſed.

May 19, 1701. Ordered the report to be made on Saturday next.

24th. Ordered to be reported on Wedneſday morning next.

28th. Sir Rowland Gwyn reported the matter concerning the ſaid election.

That as to the matter of the return, the committee did not think fit to come to any opinion, becauſe the merits of the election came before them at the ſame time.

The ſtate of the caſe was thus: There were in Dartmouth, at the time of the election, two perſons pretending to the office of mayor, viz. Mr. Floud and Mr. Bully.

The mayor enters upon his office on the Monday after Michaelmas: that Mr. Floud from the ſaid day had kept the town-courts, had the mayor's ſeat in the church; and the other, Mr. Bully, had the ſeal and maces of the corporation: the precept was delivered to Mr. Bully, which was afterwards demanded by Mr. Floud, and denied him by Bully, who after gave notice of the election, and went at the time appointed to the town-hall, which he found Mr. Floud in poſſeſſion of; whereupon he adjourned to Beſcone and proceeded to election in that place; whither Mr. Floud followed him, and two polls were taken, one by each of the reputed mayors; and Mr. Bully ſent an indenture to the ſheriff, importing, that the petitioners were duly elected, and Mr. Floud ſent another, under the ſeal of the corporation, importing, that the ſitting-members were duly elected: both theſe were ſent up by the under-ſheriff to Mr. Granger, who acted for him in London, with direction to him to adviſe upon it if he did ſee occaſion, and Mr. Granger offered the petitioners to return both, if they thought fit; but they not agreeing thereto, Mr. Granger returned the indenture ſent to the ſheriff by Mr. Floud, upon which the ſitting-members are returned to the houſe. As to the merits of the election, on Mr. Bully's poll it was,

For the petitioners 51,
For the ſitting-members 49.

On Mr. Floud's poll,

For the ſitting-members 49,
For the petitioners 33.

But the petitioners counſel inſiſted, they ſhould diſqualify ſeveral who voted for the ſitting-members; and as to 14, they ſaid they were made free when Mr. Palmer was mayor, without a competent number of the chamber: and called,

Simon Lumley, who ſaid, that Hayman, Reynolds, Kiſs, Stroude, Hinde, Hill, Myrch, Wheeler, Henley, Savery, Matthews, Richard Cole, and Enoch Cole, were ſome of the 18 made free by Mr. Palmer.

That when theſe were made free, there were preſent Mr. Palmer the mayor, Mr. Floud, Mr. Veaſy, Mr. Whitrow ſenior, Mr. Bully, and Mr. Tozer: that Whitrow ſenior, and Bully ſaid, there was no chamber, and went away before they were made free; ſo there was only the mayor and three magiſtrates in the chamber; whereas it was generally thought, that the mayor and ſix magiſtrates make a chamber to make freemen.

Straw ſaid, Mr. Whitrow and Mr. Bully, being come to the chamber when theſe were to be made free, aſked them what they were about to do; and it being anſwered, to make ſome perſons free, the ſaid Whitrow and Bully went away, and ſaid there was no chamber; and ſaid at the ſame time, ſome eldeſt ſons of freemen demanded their freedom, and were denied by the mayor.

Stone ſaid, he had lived at Dartmouth ever ſince 1671, and had been ſerjeant there, and never knew any perſons made free without the mayor and ſix magiſtrates, and that when the mayor and five have met, they have gone away for want of the ſixth.

Thomas Garret ſaid, he was one of thoſe made free by Palmer, and did promiſe to vote for Mr. Herne, or otherwiſe he had not been made free.

Edw. Chant ſaid, that being three years ago at Dartmouth, he was in company with the mayor, and talking of the election, he heard ſuch an one would come, naming the perſon; and the mayor ſaid, he did not doubt of his not coming in, for they would make freemen enough to keep him out. They produced two conſtitutions: one, 22 Aug. 1558, by which it was agreed by the mayor, his brethren, and the whole council of the town, that no mayor, after the ſaid day, ſhould make free any manner of perſon whatſoever, without the conſent of the council of the town; and another 30 Jan. 1672, that no perſon ſhould be made free without the conſent of ſeven magiſtrates.

The petitioners counſel excepted to Mr. Fownes, and Mr. Yard, as honorary freemen, becauſe the oath is different from that of a trading freeman; the latter obliging them to perform the duties of the corporation, which is not ſo in the former.

They alſo excepted to five made free by Mr. Rocket, who was no mayor. The caſe of which is thus;

Mr. Whitrow was mayor, and died within his year: Mr. Whitrow had been ſworn by Mr. Bully, who was the mayor before him: after Mr. Whitrow's death, Mr. Bully ſwore Mr. Sykes mayor; but Mr. Rocket, who was candidate for the mayoralty, and thinking himſelf aggrieved, the day before Michaelmas, when Mr. Sykes was in London, broke open the Guildhall and kept poſſeſſion, and after brought a *mandamus* for Mr. Bully to ſwear him mayor; which Mr. Bully refuſing to do, and making a return, that he was not duly elected, Mr. Rocket brought an action againſt Bully for a falſe return; and had a verdict againſt him, the exemplification of which was read; and Mr. Floud ſucceeded Mr. Rocket, and Mr. Bully, Mr. Sykes; but there was no account of any act done by Mr. Bully, but receiving the buſhelage and ſigning ſome paſſes; and Mr. Floud has acted as mayor to the time of the election without interruption of Mr. Bully, and ever ſince.

That as to the poll, the ſitting-members counſel excepted to ten who were made free by *mandamus*, on pretence of being ſons of freemen, or having ſerved apprenticeſhips: to five as made free by Mr. Sykes, as ſuch; and four as made ſo, by ſeveral mayors, on claim of a right of every mayor, of himſelf to make one freeman in his mayoralty.

The names of the firſt were, Lidſton, Hutchins, Hodge, Channel, Bawden, Elliot, Stone, Smith, Budley, and Clawley:

Newman ſaid, theſe were made free by Bully, when mayor, upon bringing the ſecond *mandamus*, ſuggeſting the cuſtom, that ſuch as were eldeſt ſons of freemen, or had ſerved ſeven years apprenticeſhip to freemen, had right to their freedoms; whereas ſeveral of the chamber ſaid, there was no ſuch right; and would have had Mr. Bully have made ſuch return to the *mandamus*, and only Mr. Whitrow of the magiſtrates agreed to their being made free: and Newman ſaid, that the judge did declare at the aſſizes, that one reaſon of the verdict given upon the falſe return of the *mandamus* ſued out by Rocket was, that thoſe made free by Palmer, were, in opinion of the jury, well made free, and thoſe ten were not ſo; however it was admitted they were the ſons of freemen, or had ſerved apprenticeſhips: he alſo ſaid, the occaſion of making freemen by Mr. Palmer was, that the ſeſſions before there were two trials; and having occaſion for two juries, which were always to conſiſt of freemen, it appeared to the judge, that there was a want of freemen, and the judge directed Mr. Palmer to make ſome freemen: that the other five freemen were Surway, Sampſon, Diggons, Hingſton, and Lydſton ſenior, made on the ſame pretext by Sykes, when there was only Sykes, the mayor, and Bully preſent: the other who were made free by claim of the mayor, were Sykes, Cliſt, Evans, and Weekes, and ſeveral entries in their books proved the ſame. As to the uſage, they called,

William Mannory; who ſaid, he had known Dartmouth 40 years, and the uſual cuſtom of making men free, was by the mayor and major part of the magiſtrates who appeared, and the practice of the mayor's freemen was grounded on this; that the mayoreſs would chooſe an able man, and by the conſent of the magiſtrates he was made free.

In reply, the counſel for the petitioners inſiſted, by the law of England, the eldeſt ſons of freemen, and thoſe who ſerved apprenticeſhips, were entitled to their freedom: and produced ſeveral inſtances from their books of thoſe, who, by the orders of admittance appeared to be of both theſe ſorts were admitted for ſmall fines, viz. freemens ſons 6 s. 8 d. and apprentices 10 s. fine: and alſo ſeveral inſtances of perſons made free, as the mayor freemen, one for each mayor; but none of this kind ſince 1672: that the counſel on the other ſide admitted before that time it had been ſo, but not ſince: upon which the committee reſolved,

That Nathanael Herne, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for this borough.

That Frederick Herne, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for this borough; which being twice read, were agreed to by the houſe.

March 5, 1713. Ordered a warrant for a new writ, for electing a burgeſs for ſerving in this preſent parliament for this borough, in the room of Frederick Herne, eſquire, made a commiſſary to treat with France for ſettling the trade between Great Britain and France.

March 30, 1715. A petition of Nathanael Herne, eſquire, was read; ſhewing, that at the election of burgeſſes to ſerve in this parliament for this borough, Joſeph Herne, John Fownes junior, and John Upton, eſquires, were candidates; that the ſaid Mr. Fownes is returned, in prejudice to the petitioner, who was duly qualified according to an act of the ninth year of the late Queen, ought to have been returned, inſtead of the ſaid Mr. Fownes, who was not qualified according to the true meaning of the ſaid act: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter thereof, and to report the ſame, with their opinion.

Feb. 1. Ordered, that leave be given to withdraw the ſaid petition.

May 23, 1726. Ordered a warrant for a new writ, for electing a burgeſs to ſerve for this borough, in the room of Thomas Martin, eſquire, made one of the juſtices for the counties of Caernarvon, Merioneth, and Angleſea, within the principality of Wales.

County of DENBIGH.

THIS county is one of the twelve Welch counties impowered by the ſtatute 27 Hen. VIII. to ſend a knight to parliament, and it hath ever ſince done ſo. The following memoirs of its elections and repreſentatives I have found, and think them proper for this collection.

D'Ewe's Journal, 627.

Nov. 5, 1601. Sir Robert Cecill moved the houſe to have their opinion, in that there wanted a chief member, viz. a knight of Denbighſhire; and he ſaid, I am to certify the houſe thus much in reſpect of ſome diſorder committed there, touching the election by Sir Richard Trevor, and Sir John Fludd; to which Sir John Saliſbury is a party; the ſheriff could not proceed in election: for mine own part, I think fit that Mr. Speaker ſhould attend my Lord Keeper therein (*quod nota* attend.) If it pleaſe you, you ſhall hear the letter; which was read, and the contents thereof was,

"That on the one-and-twentieth day of October, "at — he kept the county-day; and there, "being quietly chooſing the knight for the ſhire, "a cry came ſuddainly, that Sir Richard Trevor, "and Sir John Fludd on the one part, and Sir "John Saliſbury on the other, were a fighting, "and all their companies were ready to do the "like: whereupon preſently I went to the church-"yard where they were, and there I found both "parties with their ſwords drawn ready, but with "much ado pacified them both; and fearing, leſt "by drawing ſuch a multitude together, there "might great danger and bloodſhed happen, I made "proclamation, that every man ſhould depart. By "means whereof I did not execute her Majeſty's "writ as I thought to have done, rather chuſing to "adventure your honour's cenſure herein, than to "hazard ſo great a bloodſhed. Subſcribed,

"Your honour's moſt humbly at commandment,

"OWEN VAUGHAN."

Alſo Mr. Secretary ſaid, there was a ſchedule annext to the letter which had ſome matters of importance not fit to be read; yet, if it pleaſe the houſe to command it, they ſhould; whereupon all cried, "No, no."

Sir Edward Hobbie anſwered; Methinks, under favour, the motion Mr. Secretary made is good, but the form therein (I ſpeak with all reverence) not fitting the ſtate of this houſe; for he ſaid, Mr. Speaker ſhould attend my Lord Keeper. "Attend!" It is well known the Speaker of the houſe is the mouth of the whole realm; and that the whole eſtate of the commonalty of a kingdom ſhould attend one perſon, I ſee no reaſon. I refer it to the conſideration of the houſe; only this propoſition I hold, that our Speaker is to be commanded by none, neither to attend any, but the Queen only.

Mr. Johnſon ſaid, the Speaker might, *ex officio*, ſend a warrant to the clerk of the Crown; who is to certify the Lord Keeper, and ſo to make a new writ.

Sir Edward Hobbie ſaid, that for the election of burgeſſes, he had ſeen half a ſcore yeſterday with Sir John Puckering's hand when he was Speaker.

Mr. Speaker ſaid, I may inform you of the order of the houſe, that a warrant muſt go from the Speaker to the clerk of the Crown, who is to inform the Lord Keeper, and then to make out a new writ.

Mr. ſecretary Cecill ſaid, I ſhould be very ſorry to detract from any particular member of this houſe, much more from the general ſtate: my meaning was miſtaken, and my words miſconſtrued, yet both in ſubſtance agreeing with Mr. Speaker.

March 24, 1680. A petition of Richard Middleton, eſquire, touching the election for this county, was read.

Ordered, that the merits of the ſaid election be heard at the bar of this houſe on next Wedneſday ſevennight.

Oct. 24, 1722. A petition of Robert Middleton, eſquire, was read; ſhewing, that at the election of a knight of the ſhire to ſerve in parliament for this county, the petitioner, and Watkin-Williams Wynn, eſquire, were candidates: that many perſons were admitted to poll for the ſaid Mr. Williams Wynn, who had no right to vote; and divers perſons, who had a right, and offered to vote for the petitioner, were, by the menaces and illegal proceedings of the ſaid Mr. Williams Wynn, hindered from giving their votes: that the petitioner had the majority of legal votes, and ought to have been returned; but the ſaid Mr. Williams Wynn, by illegal and corrupt practices, hath procured himſelf to be returned, in wrong to the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

DENBIGH Town.

THIS is the ſhire-town of the county; and, as ſuch, entitled to ſend members to parliament by the ſtatute 27 Hen. VIII, from which time it has returned repreſentatives. The following memoirs, relating thereto, I have met with, and ſhall ſet them down for the ſatisfaction of ſuch as may be concerned.

March 26, 1679. A petition of the aldermen and burgeſſes of the borough of Ruthin in the county of Denbigh, complaining, that they, having right to vote at the election of a burgeſs to ſerve in parliament for this town, had no notice of the time and place of election; but that the inhabitants of the town had privately elected and returned Sir John Saluſbury, baronet, to ſerve as a burgeſs for the ſaid town; . . . .

Ordered, that it be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

Oct. 26, 1680. A petition of Edward Brereton, eſquire, was read; and ordered to be referred as above.

March 29, 1690. A petition of the burgeſſes of the boroughs of Denbigh and Ruthin was read; ſetting forth, that the ſaid boroughs, and the Vill Holt, a ſmall open village, are the antient and only boroughs and vill in the county, who have a right to elect a member to ſerve for the boroughs in the county: that the ſaid vill of Holt (tho' no corporation) hath lately aſſumed the power of making great numbers of foreigners burgeſſes of the vill, to ſerve the turns of ſome perſons to be elected; and, by combination with others, have joined with Thomas Harper and Robert Knowles of Denbigh, arrogating to themſelves the polling of the electors: and, to have Edward Brereton, eſquire, returned, did admit great numbers of perſons, ſo unqualified, to vote for the ſaid Edward Brereton, eſquire; and have accordingly returned him, though William Williams, eſquire, was duly elected by the majority of rightful burgeſſes of the ſaid boroughs, and ought to have been returned.

A petition of William Williams, eſquire, was read; ſhewing, that by divers abuſes, bribes, practices, and menaces, Edward Brereton, eſquire, was returned a burgeſs for the borough of Denbigh, Ruthin, and Holt, by Thomas Harper and Robert Knowles, who were not the legal bailiffs of the ſaid borough of Denbigh, in prejudice to the petitioner, who had the majority of qualified voices: and praying &c.

Ordered the ſaid petitions to be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

Oct. 6. Mr. Williams preſented his petition again; ſhewing, that, by very undue and irregular practices, Edward Brereton, eſquire, was returned for this borough, although the petitioner was duly elected by the majority of the burgeſſes who had a right to vote; but the pretended bailiffs, by ſuch irregular practices, made ſuch return as aforeſaid. Alſo,

The burgeſſes of Denbigh and Ruthin preſented their petition, to the ſame effect as the former: both which were referred as before.

Oct. 31, 1691. The burgeſſes of Denbigh and Ruthin preſented their petition, to the ſame effect as before; and it was referred again in like manner.

Nov. 2. Mr. Williams likewiſe preſented his petition again; and it was referred as before.

Dec. 1. Ordered, that William Williams, eſquire, have leave to withdraw his petition.

Feb. 17, 1700. A petition of Thomas Cotton, eſquire, was read; ſhewing, that the petitioner, and Edward Brereton, eſquire, were candidates to ſerve in parliament for this borough; where the two preſent aldermen and bailiffs were laſt year in that ſtation, and by ſiniſter practices were continued ſo, to ſerve Mr. Brereton in the election this year, contrary to the expreſs words of their charter, and continued cuſtom of the ſaid borough: that they arbitrarily refuſed ſeveral perſons their freedom, that had an undoubted right to it, and demanded it in open court at the election, and to poll for the petitioner; who had a majority that polled for him, and was duly elected; yet the bailiffs have unduly returned Mr. Brereton: and praying &c.

Ordered to be referred to the committee of privileges, to examine the matter, and report it, with their opinion.

25th. A petition of ſeveral burgeſſes of the borough of Holt, in behalf of themſelves, and other burgeſſes of the ſaid borough, was read; ſetting forth, that by act of parliament, 35 Henry VIII, the ſaid borough, together with the boroughs of Ruthin and Denbigh, are impowered to elect a burgeſs to parliament; to which election none but burgeſſes have a right to vote; and the election of ſuch burgeſſes is, by an antient charter, veſted in the mayor, bailiffs, and burgeſſes, of Holt: that on the 25th of Auguſt, 1698, Thomas Warburton, eſquire, then mayor of Holt, did, without the conſent, and contrary to the expreſs will, of the bailiffs and moſt of the burgeſſes, make above 400 foreigners and ſtrangers, brought thither by the intereſt of Sir Robert Cotton of Cheſhire, burgeſſes of Holt; in oppoſition to which proceeding, the old burgeſſes did demand a poll, but Mr. Warburton peremptorily refuſed it; and, on the 28th of September following, made 400 more foreigners and ſtrangers, brought thither by the like intereſt, burgeſſes, although the like oppoſition was made, though to no purpoſe: that Edward Brereton, eſquire, proſecuted an information in the King's-Bench againſt the ſaid Mr. Warburton, for his irregular proceedings, which was tried at the laſt aſſizes held for the county of Salop, and a verdict was given againſt him, upon full evidence given by his own witneſſes; and yet Sir Robert Cotton, on behalf of his ſon Thomas, did, at the laſt election of a burgeſs to repreſent the petitioners, with Ruthin and Denbigh, demand, that the ſaid foreigners and ſtrangers ought to vote in the election, and brought near 500 of them; which gave the petitioners much diſturbance, Sir Robert pretending to a majority by ſuch aſſiſtance: which proceedings, if permitted, may cauſe the election of a burgeſs to parliament to be at the pleaſure of any perſon, as mayor; and manifeſtly tend to ſubvert the conſtitution of parliament, and the freedom and rights of this borough: and praying &c.

Ordered to be referred to the committee of privileges and elections, to examine the matter thereof, and report the ſame, with their opinion.

March 30, 1715. A petition of John Wynn, of Melay in this county, eſquire, was read; ſhewing, that at the election for this borough the petitioner, and John Roberts, were candidates: that by the threats and bribery of the ſaid Mr. Roberts, and by the partiality of John Middleton, and Mr. Thomas Roberts, bailiffs of the ſaid borough, the ſaid Mr. John Roberts procured himſelf to be returned; although ſeveral good votes for the petitioner were rejected, and others were allowed in favour of the ſaid Mr. Roberts; and that the petitioner had 59 good votes more than the ſaid Mr. Roberts: that Mr. Middleton, one of the bailiffs, has returned the ſaid Mr. Roberts, to the prejudice of the petitioner: and praying &c.

Ordered it to be referred to the committee of privileges and elections, to examine the matter thereof, and report the ſame, with their opinion.

DERBYSHIRE.

THIS is a county in the northern part of the kingdom, and has been repreſented in parliament from the time of King Edward the firſt. The memoirs of its elections, and repreſentatives in that reſpect, are theſe.

Dec. 2, 1601. Peter Fretchville, eſquire, returned unto this parliament, as knight of the ſhire for this county, for that he is choſen ſheriff of the county, and other his neceſſary affairs, is licenſed by Mr. Speaker to depart home. D'Ewe's Journal, 665.

Nota, That it appears, that Peter Fretchville, eſquire, being a member of this houſe, and elected ſheriff of this county, did continue his place in the ſame: by which it appeareth, that the ſaid places are not incompatible, but may ſtand, and be together, *ſimul et ſemel*, in one and the ſame perſon.

May 16, 1660. Ordered it be referred to the committee of privileges, to examine the miſcarriage of the writ, for the election of members to ſerve in parliament for this county. I do not find any report of this matter.

Dec. 10, 1670. A petition of George Vernon, eſquire, was read.

Reſolved, that the petition be referred to the committee of privileges, to examine the matter of the petition, and alſo the whole matter of fact, relating to the electing a knight to ſerve for this county; and certify it, with their opinion, to the houſe.

Feb. 4. Ordered, that Mr. Vernon, who exhibited his petition againſt Mr. Sacheverell, as to the election of a knight for this county, have leave to withdraw his petition; and therefore the witneſſes for Mr. Sacheverell may forbear their attendance.

Jan. 3, 1701. A petition of William Marquis of Hartington was read; ſhewing, that at the election of knights of the ſhire, to ſerve in this preſent parliament for this county, the petitioner, John Lord Roos, Thomas Coke, eſquire, and John Curzon, eſq; were candidates; and the petitioner was duly choſen, and ought to have been returned one of the knights for the ſaid county, he having the majority of legal votes; but divers unqualified perſons were admitted to poll for Mr. Coke and Mr. Curzon; and many, who were duly qualified, were not permitted to poll for the petitioner, or were kept from polling by force, threats, bribes, and other indirect practices; by which means, the ſaid Mr. Coke and Mr. Curzon are unduly returned, in prejudice of the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Feb. 7. Ordered leave to withdraw the ſaid petition.

DERBY Town.

Willis, 2 part, 227, 228. Cart. 9 Jac. Cart. 14 Car. B. P. R. 194, 266, 267.

THIS is the capital, or chief town, of the county of this name. It was a borough by preſcription, and governed by its bailiffs, who were elected yearly on Michaelmas-day, according to a charter of King James the firſt; but in the 14th year of King Charles the firſt, it was incorporated by the name and ſtile of mayor, and burgeſſes. It returned burgeſſes to parliament 26 Edw. I, and has ſo continued to do till this time. In the 2d of Edward III, they were elected and returned by the burgeſſes; and 12 Hen. IV, the return was, *per Willum de Stokes, Willum Groos, Johem de Stokes, Robertum Slaver, Johem Sparham, Thomam Staunton, et multos alios de communitate &c.* (ſee the indenture at large in the Appendix.) Theſe are the memoirs I have met with which concern the return of burgeſſes for this town before the Reformation; ſince which the Journals of the houſe of commons afford theſe which follow.

Jan. 3, 1701. A petition of Thomas Stanhope, eſquire, was read; ſhewing, that at the laſt election of members, to ſerve in this preſent parliament for this borough, the Lord James Cavendiſh, Sir Charles Pye, baronet, John Harpur, eſquire, and the petitioner, were candidates: that Thomas Carter, gentleman, mayor of the ſaid borough, did uſe ſeveral illegal practices on behalf of the ſaid Lord Cavendiſh, and polled for him ſeveral unqualified perſons, and refuſed to poll ſeveral that had a right, and demanded to poll for the petitioner; notwithſtanding which, the petitioner had the majority of legal votes, was elected, and ought to have been returned one of the burgeſſes for the ſaid borough; but the ſaid mayor hath returned the ſaid Lord Cavendiſh, though not duly elected, in prejudice of the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

March 13, 1709. Ordered, that the Speaker do iſſue his warrant to the clerk of the Crown, to make out a writ for electing a member to ſerve in parliament for this borough, in the room of Sir Thomas Parker, made lord chief-juſtice of England.

Dec. 5, 1710. A petition of the Lord James Cavendiſh, and Richard Pye, eſquire, was read; ſhewing, that the petitioners, with Sir Richard Leving, and John Harpur, eſquire, were candidates at the laſt election for members to ſerve in parliament for this town; where the petitioners were duly choſen, and ought to have been returned: that the petitioners publickly, in open court, objected againſt Mr. Harpur's capacity of being elected, for that he was then high-ſheriff of the county; yet he, and Sir Richard Leving, have procured themſelves to be returned, though they were guilty of bribery, and other undue practices, to the great prejudice of the petitioners: and praying &c.

Ordered to be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

Feb. 19. Ordered, that the Lord James Cavendiſh, and Mr. Pye, have leave to withdraw the ſaid petition.

Dec. 10, 1711. Ordered, that Mr. Speaker do iſſue out his warrant for a new writ, for electing a member to ſerve in this preſent parliament for this borough, in the room of Sir Richard Leving, made attorney-general of Ireland.

March 28, 1715. A petition of Nathanael Curzon, and Edward Mundy, eſquires, was read; ſhewing, that the petitioners being candidates at the election for this borough, by virtue of a precept to the mayor directed, to chooſe burgeſſes for the ſaid borough; and the Lord James Cavendiſh, and William Stanhope, eſquire, being the other two candidates: that they, the Lord James Cavendiſh and Mr. Stanhope, contriving together with Thomas Fiſher mayor, and others, did illegally and arbitrarily make, or cauſe to be made, and ſworn, a great number of the tenants of the ſaid Lord James Cavendiſh, and Mr. Stanhope, and other ſtrangers, living remote, and at a great diſtance from this borough, on purpoſe to obtain a majority for the ſaid Lord James Cavendiſh, and Mr. Stanhope: the ſaid mayor did alſo refuſe to admit of ſeveral other burgeſſes by birth, and by ſervice, who offered to vote for the petitioners, pretending they were not ſworn, though they had tendered themſelves at one or more common-halls, and had been unjuſtly denied the burgeſs-oath: and although the petitioners had a greater majority of rightful votes, and demanded to be returned, yet the ſaid mayor refuſed, and returned the ſaid Lord James Cavendiſh, and Mr. Stanhope, who had no right, to the prejudice of the petitioners: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

8th. Ordered leave to withdraw the ſaid petition.

DEVIZES.

4 Regiſt. 960. THIS is a borough in the county of Wiltſhire, incorporated by King Charles the firſt, but repreſented in parliament in Edward the firſt's time; only in the 1ſt, 8th, and 19th of Edward the ſecond; and then from the 4th of Edward the third to this time, as other boroughs have done.

B. P. R. 295. The return in 2 Edw. II. is taken notice of by Mr. Prynn, thus: *Pro burgo de Lurgarſale, Marleberg, et Devizes, iſtud breve retornatum fuit ballivis libertat. reginæ Marg. eorundem burgorum in quas non habeo ingreſſum, qui nullum michi inde dederunt reſponſum. Anno* 4 *Ed. II.* the like retorn was made in ſubſtance. *Anno* 5 *Ed. II.* the like, with this addition; *Et pro pluribus burgenſibus ad parliamentum Regis retorn. faciend. breve retornatum fuit ballivis libertatum Margaretæ reginæ Angliæ de libertatibus ſuis de Mere, Deviſes, Marleburg, et Worth, qui habent retornum omnium brevium et executiones eorundum. Et prædict. ballivi michi non dederunt reſponſum.*

The repreſentatives were after, viz. 2 Hen. VIII, choſen in the county-courts, as appears by the indenture for the county (ſee in the Appendix.)

The memoirs of its conteſted elections, and of its members in that reſpect, I have met with, are thoſe which follow.

April 27, 1660. Mr. Turner reported, from the committee of privileges and elections, the matter relating to the double return for this borough: That William Lewis, and Robert Aldworth, eſquires, are returned by the mayor under the common-ſeal; and William Lewis, and John Norden, by the burgeſſes only; and the opinion of the committee is, That Robert Aldworth, eſquire, ought to ſit in this houſe, until the merits of the cauſe touching the ſaid double return is determined: which was agreed to by the houſe.

July 31. Mr. Turner reported from the ſaid committee the caſe upon the election for this borough: That, upon the examination of the fact, it appeared, that no poll was demanded at the ſaid election; and that the mayor declared, upon the view, for Robert Aldworth, eſquire, who is alſo returned; and that although ſome teſtimony was offered, that Mr. Norden the petitioner had ten more voices, yet it appeared not, whether they were perſons qualified to elect; therefore, upon the whole matter, the committee were of opinion Mr. Aldworth is duly elected, and ought to ſit in the houſe: to which the houſe agreed.

March 22, 1678. A petition of the common-council-men and inhabitants of this borough, was read, complaining of undue and illegal practices uſed by the mayor of the ſaid borough, in electing and returning Sir Edward Baynton, and Sir Walter Ernly, to ſerve in this preſent parliament as burgeſſes for this borough, in injury of the petitioners.

Ordered to be referred to the committee of privileges, to examine the matter, and report the ſame, with their opinion. No report appears to be made.

Nov. 1, 1680. A petition of Sir Walter Ernley, and George Johnſon, eſquire, touching the election for this borough, was read.

Ordered it to be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

March 24. A petition of Sir Edward Hungerford, and John Eyles, eſquire, was read, touching the election for this borough.

Ordered to be referred to the committee of privileges and elections, to examine and report the matter, with their opinion. No report appears to be made.

Jan. 22, 1688. A petition of Sir John Eyles, and William Trenchard, eſquire, complaining of an undue return of burgeſſes for this borough, to ſerve in this preſent convention; was read.

Ordered to be referred to the committee of privileges, to examine and report the matter, with their opinion.

March 21. Colonel Birch reported, from the ſaid committee, the ſtate of the fact as it appeared to them: That the queſtion was, Whether the right of election was in the mayor and burgeſſes, as a ſelect number, or in the burgeſſes at large?

The petitioners counſel inſiſted, this was a borough by preſcription, and not a corporation by preſcription; and that all the burgeſſes had a right to elect: and produced a charter of the 15th of Edward the third, being a grant to the burgeſſes, and their ſucceſſors: an indenture of return, of the ſecond of Henry the fifth, of burgeſſes, by the ſheriff of the county, as choſen for the community of the borough: alſo another indenture of the firſt of Mary, wherein it was ſaid, the mayor *pro ſe et communitate burgi*, had returned the burgeſſes; an indenture of return, of the 31ſt of Charles the ſecond, made by the mayor and burgeſſes in general: and the counſel ſaid, they had copies of other returns between theſe times, but that the records could not be found to examine them therewith.

They alſo called a witneſs, who proved, a poll was demanded by the petitioners for all the burgeſſes, and denied: and upon his croſs-examination ſaid, he had lived ſixty years in the town, and known ſeveral elections; but none that was by the popularity, but one about eight years ſince, when Sir Giles Hungerford, and Sir John Eyles, one of the now petitioners, were returned, by that choice, againſt Sir Walter Earnley, baronet, and George Johnſon, eſquire, who were choſen by the ſelect number: and that the petitioners did not make out, that any other election, but that, was by the populacy, or burgeſſes in general.

For the ſitting-members,

That it was inſiſted, it was a corporation by preſcription, and the right of election was in the mayor and burgeſſes, as a ſelect number; and produced returns of the 43d of Elizabeth, 1ſt of James the firſt, 21ſt of James the firſt, 1ſt of Charles the firſt, by the mayor and burgeſſes; and ſaid, they had ſeveral others: and a charter of the 3d of James the firſt, where it was recited, That the mayor and burgeſſes had, time out of mind, divers immunities, &c. and therefore it was inſiſted on to be a corporation by preſcription.

And as to the election in 1679, it was proved, Sir Walter Ernley, and Mr. Johnſon, petitioned againſt it, but it was never decided; and that the now petitioner, Sir John Eyles, gave to the then mayor (one Whatton) a bond of 2000 l. dated 15 September 1679 (which was proved by Whatton himſelf) to indemnify him from all damages by reaſon of the ſaid return: and ſaid further, he was fearful to make the return by the burgeſſes in general, it being never known before, that he knew of; and therefore, being preſſed to make it, he took the bond: whereupon the committee reſolved,

That the right of election of burgeſſes, to ſerve in parliament for this borough, is in the mayor and ſelect number of the burgeſſes of the ſaid borough, only.

That Sir William Pynſent, baronet, and Walter Grubb, eſquire, are duly elected, as burgeſſes to ſerve in this preſent parliament for the ſaid borough: which reſolutions, being twice read, were agreed to by the houſe.

March 24, 1689. A petition of the burgeſſes of this borough was read; ſhewing, that, at the election of burgeſſes for the ſaid borough, on the 17th of March laſt, a poll was taken, whereat 59 of the burgeſſes were preſent, and no more appeared either at the election or poll; of which Walter Grubb, eſquire, had 55 voices, John Methuen, eſquire, 36, and Sir Thomas Fowle 23; whereby the ſaid Walter Grubb and John Methuen were duly elected, and ought to have been returned by indenture under the common-ſeal; but Richard Hillier, the preſent mayor, hath taken upon himſelf privately, without the common-ſeal, according to conſtant uſage, but by his own ſeal, to make a return as the act and deed of the burgeſſes; and to countenance ſuch his proceedings, adjourned the poll, and cauſed eight perſons, who were elected burgeſſes by virtue of the charter of the late King James, and were not living in the town, and had no right of election, to be polled for the ſaid Sir Thomas Fowle; and although the majority were for Mr. Grubb and Mr. Methuen, yet the ſaid mayor hath returned the ſaid Sir Thomas Fowle, though unduly elected: and praying the merits of the election may be examined, and their right preſerved, as it ought to be.

Ordered to be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

March 27, 1690. A petition of John Methuen, eſquire, was read: ſhewing, that the petitioner, with Walter Grubb, eſquire, were duly elected for this borough, and ought to have been returned by the mayor and burgeſſes; but the mayor hath taken upon himſelf alone, contrary to the cuſtom of the borough, to return Sir Thomas Fowles, and the ſaid Mr. Grubb; by reaſon whereof there being now a double return for the ſaid borough, the petitioner is hindered from ſitting in the houſe: praying relief, and that the merits of the ſaid return may be heard and examined into together.

Ordered to be referred as before.

29th. Mr. Grey reported from the ſaid committee, the caſe touching the double return for this borough,

That the committee, upon inſpection of the precept and both returns, found, that the precept was directed by the ſheriff to the mayor of the Devizes;

That Sir Thomas Fowles, and Walter Grubb, eſquire, are returned by the mayor, but without any burgeſſes joining in the return;

That John Methuen, eſquire, and Walter Grubb, eſquire, are returned by ſeveral of the burgeſſes, without the mayor: whereupon the committee reſolved,

That Sir Thomas Fowles, and Walter Grubb, eſquire, returned by the mayor of this borough, are duly returned to ſerve in this preſent parliament for this borough: which reſolution, being twice read, was agreed to by the houſe: and the clerk of the Crown, being at the door, was called in, and at the table amended the return, by taking off the file the indenture of return of Mr. Grubb and Mr. Methuen.

Oct. 6th. The ſame petition, as to the election of Mr. Methuen, was read, and referred in like manner.

Dec. 22d. Mr. Grey reported from the ſaid committee the ſtate of the caſe, as it appeared to the committee, viz.

That the right of election appeared to the committee to be in the free-burgeſſes of this borough, and that there is in the ſaid borough, a mayor, recorder, twelve major capital burgeſſes, and twenty-four minor capital burgeſſes, which are in the nature of a common-council. For the petitioner was called,

Richard Hope, who ſaid, he was clerk of the court of Record, in the nature of the town-clerk; and with conſent of the mayor, he took the poll there, upon which were,

For Sir Thomas Fowles 23,
For the petitioner — 36.

For Sir Thomas Fowles, was called Dauntſey Brounker, who ſaid he took the poll by order of Sir Thomas Fowles, and the numbers were,

For Sir Thomas Fowles 31,
For the petitioner — 36.

That afterwards Sir Thomas Fowles and Mr. Methuen came to the mayor's, and agreed, that the poll ſhould be ſcrutinized by two of the counſel, as they called it, and two gentlemen; and that not taking the oaths appointed to be taken by the officers before the firſt of Auguſt, was admitted to be a good exception, Mr. Methuen being preſent and not oppoſing it. On this ſcrutiny, it appeared, nine of Mr. Methuen's voters had not taken the oaths, and five others had not ſigned the declaration of the teſt; and that only three of Sir Thomas Fowles's voters, who had not taken the oaths, and one who had not ſigned the teſt.

Danvers the recorder ſaid, for twenty years paſt, the new burgeſſes uſed to take the oaths according to 13 *Car.* and if not, were put out; and alſo uſed to take the teſt; and that Sir John Eyles, after he had taken the oath of a freeman, was put out for his not taking the other oaths.

Bollis ſaid, that after thirty-ſix had polled for Mr. Methuen, and twenty-three for Sir Thomas Fowles, the town-clerk ſaid, there was an end of the poll; but the mayor told him, that was not his buſineſs; and thereupon was a great tumult, upon which the town-clerk did not go on; but afterwards eight more polled for Sir Thomas Fowles.

Francis Paradice, and two others ſaid, the recorder hath declared his opinion, that the free-burgeſſes were not obliged to take the oaths; but the recorder denied, he ever gave ſuch an opinion.

Sadler ſaid, the recorder ordered the ſerjeant to go to all the free-burgeſſes, and acquaint them, they muſt ſubſcribe and take the oaths, or they would be put out.

Bundy ſaid, the quarter-ſeſſions were adjourned ſeveral times, for the ſwearing of the free-burgeſſes.

Paradice ſaid, the five had taken the oaths, and paid their money, but could not write, and deſired their hands might be put to the declaration: upon the whole, the committee reſolved,

That Sir Thomas Fowles is duly elected a burgeſs to ſerve in this preſent parliament for this borough.

The ſaid reſolution was twice read; and, upon the ſecond reading, diſagreed to by the houſe.

Reſolved, that John Methuen, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for this borough.

Ordered the clerk of the Crown do attend, and amend the return according to the ſaid reſolution.

Dec. 7, 1695. A petition of Sir Francis Child, knight, was read; ſhewing, that Sir Edward Ernley, and the petitioner, were duly elected burgeſſes to ſerve in this preſent parliament for this borough, and ought to have been returned; but by the undue practices of the agents of John Methuen, eſquire, he is returned with the ſaid Sir Edward Ernley, to the petitioner's injury: and praying the houſe will hear and examine the matter, &c.

Ordered, the petition be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

Jan. 8, 1706. A petition of Thomas Webb, ſerjeant at law, was read; ſhewing, that the petitioner was duly choſen a burgeſs to ſerve in this preſent parliament for this borough, in the room of John Methuen, eſquire, deceaſed: but Joſiah Diſton, eſquire, prevailed upon the high-ſheriff to deliver the precept to one Richard Hope, gentleman, who took upon him to act at the election as mayor, though he was not; . . . . . hath returned the ſaid Mr. Diſton, who was not duly elected, in wrong to the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

29th. Ordered, that Mr. Serjeant Webb have leave to withdraw his ſaid petition.

Nov. 27, 1708. A petition of Thomas Webb, ſerjeant at law, on the behalf of himſelf and others, being the majority of the common-council of the borough incorporate of the Devizes, was read; ſhewing, that the right of electing burgeſſes, to ſerve in parliament for the ſaid borough, is only in the mayor and burgeſſes: that a writ iſſuing for chooſing two members to ſerve in this parliament for the ſaid borough, Joſiah Diſton, a Blackwell-hall factor, prevailed upon Robert Payne, gentleman, under-ſheriff, to deliver his precept to John Eyles, eſquire, as mayor of the ſaid borough (although the ſaid Mr. Eyles was not mayor, nor ſo much as a member of the body corporate, there being then no mayor) who at the inſtigation of the ſaid Mr. Diſton, undertook, and did execute the ſaid precept, and hath returned Paul Methuen, eſquire, and the ſaid Mr. Diſton, to ſerve as members in parliament for the ſaid borough, though they were not legally choſen: that the petitioner is, and when the ſaid precept was executed, was, recorder of the ſaid borough, and one of the common-council, and as recorder, is (by the charter of the ſaid borough) the chief officer in the vacancy of a mayor, and that he, and others of the common-council, making a majority thereof (before the ſaid John Eyles executed the ſaid precept) ſent to forbid the ſame, and demanded the precept; and for the reaſons aforeſaid, refuſed to attend and give their votes, but ſent a proteſtation, in writing, againſt his proceedings, and therefore the ſaid borough is not duly repreſented in this parliament: and praying &c.

Ordered, that the merits of the petition be heard at the bar, on the 28th of April next.

Dec. 15, 1709. Ordered, that Mr. Speaker do iſſue his warrant for making out a new writ for electing a member for this borough, in the room of Paul Methuen, eſquire, made a commiſſioner of the admiralty.

Dec. 1, 1710. A petition of Sir Francis Child, knight, and Thomas Webb, eſquire, ſerjeant at law, was read; ſhewing, that at the election of members to ſerve in this parliament for this borough, the petitioners, and Paul Methuen, and Joſiah Diſton, Blackwell-hall factor, were candidates: that James Sutton, gentleman, having gotten the precept, proceeded in executing the ſame, as mayor, though he was not legal mayor, and was guilty of many indirect practices; and hath returned Mr. Methuen, and Mr. Diſton, as duly choſen, though the petitioners were duly elected by a majority of legal votes, and ought to have been returned: and Mr. Diſton, and his agents, and alſo Mr. Methuen's agents, were guilty of bribery and other corrupt practices: and praying &c.

Another petition of the ſaid Sir Francis Child, and Mr. ſerjeant Webb, was read; ſhewing, that the petitioners were duly elected burgeſſes to ſerve in this preſent parliament for this borough; and as ſuch were returned by Mr. John Child, the legal mayor of the ſaid borough, by an indenture annexed to the writ: that James Sutton, gentleman, having got the precept, acted as mayor, although he was not legal mayor, committing many indirect practices, and hath unduly returned Paul Methuen, and Joſiah Diſton, a Blackwell-hall factor, though he ought alſo to have returned the petitioners, who had the majority of legal votes; and the other candidates were guilty of bribery, and other illegal practices: and praying &c.

A petition of Paul Methuen, and Joſiah Diſton, eſquires, was read; ſhewing, that at the laſt election of burgeſſes for this borough, the petitioners, Sir Francis Child, and Mr. ſerjeant Webb, were candidates; and though Sir Francis and the ſerjeant, and their agents, by corrupt practices obtained divers votes, yet the petitioners were duly elected, and returned by James Sutton, gentleman, mayor of the ſaid borough; yet the ſheriff of Wilts, being indirectly prevailed on, hath annexed to the writ, with the return of the ſaid petitioners, an undue return of Sir Francis Child and Mr. ſerjeant Webb, pretended to be made by one John Child, brother of the ſaid Sir Francis, who was not the proper officer, nor did preſide, or act, at the ſaid election: and praying &c.

Ordered, that the matter of the ſaid petitions and returns, be heard at the bar on the 12th of this inſtant December.

2d. Ordered, that the matter of the ſaid petitions, &c. be put off to the 16th of December inſtant.

15th. Ordered, that the clerk of the Crown do attend the houſe to-morrow morning with the double return for this borough, and alſo with ſuch orders and proceedings, as are in his cuſtody, relating to the mayors, magiſtrates, and juſtices of the peace, for the ſaid borough, ſince the year 1705.

16th. The houſe proceeded in hearing the ſaid matter relating to the ſaid election and returns, and the counſel on both ſides were called in, and the ſaid petitions were read, and ſeveral witneſſes were examined on both ſides. And the counſel and witneſſes being withdrawn;

And Mr. John Child being offered as a witneſs to what he heard Mr. Diſton ſay of his judgment, touching ten new votes, which being objected againſt,

Reſolved, that Mr. John Child be admitted to give evidence of what he has heard Mr. Diſton ſay of the elections of common-council men and free-burgeſſes, that have been at the Devizes ſince the 20th of April, 1706.

Then the counſel were called in again, and heard, and other witneſſes were examined, and the counſel and witneſſes being withdrawn; it was reſolved, That Sir Francis Child, knight, is duly elected a burgeſs to ſerve in the preſent parliament for this borough.

That Thomas Webb, ſerjeant at law, is duly elected a burgeſs to ſerve in this parliament for this borough. And ordered, that the return be amended accordingly.

March 5, 1713. A petition of Joſiah Diſton, and Francis Eyles junior, was read; ſhewing, that at the election for this borough, the petitioners, Robert Child and John Nicholas, eſquires, were candidates: that at the election the petitioners had the majority, and ought to have been returned in the room of the ſaid Mr. Child and Mr. Nicholas, who, by the undue practices of themſelves and their agents, have unduly procured themſelves to be returned, in wrong of the petitioners: and praying &c.

Ordered, that it be referred to the committee of privileges and elections to examine the matter, and report the ſame, with their opinion.

In the year 1720, an enquiry was made into the conduct of the directors of the South-Sea company, and Francis Eyles, eſquire, one of the members of the houſe of commons for this borough, being one of the ſaid directors.

Jan. 23, 1720. Ordered Francis Eyles, eſquire, do attend, in his place, on Saturday next.

28th. Mr. Eyles attended.

A motion was made, and the queſtion propoſed, that Francis Eyles, eſquire, a member of this houſe, is guilty of a notorious breach of truſt, as a director of the South-Sea company, and thereby occaſioned very great loſs to great numbers of his Majeſty's ſubjects, and highly prejudiced the publick credit.

Mr. Eyles was heard in his place, and withdrew.

Reſolved, that Francis Eyles, eſquire, a member of this houſe, and one of the directors of the South-Sea company, is guilty of a notorious breach of truſt, as a director of the ſaid company; and has thereby occaſioned very great loſs to great numbers of his Majeſty's ſubjects, and has highly prejudiced the publick credit.

Reſolved, that the ſaid Francis Eyles be, for his ſaid offence, expelled this houſe.

31ſt. Ordered a warrant for a new writ for electing a burgeſs to ſerve in this preſent parliament for this borough, in the room of the ſaid Mr. Eyles.

DEVONSHIRE.

THIS is a very large county in the weſtern parts of the kingdom, and has returned knights to parliament from the firſt ſummons in Edward the firſt's time. The firſt memorandum I meet with relating to them, is in the 16th of Richard the ſecond. Sir Philip Courtney one of the knights returned, was accuſed in parliament of many heinous offences, and was diſcharged (at his own requeſt, until he ſhould acquit himſelf of the ſame) from being a member, by the King and lords; but was afterwards reſtored upon the petition of the commons.—In the 4th of Hen. IV. he was again accuſed of ſeveral miſdemeanors, and by the King and lords committed to the Tower, and there remained till enlarged (upon ſureties) at the requeſt of the commons. The records of theſe tranſactions from the parliament rolls, may be ſeen in the Appendix.

4 Reg. 707, 708. Rot. Par. 16 R. II.

4 Hen. IV. Ib. 20, 21.

The return for this county in the 28th Hen. VI. is alſo ſet forth in the Appendix. The more modern memoirs relating to its elections and repreſentatives, in that reſpect, are theſe following.

Jan. 18, 1670. A motion being made for iſſuing a writ for electing another knight of the ſhire for this county inſtead of the now Duke of Albemarle, being not now in a capacity of ſitting in the houſe; ——And information being given to the houſe, of an endeavour to foreſtal a free election, by iſſuing out papers, in the nature of warrants, to pre-engage the county before any writ iſſued—And ſeveral of the papers being delivered in at the table, and being upon queſtion ordered to be read; and read accordingly:

Reſolved, that the ſending warrants, or letters in the nature of warrants, or letters to high-conſtables or conſtables, or other officers, to be communicated to the freeholders or other electors, when a knight of the ſhire or other member is to be choſen to ſerve in parliament, or threatning the electors, is unparliamentary, and a violation of the right of elections.

Reſolved, that Mr. Speaker do certify the Lord Keeper of the great ſeal of England, that the now Duke of Albemarle, who lately ſerved as a knight for this county, is not now in a capacity of ſitting a member of this houſe, deſiring him that a writ may iſſue forth under the great ſeal for the election of a knight for this ſhire to ſerve in this preſent parliament in his place and ſtead.

June 2, 1685. A petition of Samuel Rolls, eſquire, touching the election for this county, was read.

Ordered it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion: but no report appears ever to be made.

June 21, 1712. Ordered a warrant for a new writ for electing a knight of the ſhire for this county, in the room of Sir William Pole, baronet, made maſter of the Queen's houſhold.

DORCHESTER.

THIS is the ſhire town of the county of Dorſet, and an antient borough, as appears by the record following.—*In Dorecester tempore Regis Edwardi, erant* clxxii. *domus. Hæ pro omni ſervitio Regis ſe defendebant, & geldebant pro* x. *hid. Scilicet ad opus huſcarlium unam markam argenti, exceptis conſuetudinibus quæ pertinent ad firmam noctis. Ibi erant* ii. *monetiarii, quiſque eorum reddebat Regi unam markam argenti, &* xx. *Sol. quando moneta vertebatur.*

Gale's Hiſt. A Script. vol. II p. 76.

It was antiently of the King's demeaſne, and its antient government was by bailiffs, as appears by the Fine Roll 17 Edward II.; whereby the cuſtody of the borough was granted to the bailiffs, burgeſſes, and good men thereof, for five years, upon payment of 20 l. yearly. And King Edward III. on the petition of the burgeſſes, gave them the ſame grant for ever, on their paying the ſaid yearly farm of 20 l. *per annum.*

Brady

Rol. F 17 Ed. I m. 11.

Ro. Ca A. II. Ed. III. m. 11. n. 26.

It was antiently (as Dr. Willis writes) incorporated. But the firſt charter I meet with, is, in 1610: whereby, King James the firſt appointed the government of the borough, to be by two bailiffs, and 15 burgeſſes, who were to be called capital burgeſſes and counſellors, of the ſaid borough, out of which the bailiffs were to be choſen. He alſo gave them power to chooſe a recorder, &c. but all theſe liberties are more amply ſet forth, and confirmed, in the charter of King Charles the firſt, in the fifth year of his reign, whereby he confirms their liberties; and grants, that, thenceforth the ſaid borough ſhould be a free borough, and the bailiffs, burgeſſes, and inhabitants, thereof, ſhould

2 Willis p. 414

Cart. 7 James I

Cart. Car. I see Appendix

be a body corporate, conſiſting of, and ſubſiſting by, the name of mayor, bailiffs, aldermen, and burgeſſes, of the ſaid borough; and there ſhould be one mayor, two bailiffs, ſix aldermen, and ſix capital burgeſſes (of the inhabitants of the ſaid borough;) and alſo all the inhabitants of the ſaid borough, are incorporated by the name of the governour, aſſiſtants, and freemen, of the ſaid borough; over whom there ſhall be one governour, and 24 aſſiſtants, to be choſen out of the freemen of the ſaid borough: all which will appear by the extract of the charter in Appendix. It has returned burgeſſes to parliament from the 23d of Edward I. I meet with no memoirs relating to its election, or repreſentatives, in that reſpect, until ſince the Reformation; after which, I meet with many: the firſt of which, is very remarkable, and here follows.

2 Willis, 420.

Ibid. 415. Dr. Willis writes, it has been famous for ſending to parliament its townſmen, or neighbouring gentlemen natives of this county: and, as a ſpecimen of its virtue, in the year 1604, gives his reader a copy of a certificate upon an election, which deſerves a place in theſe collections.

“ To the honourable aſſemblie of the high cort
“ of parliament, the burgeſſes of the boroughe
“ of Dorcheſter, in the countie of Dorſs,
“ ſendeth greetinge.

“ Wee the ſaide burgeſſes, do hereby ſignify unto you, that (upon ſtrictnes of the late proclamation, as wee tooke it, for the electinge of reciant burgeſſes) wee made choice of Matthew Chubbe and John Spicer of our ſaide towne, to be burgeſſes of this parliament. Albeit, wee acknowledge, that the ſaide Matthew Chubbe, before, and at the ſaid election, did, both by hym ſelfe and others, intreat us that hee might be ſpared therein, offeringe to ſome other to bee choſen five pounds towards his chargs to ſerve therein; and alleaginge unto us then the diſabilitie of his bodye to endure that ſervice; and for that it appeared in Eſter terme laſt, when the ſaide Matthew Chubbe was to do his ſervice in the ſaid parliament, that hee coulde not performe it, nor endure the ſame (by diſabilitie of bodye) and, doubtinge of diſablenes heeerafter to attende the ſame ſervice, dothe with us the ſaid burgeſſes, beecome hereby humble petitioners unto you, that he may not ſeem contemptuous by his abſence: and that it will pleaſe you to diſmiſſe the ſaide Chubbe, and to graunt a write for the election of an-other, wherein wee can aſſure you heereby, that wee will retorne an-other ſufficient perſone to attende the ſaide ſervice. For the better teſtymonie hereof, wee have heerunto ſete the comon ſeale of the ſaide boroughe the xxiiiith dai of June 1604.”

I have copied this letter out of Dr. Willis's Notitia; but I do not find any memoir of any proceeding thereupon.

Dec. 3, 1689. A complaint was made, that the writ for electing a burgeſs for this borough, in the room of Gerrard Nappier, eſquire, deceaſed, is not executed.

Ordered, that Mr. Cooper the late under-ſheriff, Mr. Atwell the preſent under-ſheriff, of the county of Dorſet, do attend this houſe to-morrow morning, to give an account of the reaſon thereof.

4th. The houſe being acquainted, that the late under-ſheriff of the county of Dorſet, and the preſent under-ſheriff, attended according to order, they were called in, and examined concerning the iſſuing a precept for electing a burgeſs for this borough, in the room of Gerrard Nappier, eſquire, deceaſed; and having given an account thereof, they withdrew.

Ordered, the mayor of Dorcheſter do forthwith proceed to execute the precept ſent him by the late ſheriff, for the electing of a burgeſs for this borough.

N. B. This matter happened by means of the ſheriff's death.

21ſt. A petition of Nathanael Bond, eſquire, ſerjeant at law, was read; ſhewing, that there having been a new writ ordered to iſſue for the chooſing another member for this borough, the petitioner was duly elected by the major part of thoſe who had the right of giving their votes in the electing of members; but Thomas Chafin, eſquire, was returned in prejudice of the petitioner: and praying &c.

Ordered, it be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

The parliament being ſoon after diſſolved, no report was made of this election.

March 24. A petition of Thomas Trenchard, eſquire, was read; ſhewing, that the petitioner, with James Gould, eſquire, were duly elected burgeſſes for this borough, by a majority of legal votesr; but that the mayor of the ſaid borough hath unduly returned Sir Robert Nappier, in prejudice to the petitioner: and praying &c.

Ordered, the petition be referred to the committee of privileges, to examine and report the matter, with their opinion.

April 3, 1690. A petition of the inhabitants of this borough was read; ſhewing, that the right of election of burgeſſes to ſerve in parliament for this borough is only in the inhabitants reſiding there, paying ſcot and lot, until upon one or two late elections it hath been practiſed otherwiſe; the mayor, town-clerk, and ſome of the aldermen there, contrary to the freeman's oath, having acted very partially, by admitting perſons on late elections, not ſo qualified as aforeſaid, to vote purely to elect ſuch perſons as by the wills and pleaſure of the ſaid mayor, town-clerk, and aldermen, are ſet up; ſo that of late, by ſuch arbitrary methods, there have not been two elections, one after another, choſen by one and the ſame method; but contrary to each other, as hath ſerved the purpoſes of the ſaid mayor, town-clerk, and aldermen: and praying the houſe to ſettle the borough in their antient rights and privileges, ſo that it may not be in the power of the mayor, town-clerk, &c. to deſtroy the ſame, or withhold the inhabitants of their antient uſage; but that the elections may, for the future, be in thoſe who have right to vote and elect.

Ordered to be referred to the committee of privileges and elections.

Oct. 6. Mr. Trenchard preſented his petition again: and it was referred, as before.

Dec. 3. Ordered to be reported on Saturday morning next.

6th. Ordered to be reported on Wedneſday next.

10th. The order was not called for.

12th. Ordered to be reported on Tueſday next.

16th. Mr. Grey reported from the committee, the ſtate of the caſe,—That upon the poll there were,

For Sir Robert Nappier 146,
For the petitioner —— 169.

That Sir Francis Child, knight, is duly elected a burgeſs to ſerve in the preſent parliament for this borough.

That Thomas Webb, ſerjeant at law, is duly elected a burgeſs to ſerve in this parliament for this borough. And ordered, that the return be amended accordingly.

March 5, 1713. A petition of Joſiah Diſton, and Francis Eyles junior, was read; ſhewing, that at the election for this borough, the petitioners, Robert Child and John Nicholas, eſquires, were candidates: that at the election the petitioners had the majority, and ought to have been returned in the room of the ſaid Mr. Child and Mr. Nicholas, who, by the undue practices of themſelves and their agents, have unduly procured themſelves to be returned, in wrong of the petitioners: and praying &c.

Ordered, that it be referred to the committee of privileges and elections to examine the matter, and report the ſame, with their opinion.

In the year 1720, an enquiry was made into the conduct of the directors of the South-Sea company, and Francis Eyles, eſquire, one of the members of the houſe of commons for this borough, being one of the ſaid directors.

Jan. 23, 1720. Ordered Francis Eyles, eſquire, do attend, in his place, on Saturday next.

28th. Mr. Eyles attended.

A motion was made, and the queſtion propoſed, that Francis Eyles, eſquire, a member of this houſe, is guilty of a notorious breach of truſt, as a director of the South-Sea company, and thereby occaſioned very great loſs to great numbers of his Majeſty's ſubjects, and highly prejudiced the publick credit.

Mr. Eyles was heard in his place, and withdrew.

Reſolved, that Francis Eyles, eſquire, a member of this houſe, and one of the directors of the South-Sea company, is guilty of a notorious breach of truſt, as a director of the ſaid company; and has thereby occaſioned very great loſs to great numbers of his Majeſty's ſubjects, and has highly prejudiced the publick credit.

Reſolved, that the ſaid Francis Eyles be, for his ſaid offence, expelled this houſe.

31ſt. Ordered a warrant for a new writ for electing a burgeſs to ſerve in this preſent parliament for this borough, in the room of the ſaid Mr. Eyles.

DEVONSHIRE.

THIS is a very large county in the weſtern parts of the kingdom, and has returned knights to parliament from the firſt ſummons in Edward the firſt's time. The firſt memorandum I meet with relating to them, is in the 16th of Richard the ſecond. Sir Philip Courtney one of the knights returned, was accuſed in parliament of many heinous offences, and was diſcharged (at his own requeſt, until he ſhould acquit himſelf of the ſame) from being a member, by the King and lords; but was afterwards reſtored upon the petition of the commons.—In the 4th of Hen. IV. he was again accuſed of ſeveral miſdemeanors, and by the King and lords committed to the Tower, and there remained till enlarged (upon ſureties) at the requeſt of the commons. The records of theſe tranſactions from the parliament rolls, may be ſeen in the Appendix.

4 Reg. 707, 708. Rot. Par. 16 R. II.

4 Hen. IV. Ib. 20, 21.

The return for this county in the 28th Hen. VI. is alſo ſet forth in the Appendix. The more modern memoirs relating to its elections and repreſentatives, in that reſpect, are theſe following.

Jan. 18, 1670. A motion being made for iſſuing a writ for electing another knight of the ſhire for this county inſtead of the now Duke of Albemarle, being not now in a capacity of ſitting in the houſe;——And information being given to the houſe, of an endeavour to foreſtal a free election, by iſſuing out papers, in the nature of warrants, to pre-engage the county before any writ iſſued—And ſeveral of the papers being delivered in at the table, and being upon queſtion ordered to be read; and read accordingly:

Reſolved, that the ſending warrants, or letters in the nature of warrants, or letters to high-conſtables or conſtables, or other officers, to be communicated to the freeholders or other electors, when a knight of the ſhire or other member is to be choſen to ſerve in parliament, or threatning the electors, is unparliamentary, and a violation of the right of elections.

Reſolved, that Mr. Speaker do certify the Lord Keeper of the great ſeal of England, that the now Duke of Albemarle, who lately ſerved as a knight for this county, is not now in a capacity of ſitting a member of this houſe, deſiring him that a writ may iſſue forth under the great ſeal for the election of a knight for this ſhire to ſerve in this preſent parliament in his place and ſtead.

June 2, 1685. A petition of Samuel Rolls, eſquire, touching the election for this county, was read.

Ordered it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion: but no report appears ever to be made.

June 21, 1712. Ordered a warrant for a new writ for electing a knight of the ſhire for this county, in the room of Sir William Pole, baronet, made maſter of the Queen's houſhold.

DORCHESTER.

THIS is the ſhire town of the county of Dorſet, and an antient borough, as appears by the record following.—*In Doreceſter tempore Regis Edwardi, erant* clxxii. *domus. Hæ pro omni ſervitio Regis ſe defendebant, & geldebant pro* x. *hid. Scilicet ad opus huſcarlium unam markam argenti, exceptis conſuetudinibus quæ pertinent ad firmam noctis. Ibi erant* ii. *monetiarii, quiſque eorum reddebat Regi unam markam argenti, &* xx. *Sol. quando moneta vertebatur.*

Gale's Hiſt An Script. vol. III p. 76

It was antiently of the King's demeaſne, and its antient government was by bailiffs, as appears by the Fine Roll 17 Edward II.; whereby the cuſtody of the borough was granted to the bailiffs, burgeſſes, and good men thereof, for five years, upon payment of 20 l. yearly. And King Edward III. on the petition of the burgeſſes, gave them the ſame grant for ever, on their paying the ſaid yearly farm of 20 l. *per annum.*

Br dy

Rol. Fi 47 Ed. m. 11.

Ro. C A. II. Ed. III. m. 11. n. 26.

It was antiently (as Dr. Willis writes) incorporated. But the firſt charter I meet with, is, in 1610: whereby, King James the firſt appointed the government of the borough, to be by two bailiffs, and 15 burgeſſes, who were to be called capital burgeſſes and counſellors, of the ſaid borough, out of which the bailiffs were to be choſen. He alſo gave them power to chooſe a recorder, &c. but all theſe liberties are more amply ſet forth, and confirmed, in the charter of King Charles the firſt, in the fifth year of his reign, whereby he confirms their liberties; and grants, that, thenceforth the ſaid borough ſhould be a free borough, and the bailiffs, burgeſſes, and inhabitants, thereof, ſhould be

2 Willis p. 414

Cart. James

Cart. Car. See A pendix

be a body corporate, conſiſting of, and ſubſiſting by, the name of mayor, bailiffs, aldermen, and burgeſſes, of the ſaid borough; and there ſhould be one mayor, two bailiffs, ſix aldermen, and ſix capital burgeſſes (of the inhabitants of the ſaid borough;) and alſo all the inhabitants of the ſaid borough, are incorporated by the name of the governour, aſſiſtants, and freemen, of the ſaid borough; over whom there ſhall be one governour, and 24 aſſiſtants, to be choſen out of the freemen of the ſaid borough: all which will appear by the extract of the charter in Appendix. It has returned burgeſſes to parliament from the 23d of Edward I. I meet with no memoirs relating to its election, or repreſentatives, in that reſpect, until ſince the Reformation; after which, I meet with many: the firſt of which, is very remarkable, and here follows.

2 Willis, 420.

Ibid. 415. Dr. Willis writes, it has been famous for ſending to parliament its townſmen, or neighbouring gentlemen natives of this county: and, as a ſpecimen of its virtue, in the year 1604, gives his reader a copy of a certificate upon an election, which deſerves a place in theſe collections.

> "To the honourable aſſemblie of the high cort of parliament, the burgeſſes of the boroughe of Dorcheſter, in the countie of Dorſs, ſendeth greetinge.

> "Wee the ſaide burgeſſes, do hereby ſignify unto you, that (upon ſtrictnes of the late proclamation, as wee tooke it, for the electinge of reciant burgeſſes) wee made choice of Matthew Chubbe and John Spicer of our ſaide towne, to be burgeſſes of this parliament. Albeit, wee acknowledge, that the ſaide Matthew Chubbe, before, and at the ſaid election, did, both by hym ſelfe and others, intreat us that hee might be ſpared therein, offeringe to ſome other to bee choſen five pounds towards his chargs to ſerve therein; and alleaginge unto us then the diſabilitie of his bodye to endure that ſervice; and for that it appeared in Eſter terme laſt, when the ſaide Matthew Chubbe was to do his ſervice in the ſaid parliament, that hee coulde not performe it, nor endure the ſame (by diſabilitie of bodye) and, doubtinge of diſablenes heeerafter to attende the ſame ſervice, dothe with us the ſaid burgeſſes, beecome hereby humble petitioners unto you, that he may not ſeem contemptuous by his abſence: and that it will pleaſe you to diſmiſſe the ſaide Chubbe, and to graunt a write for the election of an-other, wherein wee can aſſure you heereby, that wee will retorne an-other ſufficient perſone to attende the ſaide ſervice. For the better teſtymonie hereof, wee have heerunto ſete the comon ſeale of the ſaide boroughe the xxiiiith dai of June 1604."

I have copied this letter out of Dr. Willis's Notitia; but I do not find any memoir of any proceeding thereupon.

Dec. 3, 1689. A complaint was made, that the writ for electing a burgeſs for this borough, in the room of Gerrard Nappier, eſquire, deceaſed, is not executed.

Ordered, that Mr. Cooper the late under-ſheriff, Mr. Atwell the preſent under-ſheriff, of the county of Dorſet, do attend this houſe to-morrow morning, to give an account of the reaſon thereof.

4th. The houſe being acquainted, that the late under-ſheriff of the county of Dorſet, and the preſent under-ſheriff, attended according to order, they were called in, and examined concerning the iſſuing a precept for electing a burgeſs for this borough, in the room of Gerrard Nappier, eſquire, deceaſed; and having given an account thereof, they withdrew.

Ordered, the mayor of Dorcheſter do forthwith proceed to execute the precept ſent him by the late ſheriff, for the electing of a burgeſs for this borough.

N. B. This matter happened by means of the ſheriff's death.

21ſt. A petition of Nathanael Bond, eſquire, ſerjeant at law, was read; ſhewing, that there having been a new writ ordered to iſſue for the chooſing another member for this borough, the petitioner was duly elected by the major part of thoſe who had the right of giving their votes in the electing of members; but Thomas Chafin, eſquire, was returned in prejudice of the petitioner: and praying &c.

Ordered, it be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

The parliament being ſoon after diſſolved, no report was made of this election.

March 24. A petition of Thomas Trenchard, eſquire, was read; ſhewing, that the petitioner, with James Gould, eſquire, were duly elected burgeſſes for this borough, by a majority of legal votesr; but that the mayor of the ſaid borough hath unduly returned Sir Robert Nappier, in prejudice to the petitioner: and praying &c.

Ordered, the petition be referred to the committee of privileges, to examine and report the matter, with their opinion.

April 3, 1690. A petition of the inhabitants of this borough was read; ſhewing, that the right of election of burgeſſes to ſerve in parliament for this borough is only in the inhabitants reſiding there, paying ſcot and lot, until upon one or two late elections it hath been practiſed otherwiſe; the mayor, town-clerk, and ſome of the aldermen there, contrary to the freeman's oath, having acted very partially, by admitting perſons on late elections, not ſo qualified as aforeſaid, to vote purely to elect ſuch perſons as by the wills and pleaſure of the ſaid mayor, town-clerk, and aldermen, are ſet up; ſo that of late, by ſuch arbitrary methods, there have not been two elections, one after another, choſen by one and the ſame method; but contrary to each other, as hath ſerved the purpoſes of the ſaid mayor, town-clerk, and aldermen: and praying the houſe to ſettle the borough in their antient rights and privileges, ſo that it may not be in the power of the mayor, town-clerk, &c. to deſtroy the ſame, or withhold the inhabitants of their antient uſage; but that the elections may, for the future, be in thoſe who have right to vote and elect.

Ordered to be referred to the committee of privileges and elections.

Oct. 6. Mr. Trenchard preſented his petition again: and it was referred, as before.

Dec. 3. Ordered to be reported on Saturday morning next.

6th. Ordered to be reported on Wedneſday next.

10th. The order was not called for.

12th. Ordered to be reported on Tueſday next.

16th. Mr. Grey reported from the committee, the ſtate of the caſe,—That upon the poll there were,

For Sir Robert Nappier 146,
For the petitioner —— 169.

And that the majority was allowed to be with the petitioner: but the ſitting-member inſiſted, that the petitioner was a minor; and it was proved, that that objection was made to the petitioner at the time of the election, and a certificate produced, "that Thomas, ſon of Thomas Trenchard, eſquire, and Ann his wife, was baptized 14th of February, 1671;" neither was the minority of the petitioner oppoſed by his counſel: and thereupon the committee reſolved,

That Thomas Trenchard, eſquire, had the majority of voices at the election of burgeſſes to ſerve in this preſent parliament for this borough.

That the matter of the ſaid Thomas Trenchard being a minor, be ſpecially reported to the houſe.

The firſt reſolution being twice read, was agreed to by the houſe.

The ſecond reſolution, being read a ſecond time;

A queſtion was put, that Sir Robert Nappier is duly elected a burgeſs to ſerve in this preſent parliament for this borough: it was diſagreed to.

A queſtion being put, that Thomas Trenchard, eſquire, is duly elected to ſerve as a burgeſs in this preſent parliament for this borough, on a diviſion, paſſed in the affirmative.

Ordered the clerk of the Crown do attend to-morrow morning, to amend the return for this borough.

May 2, 1720. A petition of Abraham Janſſen, eſquire, was read; ſhewing, the petitioner, and Robert Brown, eſquire, were candidates for a member to ſerve in this preſent parliament for this borough: that the petitioner had the majority of above twenty votes of ſuch perſons who had an undoubted right of voting; and a majority of four votes, at the leaſt, by the mayor's own poll: that, notwithſtanding ſuch majority, the mayor hath returned the ſaid Robert Brown: and praying &c.

A petition of William Speke, and Joſeph Damer, eſquires, Francis Kingſtone, John Gollop junior, and George Yeat, gentlemen, in behalf of themſelves, and ſeveral others, who have a right for electing of members to ſerve in parliament for the ſaid borough, was read; ſhewing, that the undoubted right of voting for members, to ſerve in parliament for the ſaid borough is, and, beyond the memory of man, has been, in the inhabitants paying to church and poor, in reſpect of their perſonal eſtates; and in all perſons paying to church and poor, for, or in reſpect of any real eſtates they are ſeized or poſſeſſed of within the ſaid borough: that the petitioners were at the laſt election thus qualified to vote, but Thomas Pitman, mayor of the ſaid borough at, and before, the laſt election, in an arbitrary and illegal manner, endeavoured to elude and deſtroy the petitioners rights; and to veſt the power of electing members in himſelf, and the ſucceeding mayors of the ſaid borough, by admitting and allowing perſons to poll who had no right, nor were qualified: that, by the ſaid illegal practices, the ſaid Thomas Pitman hath returned Robert Brown junior, eſquire, duly elected; when, in truth, Abraham Janſſen, eſquire, the other candidate, had a majority of four voices, by the mayor's own poll; and a majority of twenty-ſix votes, by a poll fairly and indifferently taken: and praying &c.

Ordered, that both the ſaid petitions be heard at the bar of the houſe, on the 16th of May inſtant.

16th. The houſe proceeded to the hearing the ſaid petitions; and the counſel on both ſides were called in, and the ſaid petitions were read; and the counſel for the petitioners were heard, and went through the evidence on the petitioners behalf; and the counſel for Mr. Brown opened the caſe on his behalf.

Ordered to be heard again to-morrow morning.

17th. The houſe proceeded in the hearing, and the counſel were called in:

And the counſel for Mr. Brown proceeded to examine witneſſes, to qualify ſeveral of the voters to which the petitioners counſel had objected; and particularly ſuch as voted for eſtates within that part of the pariſh of the Holy Trinity, which was formerly the pariſh of Froom-Whitfield, and which was, by act of parliament, united to the pariſh of the Holy Trinity, *alias* Dorcheſter Trinitatis:

And the ſaid act was read; and the counſel on both ſides heard, and withdrew.

Reſolved, that that part of the pariſh, called the Holy Trinity, *alias* Dorcheſter Trinitatis, which was formerly the pariſh of Froom-Whitfield, is no part of this borough.

And the counſel were called in, and Mr. Speaker acquainted them therewith.

Then the counſel for the ſitting-member proceeded to examine witneſſes, to qualify other voters which the petitioners counſel had objected to; and particularly ſuch as lived in a place called Colliton-Row, touching which ſome witneſſes were examined; and the counſel on both ſides were heard, and withdrew.

Reſolved, that the tything of Colliton-Row, within the pariſh of the Holy Trinity, *alias* Dorcheſter Trinitatis, is no part of this borough.

The counſel were called in, and Mr. Speaker acquainted them therewith.

Then the counſel for Mr. Brown proceeded to examine witneſſes, to qualify other voters which the petitioners counſel had objected . . . then it was ordered to be heard again the next morning.

18th. The houſe proceeded in the ſaid hearing, and the counſel were called in:

And the counſel for Mr. Brown proceeded to qualify ſome more of the voters which the petitioners counſel had objected to; and alſo to diſqualify ſeveral of the voters for the petitioners, upon account of threatning and bribery:

And the petitioners counſel were heard in reply, and withdrew.

Reſolved, that the right of electing burgeſſes to ſerve in parliament for this borough, is in the inhabitants of the ſaid borough paying to church and poor, in reſpect of their perſonal eſtates; and in ſuch perſons as pay to church and poor, in reſpect of their real eſtates within the ſaid borough.

Reſolved, that Robert Brown junior, eſquire, is not duly elected a burgeſs to ſerve in this preſent parliament for this borough.

Reſolved, that Abraham Janſſen, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for this borough.

Ordered the return to be amended.

Reſolved, that Thomas Pitman, mayor of this borough, was guilty of divers illegal and arbitrary practices at the late election of a burgeſs to ſerve in this parliament for this borough.

Ordered, that Mr. Pitman be, for the ſaid practices, committed to the cuſtody of the ſerjeant at arms attending the houſe.

Oct. 19, 1722. A petition of William Chapple, eſquire, was read; ſhewing, that at the election for members, to ſerve in parliament for this borough, Joſeph Damer, Edmund Morton Pleydell, and George White, eſquires, and the petitioner, were candidates: that the petitioner was duly elected by a majority of ſuch as had a right to vote: that the mayor of the ſaid borough diſallowed the votes of ſeveral perſons who voted for the petitioner, and admitted ſeveral perſons, who were not qualified, to vote in favour of the ſaid Mr. Pleydell; by which, and by ſeveral illegal practices, the ſaid Mr. Pleydell hath procured himſelf to be returned, in injury to the petitioner: and praying &c.

A petition of George White, eſquire, was read; ſhewing, that at the election of members, to ſerve in parliament for this borough, Joſeph Damer, eſquire, and the petitioner, were candidates: that Andrew Purchaſe, mayor of the ſaid town, by rejecting the votes of ſeveral perſons who voted for the petitioner, and accepting of others, who had no right, for the ſaid Mr. Damer; by this, and other illegal practices, the ſaid Mr. Damer procured himſelf to be returned, in prejudice to the petitioner: and praying &c.

Ordered the ſaid petitions be referred to the conſideration of the committee of privileges, to examine and report the matter, with their opinion.

Nov. 23. Ordered, that leave be given to Mr. White to withdraw his petition.

Feb. 7. Ordered, that the report on the petition, touching the election for this borough, be received on Wedneſday next.

13th. Mr. Gybbon reported the matter of the ſaid election, upon the petition of William Chapple, eſquire: That the committee have examined the merits of the election, and that the right of election was agreed to be in the inhabitants of the ſaid borough, who pay to church and poor in reſpect of their perſonal eſtates; and in ſuch perſons as pay to church and poor, in reſpect of their real eſtates within the borough.

The poll was,	For Mr. Pleydell	147,
	For the petitioner	138.

The petitioner's counſel inſiſted, that great partiality had been uſed in making up the rates, of late years, contrary to the antient practice in the borough; and that perſons were put in or out, juſt as it ſerved a turn in elections: and called,

Mr. Peter Templeman; who ſaid, before the year 1710, for thirty years to his knowledge, the pariſh-officers were conſtantly choſe by the pariſhioners at a veſtry in Eaſter-week; and the rates were always ſettled by common conſent of the pariſhioners aſſembled in veſtry, upon notice given in the church; but about that year there being a great conteſt touching an election, the juſtices of the peace took upon them to nominate the pariſh-officers, and make the rates according to their own intereſt; and have ſince continued ſo to do. He alſo ſaid, upon inſpection of the rates for ſeveral years paſt, that he found, in ſome years, ſeveral perſons names inſerted with blanks for ſums, or cyphers inſtead of ſums.

The petitioner's counſel ſaid, they ſhould take 19 from Mr. Pleydell's poll, and add to the petitioner's poll eight; four of which were rated; and the other four left out, to hinder their voting.

As to the 19 objected to, Mr. Templeman ſaid, four of them were only daily-labourers, or perſons in mean circumſtances; and that their rates were paid by others. He produced two receipts, by which it appeared, that Edward Watts paid for thoſe four, and for five others, in 1716; and for the ſame four, and four others, in 1717: and ſaid, Mr. Trenchard, a little before he died, declared he paid the rates for thoſe perſons. As to the other fifteen, William Smith and John Ward he ſaid were not houſekeepers, but gentlemens ſervants. That upon inſpecting the rates on this occaſion, he found that William Gawler was not rated till 1721; but the houſe he voted for was rated before, in the name of Richard Gawler.

That Joſeph Biſhop junior was not rated till 1721, and is not in the church-rate.

That Gabriel Gould, tailor, is not in the church-rate for 1721, but is in the poors-rate for that year; but never rated before.

That Nicholas Doule was not in the church-rate for 1721, but was put in the poors-rate for that year, after his father died, who paid the rates in his life-time: and Mr. Templeman ſaid, Doule the father was a ſubſtantial man, and ſo was the voter.

Mr. Frampton, a clergyman, is rated for 1721, but had been left out of the rates for ſeveral years; was not an inhabitant at the time of the election; is incumbent of a living twelve miles off, and has another within a mile of the town; is rated for perſonal eſtate; and the houſe he comes to is his mother-in-law's, as he believes.

That Richard Hopkins was not rated before 1721: he rents a houſe of 10 l. a year, and is in good buſineſs; and has been in the town two or three years.

That Richard Roſe was rated firſt in 1720, and he then paid only half the rate; but could not ſay whether it was for a whole year, or half a year.

That Mr. Richard Hutchings was upon no rate before 1721. He has been miniſter of the pariſh, and has lived there twenty years; has voted in all elections without objection; but his living is no more than 9 l. 6 s. 8 d. yearly, before it received two augmentations, of 10 l. *per annum* each, by the late Queen's bounty.

That James Hounſle was not rated till 1721: he is rated for lands which were rated before in another name; and the witneſs ſaid, he had heard that Hounſle had bought it.

That Edward Stickland is rated for lands, but not before 1721.

That John Bamfylde was no inhabitant in the borough at the time of the election, but lived a mile off: his name is upon the rate for 1721, but not before; and the houſe he is rated for is his father-in-law's houſe.

That Mr. John Gundry is rated for lands, but has none within the borough: that he has lived there five or ſix years; has two or three hundred pounds a year eſtate, but no lands in the borough: that he is rated, and voted, for lands.

That John Primmer's name is not in the rates: that the lands he voted for go in the name of John Collins: that he was objected to at the poll, and allowed on producing his title.

To add eight to the petitioner's poll,

Batt and Templeman gave evidence, that three of them were in former rates, and voted formerly for Mr. Janſſen; and were ſince that, about two years before the laſt election, ſtruck out of the rates.

That the fourth, John Bartlet, is a malſter of ſubſtance, has two tenements of his own, but is not rated: that theſe four came to poll for the petitioner, and the mayor refuſing the two firſt becauſe they were not rated, and declaring he would poll none but thoſe who were in the rates; the other two hearing that, did not tender their votes to the mayor, but declared, they came to vote for the petitioner.

The other four, Mr. Templeman ſaid, offered their votes, and were refuſed by the mayor: and it was proved, theſe four were rated, and paid their rates.

For Mr. Pleydell it was denied, that any partiality was uſed, or ill practice, in making the rates: and it was alledged, it was uſual for the clerks, who ingroſſed the rates, to leave blanks for ſums, which were always filled up in the veſtry with figures or cyphers, as the pariſhioners thought fit.

As to the nineteen objected to;

For the firſt five, objected to as not paying their rates, there was no evidence offered; but ſaid, the petitioner's witneſſes had not diſqualified them.

And as to the reſt,

Gliſſon, the overſeer of the poor, ſaid, that Ward, one of them, is journeyman to a grocer in the town, and his wages 30 l. yearly, as he had heard.

The other thirteen were all rated, ſome in their own, and ſome in their tenants names; and all paid poors-rates in 1721: but it was alſo inſiſted, that theſe were not diſqualified by the petitioner's evidence.

Againſt adding five to the eight propoſed to be added by the petitioner,

Gliſſon ſaid, three of them were ſtruck out of the rates three years ſince, becauſe the veſtry ſaid, they were not able to pay; and have never been ſince rated. He owned, they voted for Mr. Janſſen; and Bartlet was never rated.

David Haydon ſaid, John Haydon voted for his brother Jonathan's houſe, who has been in poſſeſſion twenty years, and paid the rates; and the voter had no title.

The committee reſolved,

That Edmund Morton Pleydell, eſquire, is duly elected a burgeſs to ſerve in parliament for this borough.

The ſaid reſolution, being twice read, was diſagreed to by the houſe.

Reſolved, that William Chapple, eſquire, is duly elected a burgeſs to ſerve in this parliament for this borough:

And ordered the return to be amended.

DORSETSHIRE.

THIS county is in the weſtern part of this kingdom, was joined under the ſame ſheriff with Somerſet, and ſent members to parliament from the time of the firſt returns, in the reign of King Edward the firſt. (The indenture of return will be found in the Appendix.) I have met with the following memoirs concerning its elections, and members in that reſpect.

Feb. 11, 1625. Sir John Finch reporteth from the committee of privileges, That at the election of the knights for this county, where Sir Thomas Freake clearly choſen, the high-ſheriff refuſed ſome which were preſent, preſently after the reading of the writ, would not admit their voices, becauſe they would not ſwear they were preſent at the reading of the writ; to which purpoſe an oath invented and miniſtred:—that this oath was partially given to ſome, and not to others.

Sir Thomas Freake:—That the high-ſheriff 72 years old.—Moveth, the under-ſheriff, and county-clerk, may be firſt heard; that, if they can ſatisfy the committee, and houſe, his ſending for may be ſtayed.

Sir John Strangeways:—That the oath, which was adminiſtred, was not by the ſheriff's deſire, but agreed upon by the gentlemen; and Sir George Moreton has more diſadvantage by it, than Mr. Brown, by much.

Reſolved, that the under-ſheriff and county-clerk, being in town, ſhall attend the committee for privileges on Tueſday next.

And, upon queſtion, reſolved, that the ſending for the high-ſheriff be reſpited till they be heard, and further order taken by the houſe.

May 21, 1677. A petition of Thomas Browne, eſquire, complaining of a double return, made by the high-ſheriff of this county, of Sir Nathanael Napper, together with the petitioner, to ſerve in this preſent parliament as knights of the ſhire for this county, in the room of John Lord Digby, now Earl of Briſtol; was read.

Ordered it be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

Feb. 15. Sir Thomas Meeres reported from the ſaid committee, That the committee, taking the matter into conſideration, had ordered him to make the report following; viz.

Whereas, on the 30th day of April laſt, an election was intended to be made of a knight of the ſhire for this county, upon a writ legally iſſued for that purpoſe:

Reſolved, &c. that ſuch election, and the return thereupon, are void. Becauſe the ſheriff did not execute or obey his writ. Becauſe he left divers freeholders unpolled, and made no due proclamation before he cloſed the poll. Becauſe he did not number thoſe voices he had polled, nor declared who he judged to be duly elected. Laſtly, he returned two perſons, when he ſhould have returned but one; and ſignified ſuch his return to be the agreement of the parties, rather than his judgment, according to right and law.

Reſolved, &c. that this houſe doth agree with the committee, That whereas, on the 30th of April laſt, an election was intended to be made of a knight of the ſhire for the county of Dorſet, upon a writ legally iſſued for that purpoſe; that ſuch election and return, made thereupon, are void:

Becauſe the ſaid ſheriff did not execute or obey his writ:

Becauſe he left divers freeholders unpolled; and made no due proclamation before he cloſed the poll:

Becauſe he did not number thoſe voices he had polled; nor declare, who he judged to be duly elected:

Laſtly, he returned two perſons, when he ſhould have returned but one; and ſignified ſuch his return to be the agreement of the parties, rather than his judgment, according to right and law.

Ordered, that Mr. Speaker do iſſue his warrant to the clerk of the Crown, to make out a new writ, for the electing of a knight of the ſhire to ſerve in this preſent parliament for the county of Dorſet, in the room of the Lord Digby, called up to the houſe of Lords.

DOVER.

THIS town, or port, is ſituate within the county of Kent; and is chief of the antient cinque, or five ports, which was their original number—viz. Dover, Sandwich, and Romney, in the time of the Confeſſor; and Haſtings, and Hithe, ſince added by the Conqueror. Lord Coke writes, that Winchelſey and Rye were alſo added, and voucheth it by the following record; viz. *Anno 1 Regis*

1 *Regis Johannis, quod Winchelſey et Rye debent eſſe in auxilium villæ de Haſtings ad faciend' regis ſervicium 20 navium, &c.* But they were never accounted ſo, being only called antient towns, and members of the ſame ports, in the ſeveral charters which were confirmed by King Charles the ſecond.

See ex- ract of he char- er in Ap- pendix.

Of theſe cinque-ports the conſtable of Dover-Caſtle is warden, has the return of writs, and his reſidence was in the ſame caſtle. The firſt grant of which was to Pharanus de Bolonia in fee, at the time of the Conqueſt, as appears by the following record: viz.

Memorandum quod Pharanus de Bolonia venit ad Conqueſtum tempore Willielmi Regis, baſtardi, et in illo Conqueſtu perquiſivit wardam de Doveria in feodo, et habuit, et tenuit toto tempore prædict' Regis Willielmi uſque ad tempus Regis Henrici, avi Regis Henrici filii Regis Johannis, et dictus Rex Hen. avus dedit dicto Pharano 60. *libratas terræ in eſchambio pro Doveria,* viz. *manerium de Wendovre pro* xl. *libr. terræ, Kingſhull pro* x. *libr. terræ, et* 7 *hidas in Eton pro* 10 *li. terræ. In lib. de Abbathia Miſſ. fo.* 114.

illis, 749. 71.

The corporation of this town conſiſts of a mayor, 12 jurats, and 37 common-council-men. As to its repreſentation in parliament, the firſt memoir I meet with is the following writ iſſued to the cinque-ports; viz.

Hen. II.

Rex baronibus et ballivis portus ſui de Sandwico, ſalutem. Cum prelati et nobiles regni noſtri tam pro negotio liberationis Edwardi primogeniti noſtri, quam pro aliis communitate regni noſtri tangentibus, ad inſtans PARLIAMENTUM *noſtrum quod erit London in Octab. Sancti Hillarii convocari fecimus, ubi veſtra ſicut et aliorum fidelium noſtrorum præſentia plurimum indigemus. Vobis mandamus in fide et dilectione quibus nobis tenemini firmiter injungentes, omnibus aliis prætermiſſis, mittatis ad nos ibidem quatuor de legalioribus et diſcretioribus portus veſtris. Ita quod ſint ibid. in octab. prædictis nobiſcum et cum præfatis magnatibus regni noſtri tractatur, et ſuper præmiſſis conſilium impenſuri. Et hoc ſicut honorem noſtrum et veſtrum, et communem utilitatem regni noſtri diligitis nullatenus omittatis. Teſte Rege apud Weſtm.* 20 *die Januar.*

It is to be obſerved, that it was directed immediately to the bailiffs of Sandwich, and of the reſt of the ports; not to the conſtable of Dover-Caſtle and warden of the cinque-ports, as in ſucceeding times, nor to the ſheriffs of the counties: and though the words *parliamentum noſtrum* are uſed, yet the chief motive of the ſummons was the King's need of theirs and other his barons preſence in this parliament, as well as the temporal barons; moſt of whom were newly ſlain at the battle of Eveſham, and the reſt of their party then in actual arms and rebellion againſt the King. Alſo, that it was to ſend four of the legalleſt and diſcreeteſt men out of every port to the parliament (and not two as in ſucceeding times) *nobiſcum et cum præfatis magnatibus regni noſtri tractaturi, et ſuper præmiſſis conſilium impenſuri,* as if they had been then joint counſellors and aſſeſſors with the lords; not as in moſt ſucceeding writs, *ad faciend' et conſentiend' hiis, quæ tunc de communi conſilio regni noſtri prædicti contigerit ordinari*; and it cloſes, as the ſummons to the lords ſpiritual and temporal, *et ſicut nos, et honorem noſtrum et veſtrum, &c.* ſo that, upon the whole, this writ does not appear to be a ſummons of them as parliamentary repreſentatives.

P. R. 44.

Yar- outh.

Mr. Prynn has taken notice of no return before the 42d of Edw. III; but I find, that in the 18th of Edw. I. the barons of the cinque-ports, and men of Jernemouth *; were preſent at two parliaments, as complainants againſt each other touching their differences, though neither ſummoned as barons or burgeſſes. In 22, 23, 25, 26, 27, and 29 Edw. I. there were no writs directed to the conſtable of Dover, or wardens of the cinque-ports, to elect or ſend any barons to thoſe parliaments. Only in cl. 27 Edw. I. dorſ. 18. there is a writ of proclamation directed to them and the men of Yarmouth, *De pace inter barones quinque portuum et homines de Jernemouth, proclamanda et tenenda,* upon new differences between them after a full accord in parliament. To compoſe whoſe dangerous hoſtile feuds, which this proclamation could not appeaſe, a memorable writ, ſummoning them to the parliament of 28 Edw. I, iſſued to the ports and men of Yarmouth; an abſtract of which here follows (ſee it at large in the Appendix) viz. *Tractatum habere, et contentionibus et diſcordiis illis finem imponere intendimus domino concidente. Vobis mandamus injungentes,* QUOD TRES VEL QUATUOR, DE PROBIORIBUS EX DISCRETIORIBUS HOMINIBUS DE QUOLIBET PRÆDICTORUM PORTUUM, *plenam et ſufficientem pro ſe et tota communitate portuum eorundem, cum membris ſuis habentes, ad nos in dictos diem, &c.* The ſame writ iſſued alſo in the 30th of Edw. I. with the addition of the following proviſo; viz. *Proviſo, quod illi quos ſic ad nos mittatis talem et tam ſufficientem habeant poteſtatem, quod pro defectu poteſtatis hujuſmodi, negotium illud infectum non remaneat, quod nollemus; et habeatis ibi hoc breve. Vobis inſuper ſub foriſfactura vitæ et membrorum et omnium quæ ad nos foriſfacere poteritis diſtricte inhibemus, et ſubditis veſtris omnibus et ſingulis ſub foriſfactura conſimili volumus inhiberi, ne nos vel ipſi ſubditi præfatis hominibus noſtris de Jernemuth vel eorum alicui per mare ſeu per terram in perſonis aut in rebus eorum inferatis vel inferant dampnum aliquod vel gravamen, ſeu aliquid aliud faciatis vel faciant per quod pax noſtra infringi valeat ſeu turbari. Tales marinarios in navibus veſtris extra portus noſtros tranſiuntibus ponentes pro quibus volueritis reſpondere.*

28 Ed. I.

30 Ed. I.

Et mandatum eſt Roberto de Burgherſt, cuſtodi quinque portuum quod tres vel quatuor, de quolibet portuum prædictorum cum membris ſuis mittant, &c. cum iſta clauſulæ. Volumus inſuper ſubditis veſtris, omnibus et ſingulis ſub foriſfactura vitæ & membrorum et omnium, &c. firmiter inhiberi, ne ipſis præfatis hominibus noſtris de Jernemuth, &c. as in the precedent writ.

Conſimile vero mandatum ut ſupradictis hominibus noſtris de Jernemuth, fecimus in hac parte. Teſte rege ut ſupra.

The next writ of ſummons extant, is to the conſtable of Dover-Caſtle, thus regiſtered at large in clauſ. 17 Edw. II. d. 27.

17 Ed. II.

Rex dilecto et fideli ſuo Johanni de Pecche, conſtabular. caſtri ſui Dover, et cuſtodi quinque portuum ſuorum, ſalutem. Quia ſuper diverſis, &c. (*ut ſupra* to the archbiſhop, *uſque tractatum.*) *Vobis mandamus firmiter injungentes, quod de quolibet portu portuum prædictorum* DUOS BARONES *de diſcretioribus, et ad laborandum potentioribus eligi, et eos ad dictos diem et locum venire fac. Ita quod dicti barones plenam et ſufficientem poteſtatem pro ſe et communitate portus ſui habeant ad faciendum et conſentiend. hiis quæ in dicto parliamento ordinari contigerit ſuper negotiis antedictis. Ita quod pro defectu poteſtatis hujuſmodi dicta negotia infecta non remaneant quovis modo. Et habeas ibi nomina baronum prædictorum, et hoc breve. Teſte ut ſupra. Per ipſum Regem.*

Several other writs, of the like nature, iſſued out to the cinque-ports; but Mr. Prynn writes, he can find no writs of ſummons to parliament, iſſued to the warden or barons of the cinque-ports, entered among the other writs of ſummons, to the prelates, barons, and ſheriffs of counties, 'till after the 32d Edw. III; although, in the *Brevia Parliamenta Rediviva*, he writes, a ſummons was ſent in the 6th year of that King's reign, but none after 'till 42 Edward III, in which year he begins his liſt of repreſentatives. The memoirs of its elections and repreſentatives, which I have met with, are theſe following; viz.

1 Journal, p. 748. March 24, 1623. Mr. Glandvyle reported from the committee of privileges for Dover,——

The caſe thus: two petitions; one, by the inhabitants at large; the other, by the mayor, jurats, and common-council. That complained of, was this: Sir Richard Young and Sir Edw. Cecill returned, when not duly elected.—Found, the mayor and jurats ought to have voice. Appeared, that by a conſtitution, made 3° Queen, in the preſence of the commonalty, that from thenceforth all thoſe officers, that had been choſen before at large, ſhould after that time be choſen by the 37 common-council. At that court the firſt 37 nominated: ever ſince that, the elections had been ſo, and the commonalty not meddled.—Warning given on Monday, for a meeting, day following; no intimation of the cauſe: this only given to the jurats, and 37. Upon this, met, and entered into diſpute concerning the buſineſs of Sandwich, and went to voices; the greater number whereof, that this conſtitution did bind: and thereupon choſe theſe two.——Opinion of the committee, that all the freemen, inhabitants, ought to have voices in this election. Next, that no good election of theſe two; but both void; and conſequently, a new writ.——One objection againſt it; that, ſince ſo long continued, not now to controul it. But anſwered, that no good cuſtom, ſince the beginning of it did appear. For the mayor; they find, he rather in an error, than miſdemeanor: appeared, no practice. 4thly, That they found, theſe knights had carried themſelves fairly. 5thly, That the warrant may go out with all expedition.

Reſolved, upon queſtion, that the freemen, and free-burgeſſes, inhabitants of Dover, ought to have voice in the election of their barons to ſerve in parliament.

Reſolved, upon a ſecond queſtion, that the election of Sir Edward Cecill, and Sir Richard Young, is void; and that a new warrant ſhall go out, for a new choice, with expedition; and that theſe men may be choſen again, if they ſo pleaſe.

Feb. 14, 1672. A petition of Thomas Papillon of London, merchant, was read; complaining of an undue return of Sir Edward Spragg, to ſerve as a baron for this town and port, by Richard Jacob, eſquire, mayor of the ſaid town, in injury of the petitioner, who was duly elected and choſen to ſerve for this place.

Another petition of the inmates, common-council, and freemen of this town and port, was read; complaining of the indirect proceedings and practices of the ſaid Mr. Jacob, the mayor of this town, in relation to the election of a baron to ſerve for this town.

Ordered, that both the ſaid petitions be referred to the committee of elections, to conſider the matter thereof; and report it, with their opinions therein, to the houſe. They were not heard this ſeſſions. But,

Jan. 7, 1673. The petition of Thomas Papillon, was again renewed, and referred in like manner.

16th. Sir Thomas Meeres reported from the committee of privileges and elections, the ſtate of the caſe, and the evidence therein, in the election and return for this port; and the votes of the committee paſſed thereupon; viz.

That Sir Edward Spragg (then deceaſed) was not well elected a member of this parliament to ſerve for this port.

That Mr. Thomas Papillon is well elected a member of this parliament, to ſerve for this port: which reſolutions, after debate, were, upon the queſtion, agreed to by the houſe.

Ordered, that the clerk of the Crown, and mayor of Dover, do attend to-morrow, to amend the return for this port.

A complaint being made, of preſſing pilots and ſeamen, to prevent their votes; and other miſcarriages, committed in the election for the port of Dover;

Reſolved, &c. this houſe will, on Monday next, proceed in the conſideration of the miſcarriages upon the election for this port.

21ſt. Ordered to be conſidered to-morrow.

22d. The matter heard, but no reſolution come to.

March 21, 1678. A petition of John Strode, eſquire, complaining of an undue return made by Mr. Stokes, the preſent mayor of this port, of himſelf, to ſerve in this preſent parliament, as one of the barons for this port, in injury of the petitioner, who was duly elected, and returned to ſerve for the ſaid port; was read.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

April 1, 1679. Sir Thomas Meeres reported the matter of the return for this port, as followeth; viz.

The writ is directed, *Conſtabulario caſtri Dover, ac cuſtod' quinque portuum, vel eis locumtenentibus ibidem*: upon which writ is indorſed thus; "*Executio iſtius brevis patet in quibuſdam ſchedul' huic brevi annex' reſpons' Johannis Strode, armigeri, locumtenentis Domin. Regis caſtri Dover, &c.*" to which writ is affixed a precept, made by John Strode, eſquire, the King's lieutenant of Dover-Caſtle, directed to the mayor, jurats, and commonalty of the town and port of Dover, in the county of Kent; to chuſe two barons for the ſaid port: upon which precept is indorſed thus; *Executio iſtius mandati patet in quadam indentura huic annex' per major', jurat', et communit' villæ et port' Dover, in communi prædict.*

There is affixed to the ſaid writ an indenture, dated 3d day of March laſt, made between John Strode, eſquire, lieutenant of his Majeſty's caſtle of Dover, on the one part; and the mayor, jurats, and commonalty, of the ſaid town and port of Dover, of the other part; whereby the ſaid mayor, jurats, and commonalty, have choſen William Stokes, eſquire, and Thomas Papillon, eſquire, to be their barons: and, in witneſs thereof, the ſaid mayor, jurats, and commonalty, had cauſed their common ſeal to be affixed thereto: and accordingly, there is a large ſeal affixed to the ſame indenture.

There is affixed to the ſame writ a writing, purporting an indenture (but made between nobody) witneſſing, "that we the mayor, jurats, and barons of the town and port of Dover, in a full hundred there; that is to ſay, George Weſt, deputy-mayor, John Vaylie, and Aaron Wellard, jurats, five of the common-council, and ten others, ſtiled barons, of the ſaid port; have choſen Thomas Papillon,

pillon, gentleman; and John Strode, eſquire, our com-barons: in witneſs whereof, we the mayor, jurats, and barons of the port aforeſaid, have put our hands and ſeals," and it is ſubſcribed by George Weſt, deputy-mayor, and ſeventeen others; and eighteen ſeals affixed at the bottom; but no great or common *, either to it, or mentioned ſo to be.

Whereupon the committee reſolved,

That the indenture, wherein William Stokes, eſquire, and Thomas Papillon, eſquire, are returned to ſerve in this preſent parliament as barons for this town and port, is well and duly returned, and by the proper officer; and that thereupon they ought to ſit, as duly returned to ſerve in this preſent parliament for the ſaid town and port—Upon which, the houſe came to the ſame reſolution.

Nov. 26, 1709. Ordered, that Mr. Speaker do iſſue his warrant for a new writ, for electing a com-baron, to ſerve in this preſent parliament for this port, in the room of Matthew Aylmer, eſquire, appointed admiral and commander in chief of the fleet.

April 16, 1717. Ordered a warrant for a new writ for electing a com-baron to ſerve in this preſent parliament for this borough, in the room of Matthew Aylmer, eſquire, made a commiſſioner of the admiralty.

March 20. Ordered a warrant for a new writ, for electing a baron to ſerve in this preſent parliament for this borough, in the room of Matthew Aylmer, eſquire, made maſter of Greenwich hoſpital, for his life.

Dec. 10, 1720. Ordered a warrant for a new writ, for electing a baron to ſerve in this preſent parliament for this port, in the room of Philip Papillon, eſquire, made receiver of the ſtamp-duties.

May 27, 1723. Ordered a warrant for a new writ, for electing a baron to ſerve in this preſent parliament for this port, in the room of the honourable George Berkeley, eſquire, made maſter of the hoſpital of St. Katharine.

DOWNETON.

Prynn's 4 Regiſt. 964.

THIS borough is ſituate within the county of Wilts; and returned members to parliament from the 26th of Edward the firſt, to the 38th of Edward the third; and then ceaſed till the 1ſt of Henry the fifth; and from thence ceaſed again till the 20th of Henry the ſixth: after which it has continued to return, as other boroughs, till this time. The memoirs of conteſted elections, and of its members in that reſpect, are theſe.

Feb. 19, 1640. Ordered, that the cauſe, concerning the election for this borough, be heard on Saturday-come-fortnight, before the committee of privileges: but I do not find any report.

May 3, 1660. Mr. Turner reported from the committee of privileges and elections, touching the double return for this borough, with the opinion of the committee;

That Thomas Fitz-James, and William Coles, eſquires, are returned by the bailiff, to whom the warrant was directed, and ought to ſit, until the merits of the cauſe upon the ſaid double return be determined: to which the houſe agreed.

9th. Mr. Turner reported from the ſame committee, that, upon the examination of the fact, it appeared to the committee, that Giles Eyre the younger, and John Elliot, are duly choſen to ſerve in this parliament for this borough, and ought to ſit: with which the houſe agreed.

May 17, 1661. Serjeant Charleton reported from the ſame committee, touching the double return for this borough; that Gilbert Raleigh, eſquire, and Walter Buckland, eſquire, are returned by one indenture; and John Elliot, gentleman, and Giles Eyres, eſquire, by another indenture; and the opinion of the committee is,

That Mr. Raleigh and Mr. Buckland, being returned by the proper officer, ought to ſit, until the merits of the cauſe touching the ſaid election be determined: to which the houſe agreed.

July 3. Serjeant Charleton reported, from the ſame committee, touching the election for this borough; that the queſtion was, whether the out-livers that have freeholds, but no houſes, within the borough, had voices; and the opinion of the committee, that they had voices; and that Mr. Elliot and Mr. Eyre had the major voices; and were duly elected, and ought to ſit.

But ſome members inſiſting, that divers inconſiderable freeholders were fraudulently created; whereby the ſaid Mr. Elliot and Mr. Eyre obtained the majority of voices; concerning which, ſome of the evidence was not heard. The ſaid report was, on the queſtion, diſagreed to; and recommitted, fully to examine the fact in point of fraud; but I find no other reports.

Jan. 25, 1697. The houſe proceeded in the further examination of the matter, touching the falſe indorſement of Exchequer-bills:

And Mr. Stent was called in; and examined. And then he withdrew.

Which examination relating to Charles Duncomb, eſquire, a member of this houſe;

To which he being heard in his place; and then withdrew;

Reſolved, that Charles Duncomb, eſquire, a member of this houſe, having contrived and adviſed the making falſe indorſments of Exchequer-bills, and paid the ſame into the receipt of Exchequer for exciſe, although they had never paſſed through that revenue, be for the ſaid offence committed priſoner to his Majeſty's Tower of London: and that Mr. Speaker do iſſue his warrants accordingly.

Ordered, that no perſon be admitted to converſe with the ſaid Mr. Duncomb, by letters or otherwiſe, until the further order of this houſe.

Ordered, that the ſaid Mr. Duncomb be permitted to have a ſervant to attend him in the Tower.

Ordered, that the ſaid Mr. Duncomb do give in his anſwer and defence, in writing, upon Friday morning next.

Jan. 27. A petition of Charles Duncomb, eſquire, priſoner in the Tower was preſented, and read; ſhewing, that the petitioner being fallen under the diſpleaſure of this houſe, it has increaſed his diſtemper of the gout; in which condition he has received the order of this houſe, for putting in his anſwer and defence to the charge againſt him, upon Friday next; which, he apprehends, is matter of law and time: and, the time being very ſhort, he prays, that he may have counſel to adviſe him, in order to ſuch his anſwer and defence.

Ordered, that Mr. Duncomb have further time, until Tueſday next, to put in his anſwer and defence.

Then a motion being made, and the queſtion being propoſed, that Mr. Duncomb have counſel to adviſe with, in order to his anſwer and defence;

The previous queſtion was put, that that queſtion be now put;

And it paſſed in the negative.

Memorandum, That when the previous queſtion, for allowing Mr. Duncomb counſel to adviſe with, was put, the houſe were unanimouſly inclined to leave it to him, whether he would put in any anſwer, or not; becauſe they conceived he had made an anſwer in his place already; and therefore, if the orders of the houſe would have allowed, they would have added, to the queſtion of further time, theſe words, "if he thought fit to put in any anſwer:" but that order being made before the ſenſe of the houſe therein was perceived, the ſpeaker, by leave of the houſe, declared it to be their ſenſe, that Mr. Duncomb had his election, whether he would put in any anſwer, or not.

Feb. 1. Mr. Speaker acquainted the houſe, that he had this morning received a letter from Mr. Duncomb in the Tower; which he deſires may be communicated to the houſe: and the ſame was read, and is as followeth; viz.

"SIR,

"I beſeech you to acquaint the honourable houſe, that I have received their favour, of the liberty granted by them for putting in my anſwer, with my utmoſt thankfulneſs. The misfortune of being under their diſpleaſure lieth very heavy upon me; and my pains from the gout are exceſſive; ſo that I am not able to do it this day; but, as ſoon as God ſhall pleaſe to eaſe me of them, I ſhall put in my anſwer: towards which, I ſhould have been much better enabled, had it been their pleaſure to have granted me the aſſiſtance for which I petitioned: however, I hope it will be to the clearing me from what is charged upon me. I am, with all reſpect,

"SIR,

"Your moſt humble and

"Obedient ſervant,

"CHARLES DUNCOMB."

Tower, Feb. 1,
1697-8.

It appearing to this houſe, on examination, and by the confeſſion of Charles Duncomb, eſquire, a member of this houſe, that the ſaid Mr. Duncomb is guilty of contriving and adviſing the making falſe indorſements of Exchequer-bills; and of paying the ſame into the receipt of Exchequer for exciſe, although they had never paſſed through that revenue;

Reſolved, that the ſaid Mr. Duncomb be expelled this houſe.

4th. Ordered, a warrant for a new writ, for electing a burgeſs to ſerve in this preſent parliament for this borough, in the room of Charles Duncomb, eſquire, expelled this houſe.

Feb. 13, 1700. A petition of Sir Charles Duncombe was preſented, and read; ſhewing, that at the election of burgeſſes to ſerve in this preſent parliament for this borough, the petitioner had juſtly the majority of good votes; but, by the artifice of John Eyre, eſquire, many votes were multiplied, and allowed by the officer, who was to make the return, which ought not to vote; and many were rejected who had a right, and would have voted for the petitioner: and, by the injuſtice of the ſaid officer, ſuch notice was not given as the law requires for elections; nor did he indorſe the precept on the day he received it, as he ought; nor is Mr. Eyre returned by the legal officer, who refuſed to return the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

May 2, 1701. Ordered, that leave be given to withdraw the ſaid petition.

Jan. 18, 1726. Ordered a warrant for a new writ, for electing a burgeſs to ſerve in this preſent parliament for this borough, in the room of the honourable John Verney, eſquire; made ſecond juſtice of the counties of Glamorgan, Brecon, and Radnor.

DROITWICH.

THIS borough, antiently called Wyche, is ſituate in the county of Worceſter; and ſent burgeſſes to parliament during King Edward the firſt's parliaments; but ceaſed, as Dr. Willis writes, from the 4th of Edward the ſecond, (in which Mr. Prynn agrees) and that it never returned again till 1554: from which time, to this, I apprehend it hath conſtantly been repreſented. The memoirs of its elections, and members in that reſpect, are theſe.

Mr. Pryn. 4th Regiſt. 1158.

April 4, 1628. A complaint by Mr. Wild concerning an unfit letter about the election for the borough. This referred to the committee of privileges.

April 1, 1690. A petition of Sir John Packington was read; thereby ſhewing, that the petitioner had a majority of legal voices, and was thereby duly elected to ſerve for the borough, and ought to have been returned with the Lord Bellamont; but that Philip Foley, eſquire, is returned with the ſaid Lord Bellamount, in prejudice to the petitioner.

Oct. 6. The ſaid petition was again preſented; and referred, as before.

Nov. 11. Mr. Grey reported from the committee of privileges and elections the ſtate of the caſe upon the ſaid petition.

That the queſtion was, whether the right of election was in the burgeſſes of the corporation of Salt-ſprings of this borough, or in the proprietors of the Salt-ſprings at large. Of the latter,

Sir John Packington had		26,
Mr. Foley	——	22.

Of the former,

Sir John Packington had		8,
Mr. Foley	——	22.

That as to the burgeſſes of the corporation, none can be of it, but they muſt have ſome property in the Salt-ſprings: but it appeared to the committee, that ſeveral of the corporation had only a reverſion upon a pepper-corn, reſerved after 500, or a greater term of years. It likewiſe appeared, as well by the ancient rolls in the nature of rentals, ſaid to be made *ex aſſenſu et conſenſu omnium burgenſium et non burgenſium*, whereof ſome were particularly expreſſed to be *non burgenſium*, as alſo by witneſſes, that many of the proprietors were not of the corporation. And,

Mr. Philpot the town-clerk, and Mr. Robert Pendrice one of the proprietors, but not of the corporation, ſaid, that the proprietors at large had no right to vote in electing of burgeſſes to ſerve in parliament: upon which the committee reſolved,

That the right of electing burgeſſes to ſerve in parliament for this borough, is in the burgeſſes of the corporation of Salt-ſprings of the ſaid borough.

That Philip Foley, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for this borough.

The ſaid reſolutions were read twice, and agreed to by the houſe.

March 8, 1700. A petition of Robert Steyner was read; ſetting forth, that the proprietors of the ſeveral freehold eſtates within this borough, have ever had a right of electing members to parliament for the ſaid borough; the majority of whom did at the laſt election there, offer their voices to the petitioner; but the bailiffs of the ſaid borough refuſed to take them, and have returned Philip Foley, eſquire, as a burgeſs, to the petitioner's great wrong: and praying relief &c.

Ordered to be referred to the committee of privileges and elections, to conſider and report the matter, with their opinion.

June 12, 1711. Ordered a warrant for a new writ for electing a burgeſs for this borough in the room of Edward Foley, eſquire, made receiver of the duties upon Hides.

Eodem die. Ordered a warrant for a new writ for electing a burgeſs for this borough in the room of Edward Jefferys, eſquire, made juſtice of Pembroke, Cardigan, and Caermarthen.

April 24, 1714. Ordered a warrant for a new writ for electing a burgeſs for this borough in the room of Edward Jefferys, eſquire, made juſtice of Cheſter, Flint, Denbigh, and Montgomery.

DUNWICH.

THIS borough is ſituate within the county of Suffolk, was a borough at the time of the general ſurvey, and had then in it 120 burgeſſes; but the number is now 236. It was a city, and an epiſcopal ſee in the year 650, and had a charter of privileges granted to it by King John (which ſee in Appendix). Dunwich is now reduced to a ſmall village, but retains the privilege of being governed by two bailiffs, and has returned burgeſſes to parliament from the 26th of Edward the firſt; and in the 28th of Henry the ſixth, they are ſaid in the indenture to be choſen by the bailiffs *in præſentia Roberti Codin, Johannis Morieff, et aliorum multorum burgenſium et reſidentium, &c.* (See the indenture in the Appendix.) The future memoirs of its elections and repreſentatives, which I have met with, are theſe.

Jan. 9, 1670. Ordered, that the matter concerning an election for this borough, be referred to the committee of elections, to take the ſame into conſideration on Tueſday next, and report it with their opinions therein to the houſe; and that Sir Thomas Allen and Mr. Wood, between whom the queſtion is, do forbear to ſit, till the matter touching the election be determined, and further order given.

24th. Serjeant Charlton having made a report to the houſe of a miſtake in the order concerning the return of a member for this borough: on debate, it was reſolved, to be referred to the committee of privileges, to examine the matter touching the double return for this town; and who is rightly returned, and report it with their opinions therein to the houſe: and that the former order be rectified accordingly; and the committee are to ſit, and take the matter into conſideration, this afternoon.

25th. Serjeant Charlton reported from the ſaid committee, that they had examined the matter touching the return for this borough between Sir Thomas Allen and Mr. Wood; and were of opinion,

1. That it is no double return.
2. That Mr. Wood was returned by the proper officer.
3. That Mr. Wood ought to ſit till the merits of the cauſe be determined.

To which the houſe agreed.

Jan. 23, 1688. A petition of Sir Philip Skippon, was read; complaining of a double return of burgeſſes to ſerve in this preſent convention for this borough, in prejudice of the petitioner.

Ordered to be referred to the committee of privileges to examine the matter, and report the ſame, with their opinion.

28th. The houſe being informed, that Roger North, eſquire, who is one of the members returned in the double return for this borough, is ſitting in the houſe;

And he ſtanding up in his place, and excuſing the ſame as being, as he conceived, not within the general rule,

Upon the queſtion, was ordered to withdraw.

Feb. 27. Colonel Birch reported from the ſaid committee the ſtate of the caſe, That the bailiffs returned under their common-ſeal; that Roger North, eſquire, and Sir Thomas Allen, were elected by the majority of the free-burgeſſes inhabiting within the ſaid borough, according to the moſt ancient uſage of the ſaid borough; and at the ſame time there were elected, by a leſs number of the burgeſſes reſident within the borough, and by the major part of the freemen of the corporation who live out of the borough, two other perſons, viz. Sir Philip Skippon, who is a freeman of the corporation, and Sir Robert Rich, who is not a freeman.

That of the free-burgeſſes, inhabiting within the borough, Sir Thomas Allen had 26, Mr. North 28.

That of the freemen, as well inhabiting within the borough, as thoſe commonly called out-ſitters, Sir Philip Skippon had 183, Sir Robert Rich 141.

The proofs on both ſides were as follows: On behalf of Sir Thomas Allen and Mr. North, there were two records produced, one of the 7th and the other of the 12th of Edward the fourth, whereby the burgeſſes to ſerve in parliament were returned to be choſen by the burgeſſes inhabiting within the borough. To which it was anſwered, that this was about the time that the act of parliament paſſed requiring all perſons, elected to ſerve in parliament, to be reſident within the boroughs. That, on the other hand, many records were produced in the reigns of Henry the eighth, Edward the ſixth, Queen Elizabeth, James the firſt, and Charles the ſecond, whereby the election appears to be in the burgeſſes and commonalty. It was alſo proved, that, at this election, a poll was demanded on behalf of Sir Thomas Allen and Mr. North, wherein all the freemen were to be included; but finding the number of the out-ſitters to overballance their voices, they proceeded to poll the burgeſſes, inhabitants only, whereof one had 26, and the other 28. It was alſo alledged, that Sir Thomas Allen himſelf was once choſen by the out-ſitters, which was not denied by the other ſide; ſo that Sir Philip Skippon had 183, and Sir Robert Rich 141, of the out-ſitters, and townſmen. The committee reſolved,

That the right of election of burgeſſes to ſerve in parliament for this borough, is in the freemen of the ſaid borough, commonly called out-ſitters, as well as the freemen inhabiting within the ſaid borough.

That Sir Philip Skippon, knight, and Sir Robert Rich, knight and baronet, are duly elected burgeſſes to ſerve in this preſent parliament for the ſaid borough.

Which reſolutions being read twice, were agreed unto by the houſe; and the clerk of the Crown being called in, produced the return, and it appeared it was a double return in one and the ſame certificate. Ordered, the bailiffs of the ſaid borough do attend to amend the return.

Nov. 13, 1691. A petition of Henry Heveningham, eſquire, was read; ſhewing, he was elected a burgeſs for this borough, and was accordingly returned by one of the bailiffs thereof; but the other bailiff hath returned John Bence, eſquire, in prejudice of the petitioner: and praying the conſideration of the houſe. Alſo,

A petition of John Bence, eſquire, ſhewing, that he was elected a burgeſs for this borough by the majority of legal electors, and returned by indenture by the proper officer; but one Pacy, a bailiff of the ſaid borough, hath delivered another indenture to the ſheriff, purporting the election of Henry Heveningham, eſquire, in prejudice of the petitioner: and praying &c.

Ordered, the ſaid petitions be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

14th. Ordered, the committee do ſit on Thurſday the 2d of December, in the afternoon, to hear this matter.

Ordered, the chairman of the committee of privileges and elections do iſſue forth his order to the town-clerk to bring the council-books, and the books of the conſtitutions of the town, and the records of the town, to be uſed at the ſaid committee.

Dec. 3. Ordered, the matter of the ſaid petitions be heard before the committee on Saturday in the afternoon.

7th. Ordered, the report of this election be made to-morrow morning.

8th. Serjeant Trenchard reported the ſtate of the caſe, as follows.

That upon view of the record it appeared, that John Bence, eſquire, was returned by one indenture, and Henry Heveningham, eſquire, by another; each indenture under the common-ſeal by both bailiffs.

That determining the right of return, determined the right of the election; and both ſides agreed, the ſettling the right of election would depend on ſettling the qualification of the electors.

The council for Mr. Bence alledged, that the right was in the freemen reſident within the borough: and for Mr. Heveningham it was alledged, the only qualification was to be a freeman, whether reſident within the borough, or an out-ſitter: ſo that, if the election was in the former, Mr. Bence was elected; if in the latter, Mr. Heveningham.

For Mr. Bence, it was alledged, this was a borough by preſcription, and ſhewed ſeveral returns, viz. 7th of Edward the fourth, which ſays, the two bailiffs in preſence of the two coroners, and ten others, in the return named, and many other burgeſſes and reſients, elected; and it is under the common ſeal, and ſeal of the bailiſhip;

12th Edward the fourth, bailiffs with the aſſent and conſent of the whole commonalty elected; and alſo is under the common ſeal;

30th Elizabeth, bailiffs, burgeſſes and commonalty, elected: under the common-ſeal.

1ſt James the firſt, bailiffs, burgeſſes, and honeſt men of the borough, elected: under the common-ſeal.

1ſt Charles, bailiffs, burgeſſes, and honeſt men, elected under the common-ſeal. And produced an antient book, by which it appeared, 11 *Jac.* that ſo many of the 12, 24, and freemen who were preſent, in all 33, elected a burgeſs. And another antient book, by which it appeared, that in 1639, 30 of the ſaid freemen, elected; another book in 1656, wherein only the names of 24 electors are recorded; and in April 1660, 25; and in 1661, 27.

Crane and Hall ſaid, they knew the election of Sir John Rowſe and Mr. Cook, and there were only 20 or 30 electors who were of the town.

Mr. Driver and Mr. Stanſley ſaid, they had known ſeveral elections: that the freemen of the town uſed to elect bailiffs and burgeſſes, and no out-ſitter uſed to vote, till Sir Thomas Allen and Mr. Wood's election; which out-ſitters were made to vote for Sir Thomas Allen: that out-ſitters pay 2 s. 6 d. ſome 3 s. yearly.

Mr. Betts, the town-clerk, ſaid, he remembered the election between Sir Thomas Allen and Mr. Wood, who were both returned: that Sir Thomas Allen had all the out-ſitters, and but three or four borough-men; and produced a reſolve of the houſe, That Mr. Wood ought to ſit till the election was determined; and Sir Thomas Allen did not proſecute the matter afterwards, but Mr. Wood ſat till he died, being eight years: that he believed, Mr. Boniface, ſince 1670, made 500 free, two whereof were Scotchmen, and others lived very remote; and made 42 free at an alehouſe; whereas the reſiant freemen are not above 40; and produced a charter, granting to them *guildam mercatoriam*, which the council inſiſted was the antient method of erecting a corporation.

For Mr. Heveningham, it was inſiſted by the counſel, this borough was a corporation by preſcription; and in Mr. Bence's evidence, they obſerved there was the word *confirm* as well as *grant*; which ſhewed this borough a corporation before that time; and all the antient returns were under the ſeal of the corporation; and the antient books ſhewed, that elections to parliament were made at their corporation aſſemblies.

Mr. Boniface ſaid, he remembered for twenty-two years, and no out-ſitters, who came in that time, were denied: And that

Mr. Driver ſaid, he would never ſign a borough return; and that he declared Mr. Heveningham duly elected.

That Mr. Heveningham's return was ſealed; and Mr. Driver went off the bench, and came a quarter of an hour after, and ſealed Mr. Bence's. He believes, 200 might be made free ſince 1670. That out-ſitters came to the election of bailiffs; and one of the preſent bailiffs is an out-ſitter.

Webber and others ſaid, that they had known elections from Sir Thomas Allen's time; and all the out-ſitters were admitted: that the inhabitants are not able to bear the charges of the town, and the out-ſitters money is applied towards it: and produced the reſolution in Sir Robert Rich's, and Sir Philip Skippon's caſe, where the right was reſolved to be in the freemen of this borough, called out-ſitters, as well as in the freemen inhabiting within the ſaid borough. But, upon the whole, the committee reſolved,

That the right of election of burgeſſes to ſerve in parliament for this borough was not in the freemen, commonly called out-ſitters, as well as in the freemen inhabiting within the ſaid borough.

That the right of election of burgeſſes to ſerve in parliament for this borough is only in the freemen inhabiting within the ſaid borough.

That John Bence, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for the ſaid borough; which reſolutions, being twice read, were agreed to, on the queſtion, by the houſe; and the clerk of the Crown ordered to attend, to amend the return.

Nov. 25, 1695. A petition of Roger Wood and John Bence, eſquires, was read; ſhewing, that the petitioners were duly elected burgeſſes to ſerve in this preſent for this borough, by a majority of the freemen within the ſaid borough, who are the rightful electors; and that the petitioners were duly returned by an indenture under the common-ſeal of the ſaid borough, executed by the preſent bailiffs, which was delivered to the high-ſheriff of the ſaid county: that the ſheriff refuſeth to annex the ſaid return to his writ, but hath executed another indenture without the common-ſeal, made by perſons who are no bailiffs; whereby he hath returned Sir Robert Rich, and Henry Heveningham, eſquire, as duly elected: and praying the indenture, by which the petitioners are returned, may be annexed to the writ, and that they may be admitted to ſit in parliament.

Ordered to be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

Feb. 8. Ordered, that the report of this petition be made on Wedneſday morning next.

12th. Colonel Granvylle reported the ſtate of the caſe: That the petitioners inſiſted, the right of election was in the freemen inhabiting within the borough only; and produced two returns, viz. 7 Edw. IV. which recites, the two coroners, and ten perſons therein named, and many other *burgens' et reſiden' vill' prædict'*, elected. 12 Edw. IV. which ſays, the bailiff, with the conſent of the whole commonalty of the town, did cauſe to be elected, in the preſence of the two coroners and nineteen perſons, *aliorumque plurimor' burgens' reſiden' infra villam prædict' commorant'*, two burgeſſes. They then produced three antient books; by which it appeared, that the antient conſtitution of the ſaid borough was two bailiffs, twelve in the nature of aldermen, and twenty-four in the nature of a common-council and freemen.

Lib. A. fol. 84.—11 Oct. 1643. Two bailiffs, ten of the twelve, and eight of the twenty-four, and ſeven freemen, elected. Fol. 131.—12 Feb. 1. Jac. I. Two bailiffs, ſeven of the twelve, five of the twenty-four, and twenty freemen, elected. Fol. 256.—21 March, 11 Jac. Two bailiffs, eight of the twelve, eleven of the twenty-four, and twelve freemen, elected.

Lib. B. fol. 115.—23 March, 1639. Two bailiffs, ſix of the twelve, fourteen of the twenty-four, and eight freemen, elected.

Lib. nº. 3º. fol. 7.—22 Auguſt, 1656. Two bailiffs, ſix of the twelve, eighteen of the twenty-four, and fifteen freemen, elected.

The petitioners then called Mr. Betts; who ſaid, he had known the borough 25 years, and that in 1670 there was a conteſt between Sir Thomas Allen and Mr. Wood: that Mr. Wood was returned by the greateſt number of the in-ſitting burgeſſes; and it appeared that the houſe, upon a report from the committee of elections, did, 25th January 1670, reſolve, That Mr. Wood was duly returned: and he ſaid, Sir Thomas Allen never thought to conteſt the merits of the election, and Mr. Wood continued in the houſe.

Mr. Green ſaid, in 1641, Mr. Brewſter was choſen by the freemen inhabiting within the borough: that there was no pretence of out-ſitters; nor no conteſt.

Crane ſaid, in 1661, Sir John Rouſe, and Richard Cooke, eſquire, were choſen in like manner; and that he never heard of any other claim till latter days.

And Mr. Betts being called again, ſaid, one Benifice, alderman of the borough, had taken 40 ſhillings, and 50 ſhillings, of ſeveral to make them free; and carried the common-ſeal in his pocket, and gave the oath of a freeman at Yarmouth, Ipſwich, &c.; and had a factor at Wapping, who made ſeveral free who never ſaw the town: but that the ſame oath was given to the out-ſitters, as to the inhabiting freemen; and that the out-ſitters were to pay a crown yearly, and 2 s. 6 d. for their freedom, a great deal whereof had been collected: the inhabitants did not pay it; and at leaſt twenty out-ſitters had been bailiffs, and ſix or ſeven of the preſent aldermen were out-ſitters; but they only voted for bailiffs, and did not vote in the preſent election; but always one of the bailiffs is an inhabitant; and that both the bailiffs uſed to ſign the returns to parliament. He alſo ſaid, he had known all the returns to parliament ſince 1670, becauſe town-clerk in 1680, and continued ſo till lately; and that in 1678, Sir Philip Skippon, and major Allen, were choſen by the borough-men, but the out-ſitters voted with them: that in 1679, the borough-men ſet up Sir Robert Kemp, but the out-ſitters voted with the borough-men: that in 1680, Sir Robert Kemp, and Sir Philip Skippon, were choſen in the ſame manner, but the borough-men were all for them; and, in the parliament after the Oxford parliament, they were choſen in the ſame manner: that in 1685, colonel Gibſon, and Mr. Norton, were choſen by the freemen inhabiting only, and no out-ſitters voted. In 1688, there was a conteſt between Mr. North and Young, Sir Tho. Allen, Sir Robert Rich, and Sir Philip Skippon: that the majority of the inhabitants were for North and Allen, and the out-ſitters for the others; but the former would not be at the charge of bringing up their witneſſes, and none examined but himſelf; and they produced but one return, and ſo loſt it: and produced a copy of the Journal, 8 Dec. 3 *Will. et Mar.* whereby it appeared, upon report of an election between Mr. Bence and Mr. Heveningham, the houſe agreed with the committee, That the right of election was only in the freemen inhabiting within the ſaid borough.—He alſo gave an account of getting the laſt charter. That, about December 1693, they heard there was a petition carried to get another charter; whereupon they called a hall, and every freeman of the town was there; and five of them that ſigned the petition were there: that one Girling ſaid, he ſigned it for fear of being preſſed; and others ſaid, they did not underſtand it: it was ſuppoſed to be a petition for a *ſcire facias*, or *quo warranto*: that there were ſixteen actually in the hall againſt a new charter, and nine ſtuck to the petition they had ſigned; and accordingly a petition was framed againſt it; but finding the firſt was a petition for reſtitution, they were forced to get another petition; and by order of council they were to be heard upon it, but firſt to pay coſt; which being 33 l. they could not raiſe it, and ſo the petition was diſmiſſed; and in 1694, they carried King William's charter down with them, with 3 or 400 foreigners, but the town never accepted it: that they did accept the charter of 1685, and have acted ever ſince under it, and four returns have been made under it; two whereof were for Sir Robert Rich, who was an alderman under it.

And they produced a book for the ſwearing of him an alderman, and diſpenſing with any oath, but to the corporation.

And Mr. Betts ſaid, of the inhabiting burgeſſes, or freemen, there were for the petitioners 25, and for the ſitting-members 13. Their names were, William Wetherſby, John Archer, Robert Swatman, John Battiſy, Thomas Foſter, James Guibons, James Moore, John Watling, John Scott, Mark Noble, Benjamin Hambyn, George Flint, Hezekiah Shepperd.

But it appeared to the committee, that the number of the freemen would be more or leſs, according as King James' charter, or King William's, ſhould be allowed: and the fact was, that an inſtrument of ſurrender was made in King Charles the ſecond's time, but not inrolled, till King James' time; ſo that the queſtion between the parties counſel was, Whether the inrollment in King James' time did make valid the ſurrender in King Charles the ſecond's time? and if that ſurrender was valid, then the charter of King James being accepted by the town, and no ſurrender of that made (as the petitioners counſel argued) the charter of K. William and Q. Mary was void in law; as alſo for this reaſon, that King James' charter was accepted, and the charter of K. William and Q. Mary was never accepted.

But, on the other ſide it was inſiſted, that, by law, the ſurrender was void, for that the King cannot take but by matter of record; and it not being inrolled in King Charles' time, King Charles could not take by that ſurrender, and ſo conſequently King James could not; however, they inſiſted, that the right of election of burgeſſes could not be ſurrendered.

For the petitioners, was produced a copy of the return of the ſitting-members, which ſaid, The bailiffs and burgeſſes of the town elected; and a return in King James' time, and another return to the Prince of Orange's letter, which were in the ſame form.

Mr. Betts ſaid, that Philip Eads, and two others, were foiſted in by a different hand, as made free after the aſſembly was up: that William Sweatman was not free; and Benefice was disfranchiſed, and his disfranchiſement was read.

Haſel ſaid, that Burly was not free, and lived at Southold: that Jeremiah Page lived at Weſleton: that James Foreman lived at Thorp, and was no freeman; and Pacy told him, if he would vote for Sir Robert Rich, he ſhould have an houſe for 3 l. to be paid in lobſters: that Aldridge and Goodwyn are out-ſitters, and Southold men; Joſeph Burly an apprentice: that Thomas Foſter had a protection; Robert Hill no freeman: that Charles Eade, James Eade, and Amos Beal, were neither freemen nor inhabitants; John Croſs was an apprentice to Philip Eade: that Maſterton and John Cutting were no inhabitants; and one of the James Moor's was not free.

Stanley ſaid, that Jo. Burley was his apprentice, and was got away by the inſtigation of Pacy to vote for Sir Robert Rich, and Mr. Heveningham; and told him, if he would not give him, he muſt take leave, for he had a friend had procured him a birth in a man of war; and two days after he was liſted on board the Milford galley, and has not ſeen him ſince: that James Moore was hired to live with one Symonds, came over to vote at the election, and then returned to his ſervice.

Then the petitioners counſel proceeded to prove ſome irregularities in procuring of votes.

Cook ſaid, Mr. Heveningham told him, if he would vote for Sir Robert Rich and him, he would give him ten ſhillings; and that he had given two guineas to Archer, to give to four perſons: that Archer did give him ten ſhillings, but he did not vote for the ſitting-members, becauſe he did not fancy to be hired: that Archer voted for Sir Robert Rich; and Mr. Heveningham deſired him to meet him at juſtice Neat's (the recorder by the new charter) and told him, he might have ten or twenty pounds, if he would vote for him and Sir Robert Rich, and that the bond, after he had voted, ſhould be cut in pieces; and accordingly he did receive ten pounds of Mr. Neat upon his bond: that he did not vote for Sir Robert Rich and Mr. Heveningham, but repaid the money about ten or twelve days after he received it: that he confeſſed the matter of the ten pounds to ſeveral; and that Mr. Heveningham had aſked Benjamin Hambyn, who he would vote for? and Hambyn ſaid, "for him;" and Mr. Heveningham ſaid again, "Not for Sir Robert Rich?" to which he anſwered, "Yes;" whereupon he gave him an horſe, and that horſe throwing him, he gave him another worth fifty ſhillings.

Haſell ſaid, the Tueſday after the election, he went with Cook to pay back the ten pounds to Mr. Neat.

Haſell and Tanſey ſaid, Mr. Heveningham, in the town-hall, inquired who Cook voted for? and Cook telling him, he abuſed him: and Tanſy ſaid, the day after the election, Cook told him the matter of the ten pounds lent him by juſtice Neat, in the manner as teſtified by Cook.

Beeke ſaid, 5 days before the election, he was at Mr. Heveningham's, who ſaid, he would give him fourteen or fifteen pounds to pay his debts, if he would vote for him and Sir Robert Rich, and five pounds to put in his pocket; but he voted for Mr. Wood and Mr. Bence, for he had no need of money.

Tanzy and another ſaid, that Shepperd voted for Sir Robert Rich and Mr. Heveningham; and owned, Mr. Heveningham gave him ten ſhillings, and a ſcarlet waiſtcoat (which a tailor offered him forty ſhillings for) to vote.

Farro ſaid, that Archer told him, he would give him fourteen or fifteen pounds, to vote for Sir Robert Rich and Mr. Heveningham; but ſaid, he would not for an hundred pounds go againſt his conſcience: and that Bathurſt beat him, and ſaid, if he would not vote for them, he ſhould not go out of his houſe alive.

Collet ſaid, that Archer offered him ten ſhillings to vote for Mr. Heveningham: that he knows Philip Eade, who voted for Sir Robert Rich and Mr. Heveningham: and he owned, Sir Robert Rich got him a place of ten pounds a year to give his vote: and he was ſet aſhore unexpectedly, and had a protection undeſired: and his protection, and another for Sweatman, were read; ſuggeſting, they were witneſſes in a law-ſuit, but knew no ſuch ſuit: and Sir Robert Rich aſked him his vote, and he offered him a ſingle vote; but he not accepting it, voted for neither: that George Flint, and Hezekiah Shepperd, were preſſed by Mr. Pacy: that three men of war came to anchor at this place a little before the election, and went away ſoon after.

Richard Summer ſaid, he was on board the Queen, and diſcharged by order of Sir Robert Rich: that he deſired him to go to this place and vote for him, and gave him protection; but inſtead thereof he went two Newcaſtle voyages: that Sir Robert Rich aſked him, if he owed any money? and he told him, about thirteen pounds; and Sir Robert Rich ſaid, he would take care of it; and while he was at Newcaſtle, Bonner ſent him two letters to come home, and vote for Sir Robert Rich.

James Gurning ſaid, that Edward Gurning, who appeared for Sir Robert Rich and Mr. Heveningham, told him, that the Solebay frigate was to come in on the election-day, and preſs thoſe ſeafaring men, who voted againſt Sir Robert Rich and Mr. Heveningham; and offered him what money he would, if he would vote for them: and Gurning ſaid, the men of war did come, and ſtay till the election was over.

Gurning and Haſel ſaid, that the petitioners voters were frighted by the men of war; and one man went out of town, but came afterwards and voted.

Haſel ſaid, that Archer ſaid to him, "You employ a pretty many men, and if they ſhould be preſſed, what will you do? for Sir Robert Rich ſays, the Solebay ſhould come in."

The counſel for the ſitting-members denied bribery, and ſaid, the borough was a borough by preſcription: that K. William and Q. Mary's charter being good, it anſwered the petitioners objections, of their voters not being free; and inſiſted, the right was in the freemen at large; and produced a copy of King John's charter, which was to the burgeſſes of this borough.

And read the charter of K. William and Q. Mary; which recites the inſtrument of ſurrender to King Charles the ſecond, and its not being inrolled till King James's time. And ſeveral doubts having ariſen, touching the franchiſes and liberties of the town; and for putting an end to theſe doubts, this charter confirms them in their former rights, &c. by the name of *balli' probor' hom' et burgenſ. villæ Dunwich:* and produced returns; viz.

7 Edw. VI. *Balli' et burgens', et communitas eligerunt.*

33 Hen. VIII. *Balli' et communitas eligerunt.*

And the reſolution of the houſe, 27th February 1688, That the right of election was in the freemen, called out-ſitters, as well as the freemen inhabitants.

Archer ſaid, he had known this borough 30 years; that the out-ſitters always voted; and that he was preſent at the election of Sir Robert Rich, and Mr. Heveningham, and they had the majority, viz. 35 freemen inhabitants; and for the out-ſitters, they might have had as many as they pleaſed: that he was ſent to be choſen alderman, but he would not accept it, being a bailiff by King William's charter: and denied, he offered any money to vote for Sir Robert Rich, and Mr. Heveningham, or terrified any by the men of war: and he and Philip Eades ſaid, that Beniſice had an office at the cuſtoms, but it was ſaid he was disfranchiſed: that William Sweatman, Amos Beate, John Croſſe, Charles Eades, James Eades, Jeremiah Payne, Robert Hill, William Coggs, Richard Neat, James Goodwin, George Alder, James Foreman, John Burly, Robert Bonner, James Ford junior, Thomas Boone, Thomas Maſters, Abraham Wiſe, were freemen and inhabitants: that Cutting was a freeman, but no inhabitant.

Ruſſell, overſeer of Southold, ſaid, John Burly lived there, but was a ſeafaring man; and that Steel, Goodwin, and Alder, lived there alſo, and paid to church and poor.

Foſter delivered in a book of the town, and ſaid, eighteen of the thirty-five, for Sir Robert Rich and Mr. Heveningham, were made free by the new charter.

Philip Eades ſaid, he was free both by the former and new charter: that he had no horſe of Mr. Heveningham, but for his dogs.

Mr. Pacy ſaid, the town-clerk was in haſte to go home, ſo he and the other bailiff made Philip Eades free.

Then they proceeded to diſqualify the petitioners voters.

Archer and Philip Eades ſaid, Maſon was free by King James' charter; Bellwood was made free ſince King James' charter: that Moor was no inhabitant, but lived with Haſel: that Peck was made free ſince K. William and Q. Mary's charter; Collet lives with his mother: that Cook lived at Dingley and Weſleton; Farro was ſent out of town, becauſe no inhabitant; Lovel came to town, but laſt Midſummer: that Burley did not vote, till after the election: that Haſel is no inhabitant, but ſince Chriſtmas: that he doth not know Newſon to be an inhabitant: that Garwood lived in an hoſpital, and is a natural; Pells has no habitation; Stiles an hired ſervant; Gibſon had no habitation: that Barrell owned, he owed Mr. Bence and Mr. Rouſe eight pounds, and durſt not vote againſt them.

John Scarfe ſaid, he had received thirty ſhillings weekly from Michaelmas-twelvemonths, for the uſe of Mr. Bence and Mr. Wood, and thoſe who were for King James' charter: that he kept a publickhouſe, and part of it was ſpent in meat and drink, and ſome of it the freemen had in corn: that it was continued ſince the election, and was to be ſo, till the gentlemen met again: that he voted for the petitioners, on account of having his duties paid him: that he had 27 pounds of Mr. Bence, and 27 pounds of Mr. Wood, for meat and drink ſpent at the election: that he borrowed ten pounds of Mr. Bence two years ago, and gave his bond for it; and promiſed to be true to them, and vote for them on occaſion: alſo ſaid, William Cook had three pounds of Sweatman, paid by Sir Charles Blois, for voting for Mr. Bence and Mr. Wood; and he ſaw the money paid before Michaelmas: that Peak loſt his employment in the brick-kilns, and had twenty ſhillings in money: that Haſel, who appeared for the petitioners, promiſed Ballard twenty ſhillings: that Bence promiſed Somers a veſſel for voting for the petitioners.

Captain Lydcott ſaid, he was accidentally driven by the tide of flood into this place; and that he heard Sir Robert Rich was in there, and went to viſit him: that Sir Robert Rich did not know of his being there; and when he ſaw him, deſired him to go away, or he would ſpoil his election.

Mr. Pacy ſaid, he ordered Stevens not to come on ſhore, till the election was over; and he did not, nor ſent his boat, till it was over: that he was vice-admiral under Sir Robert Rich; who charged him, that no body ſhould be diſturbed. Upon the whole, the committee reſolved,

That the right of election of burgeſſes to ſerve in parliament for this borough, is in the freemen, commonly called out-ſitters, as well as the freemen inhabiting within the ſaid borough.

That Sir Robert Rich is duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

That Henry Heveningham, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for this borough. Which reſolutions being twice read, were agreed to by the houſe.

Dec. 22, 1698. A petition of Sir Henry Johnſon, knight, was read; ſhewing, the petitioner was choſen a burgeſs to ſerve in this preſent parliament for this borough, by the majority of legal electors; but Sir Robert Rich and Henry Heveningham, eſquire, by corrupt practices, and procuring the bailiffs and recorder to refuſe divers qualified voters for the petitioner, and admitting others unqualified to vote againſt him, have gotten themſelves returned as duly elected; and the petitioner was denied a ſcrutiny of the poll: and praying the houſe to appoint ſome day for hearing the matter of the election.

Ordered to be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion, to the houſe.

Nov. 24, 1708. A petition of Sir Richard Allen, and the honourable Daniel Harvey, eſquire, was read; ſhewing, that the right of returning burgeſſes to ſerve in parliament for this borough, is in the two bailiffs of the borough, and that Sir Charles Bloyce and Francis Swatman were the two bailiffs at the laſt election there for this parliament; and the petitioners, Sir Charles Bloyce, and Robert Kemp, eſquire, were the candidates: that Sir Charles Bloyce and Mr. Kemp, and their agents, by menaces, treating and bribery, procured ſeveral freemen to vote for them; and Swatman, who alone preſided at the ſaid election, in a very arbitrary manner received ſeveral illegal votes for Sir Charles Bloyce and Mr. Kemp, and hath returned them as burgeſſes for the ſaid borough, although the petitioners were duly choſen, and ought to have been returned, and although the ſaid Sir Charles was not (as the petitioners are adviſed) capable of being elected or returned, as being one of the bailiffs; nor had Swatman alone any authority to make a return to parliament, the two bailiffs making but one officer for that purpoſe: and praying &c.

Ordered, that the merits of the ſaid petition be heard at the bar on the 20th of January next. But by means of other petitions it was not heard until

Feb. 5. The houſe proceeded to hear the matter of the ſaid election, and the counſel on both ſides were called in, and the ſaid petition of Sir Richard Allen and Mr. Harvey, was read; and the counſel were heard, and the witneſſes were examined; and the counſel and witneſſes being withdrawn, it was reſolved,

That the right of election of burgeſſes, to ſerve in parliament for this borough, is * only in the freemen inhabiting within the ſaid borough not receiving alms.

* It was moved to leave out the word *only*; but diſagreed to.

And the counſel were called in again, and Mr. Speaker acquainted them therewith, and the counſel were further heard, and ſeveral other witneſſes examined, and the counſel and witneſſes withdrew: and it was reſolved,

That Sir Charles Bloyce, baronet, is not duly elected a burgeſs to ſerve in this preſent parliament for this borough.

That Robert Kemp is not duly elected a burgeſs to ſerve in this preſent parliament for this borough.

That Sir Richard Allen is duly elected a burgeſs to ſerve in this preſent parliament for this borough.

That Daniel Harvey, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for this borough. And ordered the return to be amended.

Oct. 18, 1722. A petition of Sir Robert Rich, baronet, and Charles Long, eſquire, was read; ſhewing, that the petitioners were candidates for this borough, and had a majority of votes of the freemen of this borough; notwithſtanding which, George Downing, baronet, and Captain Vernon, the other two candidates, by bribery, and other undue practices, procured themſelves to be returned in prejudice to the petitioners: and praying &c.

Ordered it be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

A petition of the freemen inhabiting within the ſaid borough, whoſe names are thereto ſubſcribed, was read; ſhewing, that at the election of members to ſerve in parliament for the ſaid borough, Edward Vernon and Sir George Downing, baronet, were not duly elected, but by threats and bribery, and other undue practices, obtained a majority, in prejudice of the petitioners: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

Nov. 10. Ordered, that Sir Robert Rich, and Charles Long, eſquire, have leave to withdraw their petition.

14th. Ordered, that the freemen of this borough, have leave to withdraw their petition.

DURHAM City.

THIS is the capital city of the county of that name, and is entitled to ſend members to parliament by the ſtatute 25th *Car.* II. (for which ſee the county) whereby its electors are the mayor, aldermen and freemen. The memoirs of its elections, and of the perſons choſen, (in reſpect of their elections,) are theſe.

April 13, 1675. A debate ariſing concerning the iſſuing out of writs for this city and county,

Reſolved, it be referred to the committee of privileges, to conſider thereof, and report the ſame, with their opinion, to the houſe.

May 14th. Sir Thomas Meers reports from the committee of privileges and elections, the caſe relating to the county and city of Durham; that the committee, to enable them to underſtand the matter about iſſuing the writ to this county and city, read the late act for that purpoſe, being the ground and foundation of the whole matter; from whence they obſerved, that what related to the electing two knights of the ſhire appeared very plain; whereupon they reſolved, that the committee is of opinion, that the ſpeaker do iſſue his warrant to the clerk of the Crown, to make out a writ for the election of two knights to ſerve in the preſent parliament for the county of Durham, according to the act of parliament lately made for that purpoſe.

But finding the matter difficult concerning the electing two burgeſſes for the city of Durham, they reſolved, that the chairman of the committee ſhould make a ſpecial report, concerning the writ and proceſs thereupon, for the election of burgeſſes for the ſaid city, according to the late act; and the difficulties that did ariſe upon conſidering the ſame: which were as followeth.

It appears not plain, who ſhall order the election, or be judge of the poll in the ſaid city: if the ſheriff of the county, who hath only a precept, and no writ, then he muſt order in this city where there is a mayor, though it be no city and county: the like is not done in England; and for which he has no authority by the act. If the mayor muſt order this election, and be judge of the poll, then he muſt have a precept ſo to do from the ſheriff, who acts by a precept himſelf; and there is one deputy makes another deputy: precept upon precept: and for the latter precept to the mayor, there is no authority, that appears in the act; wherefore the committee, to prevent differences in the ſaid city, and double returns, have thus far ſtated the caſe to the houſe, that their wiſdom may take further care therein, the caſe being too difficult for them to determine.

The reſolve, in regard to the county, was agreed to; and a warrant ordered for a writ accordingly.

Reſolved, that the further conſideration of the ſpecial matter of the ſaid report, concerning this city, be adjourned till Wedneſday morning next at ten o'clock: but the order was not called for.

There was nothing more done this ſeſſions; nor untill the year 1677, when I find,

Feb. 9. Ordered, that the committee of privileges and elections, do take the matter concerning this city into conſideration, and return their report thereof with all convenient ſpeed.

25th. Sir Thomas Meers reports from the committee, that it did not appear plain to the committee, from the ſaid act, who ſhall order the election (*prout* the former report) but in regard it doth appear plain in the ſaid act, who are to be the electors in the ſaid city, and that a writ might iſſue under the great ſeal of England, to the lord biſhop of Durham, or his temporal chancellor, in order to the electing two citizens to ſerve in parliament for the ſaid city; and that the plain intention of the ſaid act is, that the ſaid city ſhould have two ſuch citizens to ſerve them accordingly: whereupon the ſaid committee were of opinion to leave the ſaid doubt or difficulty to farther conſideration or determination, if need require; and reſolved, that it be reported, as their opinion, that Mr. Speaker do make out his warrant to the clerk of the Crown, to iſſue forth a writ for electing two citizens to ſerve in parliament for this city, according to the ſaid act of parliament: to which report the houſe agreed; and an order was made for a warrant to be made out accordingly.

May 23, 1678. A petition of William Tempeſt, eſquire, complaining of an undue return of John Parkhurſt, eſquire, to ſerve in this preſent parliament for this city, in injury of the petitioner, who was duly elected, was read.

Ordered to be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

Oct. 21. Mr. Tempeſt renewed his petition: and it was referred as before.

Feb. 9, 1711. A motion being made, that Mr. Speaker do iſſue his warrant to the clerk of the Crown to make out a new writ for the electing a citizen to ſerve in this preſent parliament for this city, in the room of Sir Henry Bellaſis, who hath accepted of a commiſſion to him and others, for enquiring into the number and quality of the forces in her Majeſty's pay, in Spain and Portugal; and to examine the ſtate of the payments and accompts relating to the ſaid forces, and to the gariſons and fortifications of Gibraltar and Port-mahon; and alſo the accompts of the agent-victuallers, and commiſſaries of ſtores in thoſe parts.

Ordered, that a copy of the ſaid commiſſion be laid before the houſe.

14th. The houſe being informed, that the riding clerk in chancery attended: he was called in, and at the bar preſented to the houſe, according to order, a copy of the commiſſion to Sir Henry Bellaſis, and others, for enquiring into the number and quality of the forces in her Majeſty's pay, in Spain and Portugal; and to examine the ſtate of the payments, and accompts relating to the ſaid forces, and to the gariſons and fortifications of Gibraltar and Port-mahon; and alſo the accompts of the agent-victuallers, and commiſſaries of ſtores in thoſe parts.

The title of the copy of the ſaid commiſſion was read.

Ordered to be conſidered to-morrow morning.

15th. The houſe proceeded to take into conſideration the ſaid commiſſion, and it was read; and the addreſs of the houſe of the 7th of June laſt, for appointing commiſſioners for the purpoſes therein mentioned: alſo Sect. 26 and 27th in the act of the 4th year of her Majeſty's reign, entitled, An act for the better ſecurity of her Majeſty's perſon and government, and of the ſucceſſion of the crown of England in the proteſtant line, were read.

Reſolved, that Sir Henry Bellaſis having, ſince his being elected a member to ſerve in parliament, accepted the office of one of the commiſſioners appointed by her Majeſty to enquire into the number and quality of the forces in her Majeſty's pay in Spain and Portugal; and to examine the ſtate of the payments and accompts relating to the ſaid forces, and to the gariſons and fortifications of Gibraltar and Port-mahon; and alſo the accompts of the agent-victuallers, and commiſſaries of ſtores, in theſe parts; his election is thereby become void.

Ordered, that Mr. Speaker do iſſue his warrant for making out a new writ, for electing a citizen to ſerve in this preſent parliament for this city, in the room of Sir Henry Bellaſis, whoſe election has been declared void.

April 5, 1712. A petition of Anthony Hall, eſquire, was read; ſhewing, that at the late election for a citizen to ſerve in this preſent parliament for this city, the petitioner and Robert Shafto were candidates; and the petitioner was duly elected: but great numbers of perſons receiving alms, and perſons influenced by bribery, and other illegal practices of Mr. Shafto, and his agents, being permitted to vote, gave Mr. Shafto a ſmall majority; by means whereof he got himſelf returned, to the prejudice of the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Oct. 25, 1722. A petition of James Montague, eſquire, was read; ſhewing, that at the late election of members to ſerve in parliament for this city, the petitioner, Charles Talbot, and Thomas Conyers, eſquires, were candidates; that ſeveral illegal and corrupt practices were made uſe of on behalf of the ſaid Mr. Conyers, in order to procure him to be elected for the ſaid city, the ſaid Mr. Conyers' qualification was objected to by the petitioner, notwithſtanding which the ſaid Mr. Coyners is returned, in prejudice to the petitioner: and praying &c.

Ordered, that it be refered to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

April 23, 1726. Ordered a warrant for a new writ for electing a burgeſs in the room of Charles Talbot, eſquire, made ſolicitor-general.

DURHAM.

Willis's Notitia, Vol. II. 516. 515.

THIS was a county-palatine under the juriſdiction of the biſhops of the dioceſe, and held a parliament of its barons within itſelf: and before the ſtatute of the 27th of Henry VIII. the biſhop conſtituted juſtices of aſſize, oyer and terminer; after which they came in moſt things ſubject to the regal power, though to this day they retain ſeveral privileges, ſuch as the nomination of the ſheriff: but they never were repreſented in a national parliament, untill ſince the reſtoration; though ſeveral attempts were made for that purpoſe, of which I ſhall give the following memoirs. The firſt attempt was in the year 1562.

Jan. 18th. The bill for levying fines in the county-palatine of Durham, and to have two knights of the ſhire from thence into the parliament.

23d. Read a ſecond time and engroſſed.

29th. Read a third time and paſſed. It was then carried to the lords, and on the 15th of next month read the firſt time, on the 16th a ſecond time, and on the 18th a third time. None of the journals of either houſes take any notice, whether it was amended, or whether it had the royal aſſent: but I apprehend neither the one or the other, for it was never put in excecution, and became afterwards a matter of farther conſideration by parliament.

July 11th, 1610. In a debate concerning a ſubſidy, Sir Edwyn Sandys moved the northern counties might have burgeſſes; but no queſtion thereon.

April 9, 1614. Sir George Selby, ſheriff of this county, being choſen knight for Northumberland, a queſtion aroſe upon the validity of the election, when upon the debate it was ſaid, as follows.

Sir Edwyn Sandys. 1. Whether a ſheriff may be returned. 2. Whether a ſheriff of Durham—— A ſheriff not to return himſelf——The words of the writ not antient, to reſtrain the election of ſheriffs. ——Not antient, therefore not the common law; nor by ſtatute law: *ergo*, this no ſufficient warrant— For Durham; the ſheriff not made by the King, but the biſhop; and for life, not for a year.—— Moveth, ſithence Durham laſt drawn in to charge, to join in petition to the King, that Durham may have knights and burgeſſes, ſuch as he ſhall think fit— Said to be dumb men, becauſe no voices.

Mr. Aſhley:——That they of Durham hold it a privilege not to be bound to the attendance of the parliament; elſe reaſon for the motion.

Sir Roger Owen:——That the writs antiently ſuch, as now, to reſtrain electing or returning of ſheriffs; for in the regiſter, and *nat. brevium.*—For Durham ſheriff, the like for them, as for the ſheriff of Cheſter, Cornewayle, &c. The reaſons why reſtrained; for that he hath *cuſtodiam comitatus*, and commandeth all dukes &c. And is to execute all proceſſes.

Sir Henry Anderſon moveth, as Sir Edward, that they of Durham may have knights and burgeſſes; for now bound to pay ſubſidies, and yet have no benefit of the general pardon—but no reſolution.

May 14th 1614. Sir Edwyn Sandys reported from the committee of petitions, the matter for knights and burgeſſes for this county—That the county ſtandeth in a worſe plight than any other part of the kingdom, and that that much toucheth the kingdom; that every man hath a propriety in his goods, which will not ſuffer that to be transferred to another, without his own conſent; and not to be governed by laws whereunto they no parties; that Wales whiles not ſubject to ſubſidies, &c. no knights; after, had: 3dly, That the biſhop there hath *jura regalia*, ſo hath great power to oppreſs; the biſhop now cleared from this, yet to provide for poſterity.

On the other ſide alledged, that no cauſe now to innovate, becauſe they are well; therefore to change is to be worſe. 2. That not deſired; therefore not to be thruſt upon them againſt their wills. 3. That a matter of charge, being much impoveriſhed by rebellion, 11 Eliz. that at the firſt committee, the firſt over weighed the latter; and thereupon ordered a bill to be drawn, and a petition to be drawn to his Majeſty: this done accordingly. That at the laſt committee, alledged, my Lord could prove that all the principal men, noble gentlemen, and the grand-jury, were againſt it.—— Moved, this would diſgrace the biſhop; and that the biſhop, before farther proceedings, might be heard with his counſel at the bar, or at the committee.

Sir Henry Anderſon:——That this moved the laſt parliament *, when they preſt to grant ſubſidies; the motion then thought reaſonable; that all the country groaneth under the burthen of the government there; that he charged by ſome great ones to be the cauſe of this innovation; that my Lord ſent down ſpecial meſſages; that his officers beſtirred themſelves, as if his *jura regalia* had been in queſtion; that found there a great canvas againſt this; great labour to get men from their former reſolutions— will ſhew hereafter how the certificates gotten—will encounter them with a certificate of as much credit as the other.—To ſit in Rome, and ſtrive with the pope—to ſtrive with the biſhop of Durham; that my Lord ſitteth judge, where the King doth not ſo. —The records locked up ſo as not to be ſeen, where ſpecial uſe of them.——A man impriſoned, without bail, for a very ſmall offence.—One ſpeaking againſt a penal law checked, becauſe againſt the biſhop's profit, who hath all the advantage of penalties and forfeitures.—Hath known for fines, poſt-fines, and alienations, more paid there than in any other part of England—a full third part taken.—Not ſecured of their lives—He judge, where hath all the forfeitures:—The ſheriff his own:—The jurors his freeholders——Attached, preſently indicted; next day executed—Theſe two but beaſt thieves.——Moveth this certificate may be brought into this houſe; and hopeth he will ſatisfy this houſe of many undue circumſtances, whereby this procured.

*See July, 11, 1610.

For the poverty of the country, wherewith they fear the poor freeholders of 8 s. a day for the knights wages, thinketh no man ſo baſely minded, as choſen, would require it—Recuſants many, ſo no number ſufficient—Wiſheth, that were better looked to—That the finders of it the cauſes of it— That his having the penalty of the recuſants (never meant by this houſe) a principal cauſe of it.

Mr. Aſhly:—That at firſt he ſpake of it by accident; that my Lord, underſtanding it, ſent for him; deſired him to make known to the houſe, that the country deſired it not.

Mr. Speaker:—That no ground for this diſcourſe, till the bill read.

May 21. L. 1. An act for knights and burgeſſes to have place in parliament for the county-palatine, city of Durham, and borough or town of Barnard's Caſtell *alias* Caſtle-Barnard.

31ſt. L. 2. The ſame act.

Mr. Gryffin moveth a commitment; and, that he may have counſel at the committee.

Mr. Aſhley moveth, ſithence ſomething hath been ſpoken againſt the biſhop of Durham, he may be heard to clear himſelf.

Sir Henry Anderſon :—That, for thoſe aſperſions, thinketh there might come in a petition of grievance, which will bite nearer than any of thoſe aſperſions.

Sir Thomas Hobby,—for the commitment; and that—the only port town within the county may be thought of by the committee to have burgeſſes.

Sir George More :—not to——

Sir John Savyle :—The bill reaſonable—Thinketh my Lord of Durham diſliketh not the bill, but thinketh——

Sir William Walter :—knoweth all the gentlemen, and commons that have not dependance upon the biſhop, willing with the proceedings of this——

Committed to the King's learned counſel, to all that have ſpoken, Sir Myles Sands, Sir Edw. Sands, Sir H. Nevil, the burgeſſes of Newcaſtle, Sir Jo. Bennet, Sir Tho. Wentworth, the knights and burgeſſes of Yorkſhire, Northumberland, Cumberland, Mr. Gwynn, my Lord Clifford, Sir Ro. Yaxley, Mr. Hoſkyns, Mr. Hitchcocke, Mr. Brooke, Mr. Rayneſcrofte :—Monday, in the Exchequer court.

Ordered, my Lord of Durham may have his counſel heard at the ſaid committee; and alſo, any of the gentlemen, of the county of Durham, may be there preſent. The ſeſſions ended the 6th of June; ſo no farther proceedings in this bill.

The next time this matter was moved, was in the year 1620. When the bill was ordered, or when firſt read, doth not appear: but I apprehend, it was between the 17th and 26th of February, during which time the Journals are not printed; nor do I ſuppoſe they are in the office. [See the note to the printed Journal of the 26th of February.]

March 6, 1620. L. 2.—Durham.——

Mr. Ravenſcrofte,—againſt part of the bill; becauſe it hath 14.—To allow them two knights, and two burgeſſes.—Moveth an enlargement of this room for the members of this houſe.—

Committed to Lord Clifford, Sir Talbott Bowes, Sir Tho. Wentworth, Sir Tho. Hobby, Sir Jo. Strangwayes, Sir H. Withrington, Mr. Brandling Mr. Crew, Mr. Raynſcrofte, Mr. Fetherſton, Mr. Mallory, Sir Guy Palmes, Sir Jo. Walter, Sir H. Anderſon, Sir Tho. Ryddall: to morrow, two of clock, exchequer chamber.

14th. Sir Thomas Hobby reported the bill for knights.—Burgeſſes for the county-palatine of Durham with amendments.

Agreed, knights for the county, citizens for Durham. Bernard Caſtle agreed by the Committee to have burgeſſes; becauſe the Prince his town, and he deſireth it.

Hartipoole, by opinion of the committee to have burgeſſes; becauſe a port town.—The reſt rejected; becauſe of peſtring the houſe, and becauſe theſe incorporated by the biſhop, not by the King.

Sir William Earl :—That the number of burgeſſes here too great—to have but as many as Cheſter, viz. two knights and two burgeſſes.

Sir Robert Payne, *accordant*—for no reaſon, becauſe an haven.

Sir Thomas Hobby, *contra*.

The Bill to be recommitted in the committee-chamber preſently.

The bill for Durham brought in again, without amendment.

Sir Thomas Wentworth :—Rather to leave out Bernard's Caſtle, which a dry town, rather than Hartipoole.

Sir Thomas Bowes :——They as much charged with publick charges, as they which have eight burgeſſes :—More for purveyance and arms, than the Eaſt riding of Yorkſhire.—In Hartipoole, not a ſufficient man dwelling, to ſerve;—in Barnard's-Caſtle many,—This the Prince his town—Hartipoole a ſubject's.

Sir William Groſvenor :—That Cheſter a county palatine, more antient than the other; bigger.—Thinketh not fit, they ſhould have more than Cheſhire.

Mr. Smith concurreth——That Glouceſterſhire, bigger farther than this, hath but two knights, two citizens, and two burgeſſes;—ſo have an equal proportion of 2 knights 2 citizens.

Mr. Carvyll,—for Hartipoole, in reſpect of the antientneſs,—walled,—ſtrength, &c.—Hath all the privileges from the King; where Durham city the biſhop's.

Mr. Secretary,—for ſix burgeſſes, and particularly for Hartipoole; for Barnard's-Caſtle, becauſe the Prince his deſire to have it.

Mr. Brooke :——To have but two knights, and two burgeſſes.

Sir John Walter :—That Hartipoole a poor town—deſires it not.——That thought fit, Barnard's-Caſtle ſhould have burgeſſes to ſpeak for the Prince, whoſe town it is.

Mr. Mallory,—for Hartipoole and Barnard's-Caſtle.

Sir Thomas Row——for Barnard's-Caſtle rather than Hartipoole, becauſe much given to popery.

Sir Francis Goodwin :——To have but four burgeſſes at moſt.

Mr. Whitſon :——To have either of theſe towns have one burgeſs.

Upon queſtion, reſolved, Durham to have two knights: and Durham to have two burgeſſes. Barnard's-Caſtle to have two burgeſſes; Hartipoole to have no burgeſſes.

Hartipoole ſtrucken out by order of the houſe.

The bill to be engroſſed.

April 26, 1621. *Lib.* 3. An act, that the county palatine of Durham ſhall have knights, citizens, and burgeſſes, to ſerve in the commons houſe of parliament:—upon queſtion, paſſed.

May 7. It was carried to the Lords by Sir Thomas Edmonds. Lords Journal.

25th. Read the firſt time.

31ſt. Read the ſecond time, in the morning; the third time, and paſt, in the afternoon: but never had the royal aſſent.

March 23, 1623. *Lib.* 1. An act, that the county palatine of Durham may ſend knights, citizens, and burgeſſes, to ſerve in parliament.

25th. *Lib.* 2. An act that the county-palatine of Durham may ſend knights, citizens, and burgeſſes to parliament, committed to Sir John Savyle, Sir Henry Fane, Mr. Sollicitor, Sir Francis Seymour, Mr. Ravenſcrofte, Mr. Pepper, Mr. Wainsford, Mr. Boſwell, Mr. Lucy, Mr. Kirton, Sir Clem. Throckmorton, Mr. Louther, Sir Jo. Danvers, Sir Tho. Wentworth, Sir Thomas Bellaſis, knights, burgeſſes Yorkſhire, Northumberland; Mr. Lively, Sir Anthony Forreſt, Mr. Fetherſtone, knights, burgeſſes Devon and Cornwall; Serjeant Hitcham, Sir Henry Mildmay :—Tueſday-ſevennight, Star-Chamber, two o'clock.

May 4, 1624. Mr. Wandesford reporteth the bill for burgeſſes for Durham, with amendments, which twice read.--This bill was recommitted, upon the queſtion, Whether Barnard-Caſtle ſhould have two bur- 1 Journal, 697.

geſſes, or not; which the committee hath now reſolved they ſhall have.

Sir John Savyll,—againſt burgeſſes for Barnard-Caſtle.

Sir Thomas Trevor, *pro.* Sir Henry Anderſon, *pro*—that the Prince deſireth it—that Sir Thomas Bowes hath power there, by reaſon of his inheritance, to procure the election againſt all letters.

Sir Robert Phillips, *pro.* Sir John Walter, *pro.* Mr. Mallory, *contra.* Sir Henry Fane, *pro*—and the Prince his deſire is only upon the country his ſuit to him.

Sir Edwyn Sands, *pro.*—That the King can put in burgeſſes in Barnard-Caſtle, without this houſe,

Sir Edward Coke:——Forteſcue,——that at firſt three hundred burgeſſes here, ſuitable to the ſenators of Rome; now almoſt five hundred.——Queſtion, Whether the King may make burgeſſes in a county palatine?—Is for two burgeſſes for Barnard-Caſtle.

Sir George Moor, *pro.*——Sir Thomas Wentworth:—Not fit to name the Prince.—This no parliamentary courſe. May ſtop—

Upon queſtion, this bill to be engroſſed.

8th. *L.* 3. An act, that the county-palatine of Durham may ſend knights, citizens, and burgeſſes to parliament, upon queſtion, paſſed.

Dec. 1, 1640. *1ma Vice lecta*, An act, that the county-palatine of Durham ſhall have knights, citizens, and burgeſſes, to ſerve in the commons houſe of parliament.

Theſe are all the minutes I meet with, before the confuſion of the times began: and during the *æra* of the rebellion, I have not mentioned any of the minutes of the many mock parliaments, or of that which was ſummoned by the King, after he left it. The next motion that I meet with, was this:

July 13, 1660. Ordered it be referred to Sir Thomas Widdrington, to bring in a bill, impowering the city and county of Durham to ſend burgeſſes to parliament.

28th. A bill, enabling the county and city of Durham to ſend knights and burgeſſes to ſerve in parliament, was this day read a firſt time.

Aug. 1. A bill, for empowering the county and city of Durham to ſend knights and burgeſſes to ſerve in parliament, was this day read a ſecond time.

Ordered, that, in the 2d folio, the 5th, 6th, 7th, and 8th line, to theſe words, "to the," be ſtruck out of the bill; and that, inſtead thereof, theſe words be inſerted, "in like manner as is uſual for the knights and citizens to ſerve for other counties and cities in this kingdom."

Reſolved, that the ſaid bill, ſo amended, be engroſſed.

8th. A bill engroſſed, impowering the county and city of Durham to elect and ſend knights and burgeſſes to ſerve in parliament, was this day read a third time; and, upon the queſtion, paſſed.

Ordered, that Mr. Elliſon do carry it to the Lords.

Reſolved, that the title of the ſaid bill be, An act to enable the county of Durham to ſend knights, and the city of Durham to ſend burgeſſes, to ſerve in parliament.

In the houſe of Lords, it was twice read, and committed: but no report was ever made, nor did it paſs; nor do I find any mention of it again, till 1667. I do not find any order for bringing it in: but,

Dec. 10, 1667. Ordered, that the bill, for the election of members to ſerve in parliament for the county-palatine of Durham, be read to-morrow morning.

13th. A bill, for the election of members to ſerve in parliament for the county-palatine of Durham, was read the firſt time.

Reſolved, the ſaid bill be read a ſecond time on Monday next: but it was not read on that day.

Feb. 13. A bill, for conſtituting knights to ſerve for the county-palatine, and citizens to ſerve for the city, of Dureſme, was read the ſecond time.

March 9. Sir Thomas Strickland reports from the committee, to which the bill for conſtituting knights and burgeſſes to ſerve for this county-palatine, was committed,

That the committee had carefully examined the bill, and found no cauſe to make any alteration, or amendment thereto.

Reſolved, that the bill be engroſſed.

16th. Ordered, that the engroſſed bill, for enabling the county-palatine of Durham to ſend members to parliament, be read to-morrow morning, nine o'clock: but it was not read until

26th. An engroſſed bill, to enable the county palatine of Durham to ſend two knights to ſerve for the county, and two citizens to ſerve for the city of Durham, in parliament, was read.

A proviſo, concerning the manor of Creet, in the ſaid county, read three times; and ſome amendments agreed at the table.

Reſolved, that the proviſo be made part of the bill.

Then the queſtion was put, That the bill do paſs; and on a diviſion, Yeas 50, Noes 65, the ſaid bill was rejected: nor do I find it was again brought in, until

Feb. 28, 1672. Ordered, that leave be given to bring in a bill, for the county of Durham to ſend knights and burgeſſes to ſerve in parliament; and that the bill be read to-morrow morning.

March 1. A bill, for enabling the county-palatine of Durham to ſend knights and burgeſſes to parliament, was read.

Reſolved, that the bill be read a ſecond time on this day ſevennight.

8th. A bill, to enable the county-palatine of Durham to ſend knights and burgeſſes to parliament, read a ſecond time: but the King coming to the houſe, no order was that day made thereupon.

10th. Reſolved, that the bill, to enable the county palatine of Durham to ſend knights and burgeſſes to parliament, which was read a ſecond time on Saturday, be committed; and the committee to meet on Wedneſday next, at two in the afternoon, in the Exchequer-Chamber.

14th. Ordered, that the report from the committee, to which the bill to enable the county-palatine of Durham to ſend knights and burgeſſes to parliament was referred, be made on Monday morning next, at ten o'clock.

17th. Sir Thomas Clarges reported from the committee, to which the bill for enabling the county palatine of Durham to ſend knights and burgeſſes to parliament was committed, ſome amendments, agreed to be made by the committee to the ſaid bill: which he read with the coherence in his place; and after delivered the ſame in at the clerk's table: and the ſame being twice read, and agreed;

Reſolved, that the bill, with the amendments agreed to, be ingroſſed.

After this, I find no notice of it in the Journal of the houſe of commons: but it paſſed; for I find in the Lords Journal,

Lords Journal.

24th. A meſſage was brought from the houſe of commons by Lord Ogle, and others, who brought up a bill, intitled, An act to enable the county palatine of Durham to ſend knights and burgeſſes to ſerve in parliament; to which they deſired the Lords concurrence: and the bill was that day read the firſt time in the morning; and a ſecond time in the afternoon, and committed.

25th. The Earl of Carliſle reported the bill for chooſing knights and burgeſſes for the county-palatine of Durham. The committee did ſend to the dean of Durham, to acquaint him there was ſuch a bill depending before the houſe; and, if it was of any concern to him or the prebends, they might be heard; he ſent word, he had nothing to object againſt the ſaid bill, whereupon the committee are of opinion, that the ſaid bill do paſs.

And it being then read a third time, it did paſs; and afterward had the royal aſſent.

The bill being thus paſſed,

April 14, 1675. An order was made to conſider of the iſſuing a writ, and referred to a committee. See the report in Durham city.

March 26, 1679. A petition of Chriſtopher Vane, eſquire, complaining of the undue and illegal practices of the ſheriff of this county, in electing and returning Sir Robert Eden, baronet, and John Tempeſt, eſquire; and particularly ſetting at liberty a great number of popiſh recuſants convict, in order to giving their votes to the ſaid Sir Robert Eden and John Tempeſt, in injury of the petitioner, who was duly elected, and ought to have been returned: and praying &c.

Ordered to be referred to the committee of privileges and elections, to examine and report the matter, with their opinions.

Ordered, that a committee be appointed, to examine the matter of the miſdemeanor of the high-ſheriff of this county, in ſetting at liberty ſo many papiſts at the time of the election, and the manner of doing it; and to report the ſame to the houſe.

Oct. 19, 1722. A petition of William Lord Viſcount Vane, of the kingdom of Ireland, was read; ſhewing, that at the election of a knight to ſerve in this preſent parliament for this county, Sir John Eden, baronet, John Hedworth, and Ralph Robinſon, eſquires, and the petitioner, were candidates: that many arbitrary and unwarrantable practices were made uſe of by the ſaid John Hedworth, in order to procure him to be elected; and he is returned accordingly, in manifeſt prejudice of the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter thereof, and to report the ſame, with their opinion.

EAST-GRINSTEAD.

THIS borough is ſituate in the county of Suſſex, which has returned members to parliament from the firſt of Edward the ſecond. The memoirs which I have met with of its elections and burgeſſes, are theſe.

P. R. 15.

Feb. 9, 1625. Mr. Speaker moveth, that Mr. Attorney-general returned for this borough, and mentioned the order 12 *Jacobi*.

The order to be brought and read to-morrow morning; and then order to be taken for it in the houſe.

10th. A new writ ordered for the choice of another burgeſs, in the room of Sir Robert Heath, his Majeſty's Attorney-general, according to the precedent 12 *Jacobi*.

April 16, 1640. The petition for this borough ordered to be heard in courſe.

24th. Eaſt-Grinſtead, in the county of Suſſex. Complaint againſt Mr. Goodwyn's election.——The election belongs to the free-burgage-holders only.—Mr. Goodwyn got an election by the inhabitants.

Sir Henry Compton, by the judgment of the committee, clear, and well elected, and well returned. ——Mr. White had 13 voices—Mr. Goodwyn had 14 voices.——Objection——A feoffment made by Mr. Goodwyn, which did multiply voices.—Mr. Goodwyn affirmed, the inhabitants, as well as the burgage-holders, had right of election.—Indenture produced to prove this;—one, Queen Mary—Elizabeth—Edward VI.——Henry VIII.

Committee of opinion, The right of election, original.

Committee of opinion, Mr. Goodwyn—well elected, and well returned; and are fit members to ſit in this houſe.

Complained,—That this preſent bailiff did threaten before the election; and at the election threatned, that thoſe that would not give to Mr. White—and, ſince the time of the election, threatned the witneſſes that came to give teſtimony for Mr. Goodwyn; ſaying, that, if they gave their voices for him, their ſervants ſhould be preſſed, and their carts taken, and other ſuch words of like nature.

On behalf of the Earl of Dorſet, it was affirmed, his lordſhip had written to the town, to make a fair and very free election.

Ordered, upon the queſtion,—Sir Henry Compton, and Mr. Goodwyn, are well elected, and returned burgeſſes to ſerve in this preſent parliament for the town of Eaſt-Grinſtead; and to be called in to ſit in the houſe.

Ordered, upon the queſtion,—Edward Blundel, bailiff of Eaſt-Grinſtead, ſhall be ſent for by the meſſenger of the houſe, as a delinquent, for miſdemeanors by him committed at, before, and ſince, the election of burgeſſes for this borough.

Nov. 16. Mr. Maynard reported from the committee of privileges . . . . Upon his report, it was reſolved, upon the queſtion, That the Lord Buckhurſt was well elected, and well returned, to ſerve as a burgeſs for Eaſt-Grinſtead, in the county of Suſſex; and to be admitted to ſit here: and accordingly he was called in.

Ordered, that Sir William Culpepper and Mr. Goodwyn do forbear to ſit, till their election be determined.

Dec. 24. Mr. Maynard's report . . . .

Reſolved, upon the queſtion, that the election of Mr. Robert Goodwyn, for one of the burgeſſes for the borough of Eaſt-Grinſtead, in the county of Suſſex, is good: and thereupon he was called in.

March 19, 1678. A petition of ſeveral of the inhabitants of this borough, complaining of an undue return, made by the bailiff of the ſaid borough, of two perſons to ſerve in the preſent parliament as burgeſſes for the ſaid borough, not elected by the inhabitants; and refuſing to return Henry Powle, eſquire, whom the petitioners did duly elect, in injury to the petitioners; was read. Alſo,

A petition of William Scroggs, eſquire, complaining of an undue return of Edward Sackville, eſquire, to ſerve in this preſent parliament for this borough, in injury of the petitioner, who was duly elected, and ought to have been returned.

Reſolved, the ſaid petitions be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

April 7, 1679. Sir Thomas Meers reported from the ſaid committee the matter of the election.

The queſtion was, whether the inhabitants at large, or the burgage-holders alone, had the right of election of members of parliament for this borough.

The inhabitants, the petitioners, produced the ſeveral records following, to prove this a borough by preſcription, and that all the inhabitants have right to vote at elections.

1 *Mariæ*. The bailiff, burgeſſes, and all other inhabitants, of their common aſſent have elected.

30 *Eliz.* 21 *Jacobi I.* The ſame perſons choſe jointly.

1 *Caroli.* The bailiff and commonalty, for and in the name of themſelves, and the reſt of the burgeſſes and commons of the commonalty of the ſaid borough, have choſen.

They offered ſeveral other records to prove the ſame; but they were admitted by the counſel on the other ſide.

Then called Mr. Robert Goodwyn, who ſaid, he had known the borough above 60 years, and ſerved in parliament for the ſame 18 *Jac.* and in ſeveral parliaments afterwards; and in all his elections, the inhabitants, as well as the burgage-holders, choſe him, and voted in all elections from 18 *Jac.* to 1660, when he gave up by reaſon of his age: and ſays, he ſearched the records; and by five of them it appeared that the inhabitants had a right to vote in elections; therefore he accepted them in all his elections.

Thomas Cocket ſaid, he was an inhabitant and no burgage-holder, and yet voted 40 years ſince for Mr. Goodwyn.

Robert Matthews and others ſaid, they were at the election in February laſt, and after the precept was read by the bailiff, about ſixty of the inhabitants demanded the poll for Mr. Powle; but the bailiff denied them, and thereupon they voted for Mr. Powle, and elected him, and ſigned and ſealed an indenture, whereby he is returned one of the burgeſſes. They ſay, Mr. Powle had about ſixty voices, and no other competitor had above 18. The inhabitants offered other evidence; but all the counſel agreed, that the inhabitants at large have a right to elect, and that Mr. Powle was well elected.

Then Mr. Scroggs' counſel pretended to prove him elected; but he in his own petition only aſſerting himſelf well elected, and not denying the election of Mr. Pelham, Mr. Scroggs' counſel and all other the counſel and witneſſes were ordered to withdraw. The counſel for the inhabitants did not oppoſe Mr. Pelham.

After debate, the committee reſolved,

That this borough is an antient borough by preſcription.

2 That the inhabitants, as well as the burgage-holders, of this borough, have right to vote in elections of members to ſerve in parliament for the ſaid borough. And upon debate, and conſideration that Mr. Scroggs had not petitioned againſt Mr. Pelham:

Reſolved, that Mr. Scroggs' counſel and witneſſes ſhall not be called in to be heard againſt Mr. Pelham.

Reſolved, that Edward Sackville, eſquire, was not duly elected to ſerve in this preſent parliament for this borough.

That Henry Powle, eſquire, is duly elected to ſerve in this preſent parliament for the ſaid borough: all which reſolutions were read a ſecond time, and reſolved by the houſe.

Nov. 3, 1680. A petition of the burgeſſes of this borough was read.

Ordered to be referred to the committee of privileges and elections, to examine and report the matter, with their opinion. No report appears.

May. 23, 1685. A petition of John Conyers, eſquire, was read; complaining of the undue election and return of Simon Smith, and Thomas Jones, eſquires, to ſerve in this preſent parliament for this borough, in injury of the petitioner.

Reſolved, the petition be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

Jan. 22, 1688. A petition of John Conyers, eſquire, was read; complaining of an undue election and return of members to ſerve in this preſent convention for this borough.

Ordered to be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

March. 27, 1689. Colonel Birch reported from the ſaid committee, the matter upon the ſaid petition; that it appeared to the committee, that the queſtion was, whether burgage-holders alone, or the inhabitants, as well as the burgage-holders, had the right of election; that Mr. Conyers' counſel proved the latter from the authorities following;

1 *Mariæ*. The bailiff, burgeſſes, and all other inhabitants have elected—14 *Eliz.* Burgeſſes and inhabitants——30 *Eliz.* Bailiff, burgeſſes and inhabitants, of their common aſſent jointly together, have elected.—21 *Jac.* The ſame of their common aſſent &c. 1 *Car I.* Bailiff, and others of the commonalty, elected—15 *Car. I.* Thomas Dine, and others, burgage-holders, and Edward Newington, and others, inhabitants, elected Robert Goodwin——16 *Car. I. Burgenſes et alii inhabitantes eligerunt*, whereto there are 44 names.

The Journal 1640, was read; whereby it appears, Mr. Goodwin was agreed to be elected by the inhabitants, upon a report made from the committee of elections, betwixt him and Mr. White, who was elected by the burgage-holders only: and read alſo Journal 1679, upon the election of Mr. Powle, when the committee reſolved, "That the right of election was in the inhabitants, as well as burgage-holders;" and the houſe did agree thereto: and called Robert Matthews, who ſaid, he was at the election, and before the election was declared, a poll was demanded for the inhabitants; and a return of Mr. Conyers and Mr. Sackville tendered under the hands and ſeals of the inhabitants; but it was refuſed by the bayliff, either to grant the poll or accept the return: that of theſe perſons, ſix were borough-holders; and there are in all about ſixty inhabitants, who pay ſcot and lot.

It was alſo proved, that Mr. Jephſon and Mr. Wharton were, in King Charles the ſecond's time, elected by the inhabitants and burgage-holders: and at this election none of the inhabitants offered to poll for Sir Thomas Dyke.

For the ſitting-member it was proved he had the majority of the burgage-holders: and there were read the following records: 12 *Ed. IV.* Burgeſſes——17 *Ed. IV.* Burgeſſes of the commonalty—28 *Eliz.* Burgeſſes and inhabitants—15 *Car.* Bailiffs and burgeſſes choſe John White——13 *Car. II.* Bailiffs and burgeſſes—27 *Car. II.* Bailiffs and burgeſſes choſe Edw. Sackville—29 and 30 *Car. II.* Bailiff and burgeſſes.—

John Bartholomew, 74 years old, ſaid, Lord Buckhurſt and Sir George Courthope were choſen by the burgage-holders.

John Langridge knew Captain Sackville's election, and Mr. Pelham's, to be by the burgage-holders;

That there were exceptions againſt Mr. Conyers' votes: that two or three lived in one houſe, and did not all pay to church or poor; but the poor's book being ſhewed, theſe appeared frivolous, they being all rated. Upon the whole matter, the committee, finding, by records and witneſſes, that the uſage of the election for this borough hath been, for the moſt part, by the inhabitants at large, as well as the burgeſſes, reſolved,

That it is the opinion of this committee, that the burgage-holders alone within this borough have not the right of election of members to ſerve in parliament for the ſaid borough.

That the inhabitants, as well as the burgage-holders, of this borough, have right to vote in elections of members to ſerve in parliament for this borough.

That Sir Thomas Dyke, baronet, is not duly elected a burgeſs to ſerve in this preſent parliament for this borough.

That John Conyers, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for this borough.

Theſe reſolutions were read twice; but upon the ſecond reading, every one of them diſagreed to by the houſe.

Nov. 25, 1695. A petition of the right honourable Lionel, Earl of Orrery, &c. was read; ſhewing, the petitioner was duly choſen a burgeſs for this borough to ſerve in this preſent parliament; but the bailiff of the ſaid borough, refuſing to admit ſeveral good votes for the petitioner, hath returned Sir Thomas Dyke and John Conyers, eſquire, as duly elected. Alſo,

A petition of Spencer Compton, eſquire, was read; ſhewing, that on the 19th of November inſtant, the petitioner was duly choſen a burgeſs to ſerve in this preſent parliament for this borough; but John Jenner, bailiff of the ſaid borough, hath arbitrarily returned Sir Thomas Dyke and John Conyers, eſquire, as burgeſſes, though the petitioner had the majority of legal electors that voted for him: and praying &c.

Ordered to be referred to the committee of privileges, to examine the matter, and report the ſame, with their opinion.

A petition of many of the burgeſſes and inhabitants of this borough was read; that the petitioners duly choſe the right honourable Lionel, Earl of Orrery, to be one of their burgeſſes for this preſent parliament; but the bailiff of the ſaid borough, denying to ſeveral of the petitioners their right of election, hath unjuſtly refuſed to return the ſaid Lord Orrery, and hath returned Sir Thomas Dyke and John Conyers, eſquire: and praying &c.

Ordered, the petition do lie upon the table.

29th. Ordered to be referred to the committee of privileges, to examine the matter, and report it to the houſe, with their opinion.

Jan. 1. Ordered the report to be made on Saturday morning next.

6th. Ordered to be made on Thurſday next.

9th. Mr. Solicitor-general reported, the committee had examined the merits of the election; that the petitioners inſiſted the right of election to be in the inhabitants and burgage-holders, paying ſcot and lot, of whom the Earl of Orrery and Mr. Compton had the majority; and alſo if in the burgage-holders only, they were elected by the majority.

To prove the right in the burgage-holders, and inhabitants paying ſcot and lot, they read theſe returns.

12 Ed. IV. by twelve perſons therein named, and other burgeſſes of the ſaid borough elected, and had full power for themſelves and the commonalty of the borough.

17 Ed. IV. between the ſheriff and the bailiff, and twelve other perſons, moſt of them different from thoſe in the former indenture, and other burgeſſes—Indenture witneſſing the bailiff and commonalty did elect—7 Ed. VI. Indenture between the ſheriff and ſixteen ſtiled burgeſſes and inhabitants, the ſaid burgeſſes and inhabitants *ex eorum unanimi aſſenſu et conſenſu, eligerunt*, and concludes, *burgenſes præd. ſigilla ſua appoſuerunt*—1 *Mariæ*—Between the ſheriff, bailiff, and thirteen perſons named, ſtiled burgeſſes and inhabitants, that they and all other inhabitants elected—the ſaid bailiff, burgeſſes and inhabitants, for themſelves and in the name of all other the burgeſſes and inhabitants of this borough, put their ſeals—2 and 3 Phil. and Mary, bailiffs and 12 other perſons named burgeſs and inhabitants elected——2 and 3 Phil. and Mary, bailiff and twelve others named, ſtiled burgeſſes, and inhabitants, elected——the bailiff and burgeſſes put their ſeals in the name of all other the inhabitants—26 Eliz. between ſheriff and the bailiff and 14 others, burgeſſes and inhabitants——30 Eliz. bailiff and ſeven others, ſtiled burgeſſes and inhabitants, of their common aſſent, jointly together elected—bailiff and burgeſſes, in the name of the reſidue of the burgeſſes and inhabitants, put their ſeal——39 Eliz. bailiff, and five others named, and others of the commonalty, for and in the name of the reſt of the burgeſſes, elected, and gave power for themſelves and commonalty of the ſaid borough——43 Eliz. bailiff and ten others, named and ſtiled burgeſſes and inhabitants—bailiff and burgeſſes, in the name of all the reſidue of the burgeſſes and inhabitants, put their hands and ſeals, with the common ſeal of the ſaid borough——1 *Jac.* bailiff and twelve other perſons named, ſtiled burgeſſes and inhabitants—the ſaid bailiff and burgeſſes, in the name of all the reſt of the burgeſſes and inhabitants, put to their ſeals, with the common-ſeal of the ſaid borough—21 *Jac.* twelve perſons, named and ſtiled bailiffs and burgeſſes and inhabitants—bailiff, burgeſſes and inhabitants, of their common aſſent, jointly elected, and to the indenture ſet their ſeal—15 *Car. I.* indenture reciting the warrant to the bailiff and burgeſſes, ſixteen burgage-holders named, fourteen inhabitants named, elected, and ſet their hands and ſeals.——16 *Car. I.* about fifty-nine perſons named burgeſſes and inhabitants of the borough, and there preſent, elected by virtue of the ſheriff's warrant directed to the bailiff, burgeſſes and inhabitants, then read——24 April, 16 *Car.* the reſolution on Mr. Goodwin's petition (ſee *ante*) alſo report 1679 (ſee *ante*) wherein is the teſtimony of two witneſſes, one that for ſixty, another for forty years, the inhabitants as well as the burgeſſes always voted, and the houſe reſolved the right to be in them.——Return 31 *Car. II.* precept to bailiff and burgeſſes, thirty-five named and ſtiled bailiff, burgeſſes and inhabitants, and they ſealed——the ſame year, precept to bailiff and burgeſſes, thirty-four, named and ſtiled bailiff, burgeſſes and commonalty, elected, and bailiff and burgeſſes ſet their

ſeals—33 *Car. II.* thirty-five perſons named and ſtiled burgeſſes and inhabitants, with divers other burgeſſes and inhabitants, elected. And called,

Mr. Packer, who ſaid, the inhabitants demanded a poll for the petitioners, but it was denied; and proved an indenture to be ſigned and ſealed by them, whereby the petitioners were ſaid to be elected.

Then the petitioners proceeded to prove themſelves elected by the burgage-holders, of whom the poll was thus,

For Sir Thomas Dyke —— 16,
Mr. Conyers, with his vote 14, with the bailiff.
Lord Orrery —— 13,
Mr. Compton —— 11.

That ſome who were entitled to vote as burgage-holders, but were refuſed: and called,

Thorp, who ſaid, he received of Mr. Putland 9 d. for rent due to the lord, but it was not for the houſe he voted for: but another witneſs ſaid, Putland lived in the houſe he voted for, though he had not done ſo long; and that he bought it nineteen years ſince, and would have voted for the petitioners, but was refuſed.

Smith ſaid, he was a burgage-holder, and voted for the petitioners, and would have polled for them, but was refuſed. He produced his deeds; but did not ſay, when they were executed, nor when he had poſſeſſion.

Hutchins ſaid, Head had a burgage eſtate, which was mortgaged to him in fee: and Mr. Packer ſaid he would have polled for the petitioners; but Mr. Conyers ſaid, an infant had the equity of redemption, and therefore refuſed.

Ledger ſaid, when Sir Thomas Dyke came to him, he pulled out an handfull of money, when he deſired his vote a little before the election, and told him, he would do him as much kindneſs, as Mr. Compton; and Mr. Payne offered him the running of an horſe to vote for Sir Thomas Dyke.

For the ſitting-members,

It was inſiſted, the right was in the burgage-holders only, and the votes of the inhabitants were obtained by indirect means: and called,

Pollard, who ſaid, Mr. Packer aſked his vote for the earl of Orrery and Mr. Compton, and promiſed to be a good friend to him, and told him, Sir Thomas Dyke had been in the houſe a good while, and done no good; that he was a jacobite, and kept a jeſuit in his houſe; and ſaid alſo, that he denying his vote to the petitioners, he was threatned with a ſtone doublet, and was arreſted three days before the elections; that Percival would have had him gone to London, to have been out of the way at the election, which he refuſed.

Johnſon ſaid, it was given out by Percival, that if Sir Thomas Dyke was choſen, the houſe would not accept him, but he would be turned out again.

Payne ſaid, it was rumoured about the town, a little after Percival came to town, that ſixty members would be turned out, and Sir Thomas Dyke was to be one of them.

James ſaid, he heard Mr. Packer ſay, he had received a letter from the chancellor of the Exchequer, or ſhould not have made ſo much intereſt there.

Cowper ſaid, that Bodell ſaid, Mr. Jenner and Mr. Taylor ſhould have their penſions ſtopt, and that he had orders for it from Lord Chamberlain, becauſe ſome perſons had voted for the ſitting-members. Badkyn, who appeared for the petitioners, gave out, that, if they diſobliged my Lord of Dorſet, they ſhould be troubled with ſoldiers, and loſe the aſſizes.

Payne and Wood ſaid, Leger declared he would vote for the petitioners, for he could have a place for his mother in the college, of eight pounds *per annum*, which would be worth an hundred.

Page ſaid, Smith, who would have voted for the petitioners, had owned, the houſe, (which he claimed,) was not his, but Mr. Smith's of Windſor.

They then read the following returns.

28. *Eliz.* indenture between the ſheriff and twenty-three named, ſtiled bailiff, burgeſſes and inhabitants —bailiff and burgeſſes of their common conſent elected jointly—bailiff and burgeſſes in the name of the reſidue of the burgeſſes then ſealed—13 *Caroli* between the ſheriff and fifteen perſons, ſtiled bailiff and burgeſſes, reciting, the bailiff and burgeſſes, by warrant to them directed, elected.

Jenner produced a letter from the Earl of Dorſet, directed to the bailiff and the reſt of the burgage-holders of this borough, by which he took notice of their promiſe to chooſe Lord Orrery; he recommended him, and offered them his ſervice: which letter, he ſaid, was publickly read, before they went to the election, and before the precept was read.

Upon the whole, the committee reſolved,

That the right of election of burgeſſes to ſerve in parliament for the ſaid borough, is not in the burgage-holders and inhabitants of the ſaid borough.

That the right of election of burgeſſes to ſerve in parliament for the ſaid borough, is in the burgage-holders only.

That Sir Thomas Dyke, baronet, is duly elected a burgeſs to ſerve in this preſent parliament for this borough.

That John Conyers, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for this borough.

The ſaid reſolutions were read twice, and agreed to by the houſe.

Nov. 24, 1708. A petition of John Conyers, eſquire, was read; ſhewing, that at the laſt election of burgeſſes to ſerve in this parliament for this borough, the petitioner was one of the candidates, and had a majority of legal voices, and ought to have been returned; but that, by admitting double voices for one and the ſame burgage-hold, and permitting others to vote, who had no right, and by threats and other undue practices, Henry Campion, eſquire, is returned as elected, in prejudice of the petitioner: and praying &c.

Ordered, that the ſaid petition be heard at the bar on the 8th day of February.

Jan. 19. Ordered, that Mr. Conyers have leave to withdraw the ſaid petition.

EASTLOW.

THIS borough is ſituate in the county of Cornwall. It never ſent members to parliament until the reign of Queen Elizabeth, from which time I ſuppoſe it hath ever ſince done. The memoirs I have met with of their elections, and matters relating thereto, are theſe. D'Ewe's Journal 156.

April 6, 1571. The validity of this borough, as to its right of ſending members, was (with others) ordered to be enquired of (ſee Cirenceſter.)

9th, Report was made of the validity of its burgeſſes; and its charter to be elſewhere examined. (ſee as before.)

Jan. 6, 1640. Reſolved upon queſtion, that Mr. Moyle ſhall not ſit here as a member of this houſe, till his election be decided.

May 5, 1660. Mr. Turner reported from the committee of privileges and elections, touching the double return for this borough, that the mayor of the ſaid borough had, under his hand and ſeal, returned Henry Seymour and Jonathan Trelawney, eſquires, by one indenture, and George Trelly and Nathanael Moyle, eſquires, by another indenture; and opinion of the committee, that none of the ſaid perſons ought to ſit till the merits of the cauſe be determined: whereto the houſe agreed.

Reſolved, the mayor of this borough be ſummoned to appear at the bar of this houſe, on Monday next come-fortnight, to anſwer his miſdemeanor, in making an inſufficient return of members to ſerve in parliament for this borough, and that he bear the charges of the ſaid ſummons.

16th. Mr. Turner reported from thecommittee of privileges, and elections, the caſe upon the double return for this borough; that upon the examination of the matter of fact, the committee were of opinion, that Mr. Seymour and Mr. Trelawney ought to ſit, and that the other indenture be withdrawn: whereto the houſe agreed.

March 19, 1678. A petition of John Kendal, eſquire, complaining of an undue return of Sir Jonathan Trelawney, baronet, and Henry Seymour, eſquire, to ſerve in this parliament for this borough, in injury of the petitioner, who was duly elected, and ought to have been returned.

Reſolved, that the ſaid petition be referred to the committee of privileges and elections, to examine and report the matter, with their opinion. But it was never heard.

May 12, 1727. Ordered a warrant for a new writ for electing a burgeſs for this borough, in the room of Lord Malpas, made maſter of the Robes.

ESSEX.

THIS county is bounded on the one ſide by the river Thames, and adjoins to the metropolis of the kingdom. It ſent knights to the parliament in the 22d of Edward the firſt, and ſo now continues to do: concerning theſe, I meet with no particular memoirs, until the reign of King Henry the ſixth, when Sir Thomas Thorp, a baron of the Exchequer, repreſented this county, and was choſen ſpeaker: in the vacation of parliament in the 32d year of King Henry the ſixth, an action was brought againſt him by the Duke of York, for certain treſpaſſes, for which he recovered 1000 l. damages; and he was taken in execution for the ſame; whereupon the whole houſe of commons, preſented a petition to the King, and Lords, for his enlargement; upon which the Duke of York made a repreſentation to the parliament.—The matter was conſidered, and the King and Lords refuſed to diſcharge him; whereupon the commons elected another Speaker.—This being a matter greatly affecting the privileges of parliament, I have thought the whole roll and proceedings, a proper part of the Appendix, and ſhall only thereupon obſerve; that a baron of Exchequer was capable of a ſeat in the houſe of commons; and alſo that this proceeding was entirely under the arbitrary influence of the Duke of York, and declared to be grievous by parliament in the firſt year of King Henry VII.—I meet with no farther memoirs relating to this county in this reſpect, till ſince the Revolution, after which theſe following do occur.

Regiſt. 1.

Regiſt. 13.

Par. Hen. n.26.

Jan. 22, 1688. A petition of John Lamot Honeywood, eſquire, complaining of an undue election and return for this county to ſerve in the preſent convention, and alſo of undue practices in the coroners of the ſaid county, was read.

Ordered it to be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Feb. 26. A petition of divers gentlemen, freeholders of this county, complaining of divers irregularities and abuſes, in ſeveral elections of knights of the ſhire for this county, was offered to the houſe, and the houſe being informed that ſeveral of the petitioners were at the door to own the ſame,

Reſolved, that the petitioners be called in.

Accordingly they were brought to the bar of the houſe by the ſerjeant with his mace, and owned the ſaid petition.

And a motion being made, that this houſe will take into their conſideration the bringing in a bill for regulating elections for the future.

Reſolved, that it be referred to Sir Francis Ruſſell, Colonel Tipping, Colonel Mildmay, Sir Chriſtopher Muſgrave, Mr. Love, Mr. Herbert, Sir Thomas Clarges, Mr. Garway, Mr. Henry Polexfen, Mr. Sacheverell, Sir John Holt, Mr. Dalben, Mr. Hamden, Sir Thomas Lee, Lord Digby, Sir Edward Harley, Major Wildman, Mr. Medlecot, Sir George Treby, Mr. Somers, Mr. Guiſe, Mr. Arnold, Mr. Eyres, Mr. Wogan, Mr. Baldwyn, Sir Henry Goodrick, Mr. Paul Foley, and Mr. Thomas Foley, to prepare a bill for that purpoſe: and they are to meet at four of the clock this afternoon, in the Speaker's chamber; and it is recommended to Sir George Treby, to take care of the bill.

April 2, 1689. Sir Richard Temple reported from the committee of privileges and elections, the ſtate of the fact, upon the petition of Mr. Lamot Honeywood, which he delivered in at the table in writing; an abſtract whereof follows.

The main queſtion was, whether the poll was duly cloſed.

For Mr. Honeywood the petitioner, the counſel opened, that the day of election was the 10th of January, and that upon the view, Colonel Mildmay and the petitioner appeared to have three or four to one, to what Captain Wroth had; that whereas the poll might have ended that day, the coroner had by ſeveral adjournments, continued it until the Tueſday after, and at laſt ſhut it up before all had polled for Mr. Mildmay and Mr. Honeywood, though Captain Wroth carried it but by 26 voices, the numbers being,

For Colonel Mildmay	1473,
For Captain Wroth	1302,
For the petitioner	1328.

Lewis Preſcot ſaid, he went to the court-houſe on Thurſday, the day of election, about half an hour after ten the coroner came and read the Prince of Orange's letter: as ſoon as it was done, the whole multitude, above 1200, cried out a Mildmay and a Honeywood, and ſo continued for an hour: about half an hour after eleven, two chairs were brought to carry Colonel Mildmay and Mr. Honeywood; but whilſt they were brought, Mr. Wroth came with a party (as he believes) of 200 men and no more, and demanded a poll: Mr. Whitacre took it for Colonel Mildmay and Mr. Honeywood, and Mr. Hughes inſpected it, and two others took it for the coroners and Mr. Wroth: they polled about half an hour, and adjourned till three: about half an hour after the coroner came, and they polled for about a quarter of an hour: then it was agreed to go into the church-yard, and have a view: Colonel Mildmay's and Mr. Honeywood's were on the right, and Mr. Wroth's on the left hand; and upon the view, the two former ſeemed to have near three to one: when they came back, they polled till about half an hour after five, and then adjourned till Friday, eight o'clock; but the coroner came not till almoſt ten, afterwards adjourned till three, but came not till four, and then polled till almoſt ſix, and adjourned till ſeven next morning, but came not till ten: from this day they adjourned till Monday, ten o'clock: they polled till two, and adjourned till four: when he came, he polled till ſix, and adjourned till eight next morning, when he came, and had polled about three quarters of an hour: then he bid the crier make proclamation: he (the witneſs) then preſſed into court, and was told the poll was cloſed, but afterwards he was admitted to poll: that whilſt he was ſwearing, the crier made proclamation that the poll was cloſed: he ſays, there were 150 crying out a Mildmay and a Honeywood, and ſome of them he knew had not polled: Mr. Whitacre was diſcharged on Monday about eleven o'clock.

Haines ſaid, he was inſpector of the poll, and thoſe who voted for Colonel Mildmay and Mr. Honeywood, were checked, and the books taken from their hands: at the end of the poll they made three oyes's, as faſt as they could, whereupon Colonel Mildmay ſaid, "you ought to keep a pauſe, I have not polled for Mr. Honeywood, nor he for me;" but the clerk cried oyes, and the poll was cloſed: he went off the bench, and there were a number of men to be polled, and one Byat was taking the names of thoſe who would have polled: and Haines ſaid, after the poll was cloſed, Mr. Whitacre and he would have inſpected the caſting up the poll, but were not admitted.

Maſſey ſaid, he was there the whole time: that when the poll was cloſed, there were many to poll, and ſeveral perſons cried out to be polled, but they ſhut the book and ſaid, no more ſhould be polled: that ſeveral of them he knew to be freeholders, particularly one Chandler.

Manwaring ſaid, there were ſeveral to poll, when oyes was made; ſo he perſuaded ſeveral of them to croud in, and he heard them to cry out they wanted to be polled.—"I would pole Mildmay and Honeywood;" but preſently the books were ſhut up.

Pyratt ſaid, he ſaw Thory the coroner ſhove thoſe from him who were on the ſide of the court next to Mr. Honeywood, and reached over his hand to them who were on the ſide next Mr. Wroth to poll: he was twice put back, and then he and ſome others went where the *niſi prius* was, and ſet down the names of thoſe who had not polled, of which he named ſeven he knew to be freeholders.

Soams ſaid, he was preſent at ſetting down the names, and knew ſixteen of them, who had not polled, to be freeholders, whom he named, and they could not be polled; and ſaid, ſeveral were abuſed by rapping their fingers; that Villy told Sir Samuel Huſbands, he had given ſuch directions about it, the poll could not fail.

Abbot ſaid, the election laſted from Thurſday till Tueſday; that he knew fifteen, whom he named, who had not polled, and were freeholders; that they cried out and could not be heard; and he was one who took the names.

Penton ſaid, he requeſted them not to ſpeak, unleſs they were freeholders; they anſwered, that they would ſwear it, particularly Edward Harrington and Thomas London.

Green ſaid, he knew Marſh and Taylor (who ſaid they had not polled) to be freeholders.

So they gave account of about forty-one who were freeholders, and who were put down in a paper immediately after the * paper was cloſed, who declared they would have voted for Colonel Mildmay and Mr. Honeywood.

For the ſitting-member it was agreed, the poll was carried on as before ſaid, but the queſtion was, Whether thoſe who were refuſed offered before the poll was cloſed? that there were five proclamations; and when the poll was cloſed, there were thoſe who wanted to poll for Mr. Wroth, as well as for the petitioner.

Thomas Winnel ſaid, that about an hundred of them agreed to go down to Sir Thomas Fanſhaw and Mr. Maynard, but hearing they did ſtand, they did not intend to go; but after, when they heard Mr. Wroth ſtood, they went: that with difficulty they got in, but ſome went away, and did not poll, becauſe of the number; and knowing they were for Mr. Wroth, they were joſtled and hindered to come: that on Tueſday, coming from Colcheſter, he overtook about fourteen coming for Mr. Wroth, who told him, they intended to poll for him; and when he came to Chelmsford, they were cloſing the books; and he believes, about ſixty for Mr. Wroth were then to be polled.

Lee ſaid, that he aſſiſted at the poll, as clerk, at the coroner's requeſt; and that, as faſt as they were ſworn, he ſet down their names; and they were inſpected: Mr. Haynes was for Mr. Honeywood and Mr. Mildmay: that it continued from Thurſday till Tueſday, about ten or eleven o'clock: that the court being thin, the coroner ordered the crier to make proclamation with three oyes's, and then Mr. Preſcot came and polled; and two afterwards: after that, two other proclamations, with two oyes's, that, "if there were any other freeholders, they ſhould come and poll:" that there was about half an hour between them all: that there was a confuſed noiſe after the poll was cloſed; ſome cried, "ſhut up the books;" and others called for a poll: that they carried away the books on Saturday, when about . . cried, "Run, knock them down, take away the books;" which was the reaſon they did not admit them at caſting up the books: that colonel Mildmay did ſay, "You ſhould make a little longer ſtay betwixt the proclamations, and he had not polled yet;" but he did not ſee them lay their hands on the book, or offer themſelves to poll: that at the time of the laſt proclamation, there was great ſilence.

Neal ſaid, he was one of the clerks, and the poll was carried on fairly: that three oyes's were made, and there were ſeven quakers, to one of whom he held out the book, and he refuſed to ſwear; and ſaid, the reſt would do the ſame: that the court was very thin, and any might come to poll who would: that colonel Mildmay's men were very outrageous, which was the reaſon they did not let them in at the caſting up the books, but ſet a watchman at the door, to keep them from breaking open the doors: he ſaid, the two coroners, the other clerk, and himſelf, were at caſting them up; and doth not know, that any one demanded entrance to ſee them caſt up.

Geofrey Lee ſaid, he was employed as a ſwearer: that three oyes's were made very deliberately, and then came Mr. Preſcot, whom he ſwore by captain

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* Sic orig.

Wroth's order; and then two more; then ſtaid a conſiderable time, and none came, neither for Mr. Mildmay or Mr. Honeywood: at laſt colonel Mildmay ſaid to Mr. Wroth, "Don't let any more trouble of adjournments be, but let us cloſe the books;" and the coroner went away with the books.

Robinſon ſaid, he was preſent when the poll was cloſed, and oyes made three times with deliberation; and when the poll was cloſed, he ſaw no one offer for Mr. Mildmay, or Mr. Honeywood, but a parcel of quakers, who durſt not come there to give their oath.

Herne ſaid, that Wright and Chaundler were polled, though they ſaid they were not.

White ſaid, that Corniſh of Southbenfleet, not 18 years old, polled for his father; and near twenty, who came for Mr. Wroth, came after the poll was cloſed, and could not be polled.

Clark ſaid, he was going to be polled; Mr. Wroth ſhoved him down: that his friend being weakly, could not get to be polled, and went away.

How ſaid, he came to Chelmsford on Sunday, but could not get polled till Monday late: and on Tueſday, when the people cried "a Mildmay and a Honeywood," colonel Mildmay rebuked them, and ſaid, "Mr. Wroth is fairly elected."

Burling ſaid, he being on Tueſday near Mr. Wroth's chair (upon the rabble's crying out "a Mildmay and a Honeywood") colonel Mildmay checked them; ſaying, "it is a Mildmay and a Wroth; it is a fair election, therefore hold your tongues."

That colonel Mildmay gave a large account of the election: and, upon the whole, the committee reſolved,

That John Wroth, eſquire, is duly elected a knight of the ſhire to ſerve in this preſent parliament for this county: whereto the houſe agreed.

March 24. A petition of Sir Anthony Abdy and Sir Eliab Harvey, knights, was read; ſhewing, that they were elected as knights of the ſhire for this county, by the majority of legal voters; and more would have voted for them, if they might have had time to poll, had the poll not ſurpriſingly cloſed as it was; yet, nevertheleſs, John Lemot Honeywood, eſquire, ſheriff of this county, combining and confederating with Henry Mildmay, eſquire, and Sir Francis Maſham, hath returned, as knights of the ſaid ſhire, them as duly elected; many indirect practices being uſed by the ſheriff's clerks in taking the poll, and otherwiſe, as will be made appear: and praying they may have an hearing before, and juſtice of, the honourable houſe; and that the ſheriff may be ordered to deliver a copy of the poll to the petitioners.

Ordered to be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

Oct. 9, 1690. A petition of the ſaid Sir Anthony Abdy, and Sir Eliab Harvey, to the like effect, was read, and was referred in like manner: but no report appears to be made.

Jan. 17, 1692. A petition of Sir Eliab Harvey, was read; ſhewing, that upon the death of Henry Mildmay, one of the knights of the ſhire for this county, the petitioner, and one John Lemot Honeywood, were candidates; where the petitioner was duly choſen, and had ſome hundreds of other freeholders that would have voted for him, had not the ſheriff cloſed the poll ſooner than he ought to have done; and ſeveral indirect practices were uſed by the high-ſheriff and his agents: and praying the conſideration of the houſe &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Feb. 10. Ordered the report to be made upon Tueſday morning next, at eleven o'clock.

14th. Serjeant Trenchard reported the matter upon the ſaid petition; That it appeared, Mr. Honeywood, on caſting up the poll, had 148 more than the petitioner.

But the petitioner inſiſted, there had been a great many abuſes committed in taking, and cloſing the poll: and called,

Mr. Wroth, Mr. Moor, and Sir Edward Turner; who ſaid, they were preſent at the election: that Sir Eliab Harvey had deſired of the ſheriff, that it might be taken at the court-houſe, as uſual, but it was refuſed by him; and he went into a booth, which he had cauſed to be built near the ſaid court-houſe: that the ſaid booth was not ſo commodious for the taking the poll, in regard the ſheriff could not ſee all that were ſworn; and was ſo filled up with Mr. Honeywood's men, that thoſe who would have voted for Sir Eliab Harvey could not get in; and particularly, Sir Edward Turner was obliged to get over the booth to get in: that Sir Eliab Harvey deſired that the poll might be adjourned till next day, becauſe many of his friends would not come till then, not expecting the poll would be over that night; and that Sir Eliab offered to make oath of it: that two perſons came before the laſt book was cloſed, and demanded to be polled for Sir Eliab Harvey, but were not admitted: that Sir Edward Turner demanded a ſcrutiny, and the ſheriff ſaid, he would conſider of it: that upon inſpecting the poll, they found many, who voted for Sir Eliab Harvey, were ſet down for Mr. Honeywood, and the cypher altered, and made the figure of one.

Mr. Kendal and Mr. Blakiſton ſaid, they heard one, who polled for Sir Eliab Harvey, aſked by the inſpector, if he had received any money for his vote, or horſe-hire.

And that Mr. Gent ſaid, they had two ſorts of oaths: that they firſt aſked who they were for; if they ſaid for Sir Eliab Harvey, they were ſwore they had forty ſhillings a year, all charges borne; and if they were for Mr. Honeywood, they left out theſe words, "all charges borne:" that this was done to two or three perſons, but knows not at what poll it was.

Mr. Trahern ſaid, that Mr. Sheffield, who was the ſheriff's captain, and alſo under-ſheriff, deſired him not to vote for Sir Eliab Harvey; and told him, if he did, my Lord of Oxford would demand his commiſſion from him.

Mr. Patch ſaid, he ſaw Mr. Traherne come to poll, and Sheffield held up his wand, and bid him have a care what he did, for he promiſed to be neuter: that three, who polled for Mr. Honeywood, had no eſtate to qualify them to vote: that he knew of ſeveral who would have come the next day for Sir Eliab Harvey; but ſaid, it was put up in the market-place, that the poll would be ended in one day, if poſſible: that he ſaw one polled for Sir Eliab Harvey, wrote for Mr. Honeywood.

That captain Brown ſaid, that he heard captain Reves ſay, he had a letter from his colonel for to vote for him, and that he would oblige him to vote for neither; otherwiſe he would have voted for Sir Eliab Harvey.

Mr. Lee ſaid, he voted for Sir Eliab Harvey; had no application made to him to vote for Mr. Honeywood; but ſeveral ſaid, captain Hudſon threatned them, if they would vote for Sir Eliab Harvey.

Mr. Searl and Freeborn ſaid, they met thirty or forty next day coming to vote for Sir Eliab Harvey: and Mr. Jones ſaid, he met ſeveral of his neighbours coming.

Thory ſaid, Sheffield came to Mr. Honeywood the day before the election, and ſaid, "Now, Sir, who will carry the day?" and that an hour before the poll was over, Mr. Toller folded up the book, and was abſent for an hour before the books were ſealed up; and the day after the election he ſaw twenty, who ſaid they were coming to vote for Sir Eliab Harvey.

French ſaid, he knew of thirty: and Mr. Green ſaid, he knew of twelve, who were coming to vote for Sir Eliab Harvey.

Palmer ſaid, that John Palmer, Simon Anſley, and Samuel Barrell, came and voted for Mr. Honywood, who had no right; and that he ſaw the oath pronounced to ſeveral who did not kiſs the book: and that Daniel Portman ſaid, Richard Oliver and George Staines had no freeholds: that Bridge ſaid, that ſix who had polled for Mr. Honywood declared, they would poll again; and that they thruſt up to the bar of another poll: and that one Stoakes ſaid, there were ſeveral quakers; and that captain Moſely ſaid, "bring the names, and I will enter them:" and William Parkins ſaid, he had five ſhillings of Mr. Honywood.

That Pounſel ſaid, he polled for Mr. Honeywood, and had eight ſhillings given him by Mr. Wheeler for his charges and horſe-hire.

Baite ſaid, that after the election he ſaw a great many mean people about Mr. Honywood, who aſked, "if they were all paid?" and they ſaid, "no;" whereupon Mr. Honywood ſaid, "they ſhould be all ſatisfied."

That Chaundler ſaid, he voted for Sir Eliab Harvey, and had eight ſhillings for horſe-hire and charges: that Harris and Philips had eight ſhillings each; and N. Harris and his ſon had five ſhillings each; John Engliſh had his horſe-hire: they all lived at Colcheſter, and voted for Mr. Honeywood.

Sidley ſaid, Bruce, King, and Garret, had eight ſhillings each; Poley had no right, and had five ſhillings; William Sayer had no right, and had ſix ſhillings, as they told him, and voted for Mr. Honeywood: that he voted for Sir Eliab Harvey, and had five ſhillings for horſe-hire, and three ſhillings for charges.

For the ſitting-member, was called Mr. Sheffield, the under-ſheriff; who ſaid, the high-ſheriff had commanded him to give timely notice of the election, which he did do in the moſt remarkable market-towns in the county, in writing: he began to give notice the latter end of December, that the election would be on the 10th of January, and, if poſſible, he would end it in one day: that he had order from the high-ſheriff to acquaint Sir Eliab Harvey, that the election would be in the ſame manner the laſt was, and accordingly left word with his ſon: that he heard Sir Eliab had his meſſage, by a letter he received from Sir Eliab: that the quarter-ſeſſions happened the ſame day as the election, and therefore the ſheriff thought fit to adjourn to the booth; which was made in ſuch a manner, that there were ſix clerks on each ſide: that the partition was but breaſt high, and the ſheriff, turning himſelf about, could ſee to any part of the booth: that there were twelve clerks appointed, and ſworn by the ſheriff: that there were twelve inſpectors of each ſide, and every freeholder ſworn, to the beſt of his knowledge: that at Sir Eliab Harvey's requeſt the poll was adjourned for an hour; and they went to the court-houſe, and gave notice to the people by proclamation, that they ſhould come to the booth: that the poll began about one o'clock, and ſlacking about four, they ſent to the market-place, and made proclamation for the people to come and poll: and did afterwards the ſame at the booth: that for two hours together there were not above thirty people that polled; knew none denied, but one who came to poll for Mr. Honywood; and the reaſon was, becauſe he came too late: that they made the clerks ſign and ſeal the books reſpectively; and Mr. Wroth, and ſeveral others, who were for Sir Eliab, were at caſting them up, and ſaw the ſeal broke open.

Major Loyd ſaid, he was ſupervisor for Mr. Honywood, and one Mr. Bradbury, at the ſame booth, for Sir Eliab Harvey; who took care, that thoſe who came to poll ſhould lay their hands cloſe to the book, and be ſet down fair: that ſeveral proclamations were made to come to the poll; and after each two or three would come and poll; and ſo for an hour together: that at laſt, when none came, the ſheriff called for candles, and was a long time ſealing up the book: that the oath was, that they had forty ſhillings *per annum* freehold, and that they had not been before ſworn; and the ſame given to all indifferently.

That colonel Deſborow ſaid, he was preſent, and did not ſee any man but who was ſworn, and no interruption at all; and at the ſame book there was an inſpector for Sir Eliab Harvey.

Mr. Hudſon ſaid, he came into court when they began to poll, and kept moving, and went to ſeveral books, and all he ſaw was fair: that to ten books he found inſpectors. and at the eleventh none anſwered; but one had been fixed to that book, which was the beſt on Sir Eliab Harvey's ſide: that there were inſpectors for Sir Eliab Harvey at every book: that proclamation was made at the moſt conſiderable inns in town; and for the laſt half hour, not above twenty polled: that the ſheriff could ſee almoſt over the booth; and when the poll was cloſed, he could go round on the outſide of the booth, and not touch a man: that he ſpoke to ſome to be for Mr. Honywood; but told them, he would not court them: and that the alteration of cyphers into figures was done in court, by direction of the inſpectors, to amend miſtakes by the clerks faſt writing.

Mr. Fowler ſaid, his book was the laſt open, and not more than ten came in two hours: that at laſt came a young man to poll, but was a minor, and went back; and one Engliſh, who would have polled for Mr. Honywood, but came too late.

Butler ſaid, he was a ſwearer at one book, and every man ſworn by him; and the ſame oath given to all: that after four, none was polled at his book.

Upon the whole, the committee came to this reſolution,

That John Lemot Honywood, eſquire, is not duly elected a knight of the ſhire to ſerve in this preſent parliament for this county.

That Sir Eliab Harvey is not duly elected a knight of the ſhire to ſerve in this preſent parliament for this county.

That the election for a knight to ſerve in this preſent parliament for this county, in the place of Henry Mildmay, eſquire, deceaſed, is a void election.

The ſaid reſolutions were read twice; and, on the ſecond reading, the firſt was diſagreed to.

June 14, 1715. A petition of Robert Honywood, eſquire, was read; ſhewing, that at the laſt election for this county, the petitioner, and William Harvey ſenior, eſquire, were candidates: that many perſons were admitted to poll for the ſaid Mr. Harvey, who had no right ſo to do, and other illegal practices were uſed for the ſaid Mr. Harvey; by which means he has procured himſelf to be returned, to the prejudice of the petitioner, who had a legal majority, and ought to have been returned: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter thereof, and report the ſame, with their opinion; and ordered an inſtruction to the committee, to hear it on the 13th day of July next.

See the Votes this day.

July 7. Ordered it be an inſtruction to the committee, that they hear the matter of the ſaid petition on Wedneſday ſevennight.

19th. Ordered, that the committee, who were to hear the ſame to-morrow, do hear it on to-morrow fortnight.

Aug. 3. Ordered to be heard before the committee on this day fortnight.

17th. Ordered, that the committee of privileges and elections be diſcharged from hearing the matter of Robert Honywood, eſquire, complaining of an undue election and return for the county, during this ſeſſion of parliament.

Feb. 21. Ordered the laſt order be diſcharged, and that the ſaid complaint be heard on the 4th day of April next.

May 12, 1716. Ordered, that the report be received on Thurſday next.

17th. Mr. Hampden, according to order, reported the matter upon the ſaid petition.

That the committee had examined the merits of the election:

That the poll was, for Mr. Harvey 2,541,
for Mr. Honywood 2,517:

That the petitioners added three to the poll; viz.

One, who voted for the petitioner, and was wrote down for Mr. Harvey; another, who voted for the petitioner, and was ſet down for Mr. Middleton, who was dead; and another, who was undercaſt on the petitioner's poll.

And they objected to 157 of Mr. Harvey's voters, and produced evidence, who diſqualified 142, under the following heads.

One, a mortgager out of poſſeſſion; two voted for reverſions, and ſix for leaſeholds; ſix purchaſed within a year before the election, ſeven were minors, ſeven were vicars, and four ſchoolmaſters, not rated; twenty-one no freeholders, eight had freeholds under value, who were not rated, and eighty were in none of the publick rates; and the other fifteen were not diſqualified by evidence.

That the counſel for Mr. Harvey objected to 251 of the petitioner's voters, and gave evidence to diſqualify 112; viz.

One, a mortgager out of poſſeſſion; one, a ſchoolmaſter, not rated; two, purchaſed within an year before the election; two were minors; four received charity; fourteen had freeholds, rated under value; four had freeholds, proved by witneſſes to be under value; and ſixty-two were not rated.

As to 117 other perſons, objected to by Mr. Harvey, the evidence was as follows; viz.

Sixty-four were objected to, as not rated; viz. fifteen upon the evidence of James Witham, and forty-nine upon the evidence of James Harvey; who ſaid, they had inſpected the rates produced by the petitioner, and did not find theſe names there: but owned, they were ſtrangers to the country, and did not know the places, or the perſons, of which they ſpoke, or whether they had any tenants rated or not. And 53 others were objected to, as not being in any rate: but they owned, that twenty-ſeven were in ſome of the rates; and for the reſt, they could ſpeak to the poors-rate only, or the land-tax, and not to both rates.

That the objections to 22 other voters were not proved.

To qualify 42 of Mr. Harvey's voters, it was inſiſted by the counſel, that 13 were good votes, though not rated; viz. five vicars, four parſons, and four ſchoolmaſters. Two were proved to be freeholds of value, and twenty-ſeven were proved to be rated in their own, or tenants names; which anſwered the objections made to them.

That the petitioner's counſel, in reply, alledged, that ſix, which had been diſqualified, as not having freeholds, and not named in any rate, were only miſnomers upon the poll, by literal miſtakes of the clerks; ſuch as Bilſden for Pilſden, Stoke for Stuck: and they proved by the rates, that fourteen were rated, though Mr. Harvey's witneſſes ſaid the contrary, who inſpected the rates.

That the petitioner's counſel qualified the fourteen, and falſified ſeveral of Mr. Harvey's witneſſes: whereupon the committee reſolved,

That William Harvey, eſquire, is not duly elected a knight of the ſhire to ſerve in this preſent parliament for this county.

That Robert Honywood, eſquire, is duly elected a knight of this ſhire to ſerve in this preſent parliament for this county.

The ſaid reſolutions were twice read, and agreed unto by the houſe.

And the return ordered to be amended.

EVESHAM.

THIS borough is in the county of Worceſter, and returned repreſentatives to a parliament called by Edward the firſt, but diſcontinued until the 1ſt of James the firſt; when he reſtored it, and incorporated it. Thus Dr. Willis writes, but I do not find Mr. Prynn takes any notice of it: and I obſerve Dr. Willis writes, the parliament they returned to was 23 Edw. I. which is before the commencement of Mr. Prynn's liſts, which begin 26 Edw. I. The memoirs relating to its elections, I have met with, are theſe.

Nov. 9, 1640. The buſineſs concerning the election of ſerjeant Croſby, and Mr. Coventry, and Mr. Sandys, is referred to the committee of privileges.

July 12, 1660. Sir Edward Turner reported, from the committee of privileges and elections, the caſe upon the return of members to ſerve in this preſent parliament for this borough: That, upon the examination of the fact, they found it admitted, that John Egiock, eſquire, one of thoſe returned, had the greater number of voices; and that the queſtion was betwixt Sir Thomas Rouſe, who is returned with Mr. Egiock, and Mr. Andrews the petitioner; and that it appeared upon the poll taken, that Sir Thomas Rouſe had a greater number of voices than

Mr. Andrews, and therefore is duly elected, and ought to ſit: and thereto the houſe agreed.

Nov. 3, 1669. A petition of Sir James Ruſhout, complaining of an undue return made of Sir John Hanmer to ſerve for this borough, was read.

Ordered to be referred to the committee of privileges and elections, to examine the matter, and report it, with their opinion.

22d. Sir Job Charleton reported, from the ſaid committee, the ſtate of the caſe; and the queſtions ariſing thereupon were, 1. Whether the mayor, aldermen, and capital burgeſſes only, or the burgeſſes at large, had the right of election. 2. Whether the election was good or void. 3. Who had the majority of voices. And the committee were of opinion, that the common burgeſſes had voices in election, and that the election by the mayor, aldermen, and chief burgeſſes, was not good; that the election was not void; that Sir James Ruſhout had the majority of voices, and was duly elected.

The queſtion was put to agree with the committee, that the right of election is in the common burgeſſes, and that the ſelect election by the mayor, aldermen and chief burgeſſes, was not good. It was agreed——and the matter being debated whether the denial of the poll did void the election, the queſtion was put to agree with the commitee, that the election is not void, and on a diviſion it was diſagreed to.

Reſolved, that the mayor of this borough be ſent for in cuſtody of the ſerjeant at arms attending this houſe, for his miſdemeanor, in making the return for this borough, and denying the poll.

Ordered, that Mr. Speaker do certify the Lord Keeper of the great ſeal of England, that the houſe have this day reſolved the election to be void, that was lately made upon the death of Sir Abraham Cullen, who lately ſerved a member of the houſe of commons for this borough; deſiring a writ may iſſue forth for the electing a new member to ſerve in this preſent parliament in his place and ſtead.

Dec. 9, 1695. A petition of Sir Ruſhout Cullen, baronet, was read; ſetting forth, that the petitioner was elected a burgeſs to ſerve in this preſent parliament for this borough, but that Henry Parker, eſquire, by illegal practices, has procured himſelf to be returned for this borough, in wrong of the petitioner; deſiring the houſe would appoint a day to hear the petition.

Ordered to be referred to the committee of privileges and elections to examine the matter, and report the ſame, with their opinion.

EXETER.

See Pole's MS. Hiſt. of Devonſhire ex autog. J. Pole, bar. Lib. Doomſ. Willis's Notitia, vol. II. 263.

Brady, 65.

THIS city is ſituated within the county of Devon, and the capital of the ſee or dioceſe of this name. It is of great antiquity, and accounted for in Doomſday-book as the King's demeaſne (vide Appendix) and hath been held by grant from Henry I. by Maud the King's conſort; and in King John's time, Iſabel his conſort held it in dower. It was repreſented in parliament from the firſt parliament called by Edward the firſt, and in 27th of Edward the third, I find the writ was directed to the mayor and bailiffs. *Vobis præcipimus firmiter injungentes, quod duos burgenſes de provectioribus diſcretioribus et magis expertis burgenſibus civitatis præd. de aſſenſu ejuſdem civitatis ſine delatione eligi, &c. Ita quod iidem burgens' pro ſe et communitate civitatis, &c. ſufficientem poteſtatem habent.* The return was on the back of the writ,

Roberti de Brideport, manucaptores { Johes Spicer, William Wike.

Roberti de Hugheſon, manucaptores { Willus Sleght, Richard Oliver.

Reſponſio Roberti de Brideport, majoris civitatis Exon, et Richardi Oliver et Thomæ Spicer, ballivorum ejuſdem civit. ac communitatis civitatis prædictæ talis eſt; quod ipſi eligerunt prædictos Robertum de Brideport et Robertum de Hugheton, burgenſes dictæ civitatis ad faciendum ſecundum tenorem iſtius brevis. But I find in the 27 Hen. VI. the ſheriff of Devonſhire returned the citizens for this city, as appears by the indenture in the Appendix.

By this it appears, the repreſentatives were only called burgeſſes, but in more modern times they are ſtiled citizens, owing to the charter of King Henry the eighth; whereby, and by act of parliament, it became a county, and the writs are directed to the ſheriff, who makes the returns. The memoirs relating to its elections, which I have met with ſince this new incorporation, are theſe.

March 26, 1628. Mr. Hackwill reporteth from the committee for privileges for Exeter, Mr. Lynn and Mr. . . . . returned by one indenture, and Mr. Lynn and Mr. Jordan, by another——A preſcription, the mayor and common council nominated four, out of which the burgſſes choſe two. That the mayor and twenty-four nominated Mr. Lynn, Mr. Martyn, and two others, but not Mr. Jordan; but that Mr. Jordan was choſen by the greater number than Mr. Martyn; that the ſheriff upon the nomination of the four had ſaid, they might chooſe another; that the late elections according as now for Mr. Jordan.

Upon queſtion, the election and return of Mr. Jordan good, and he to ſerve, and the other indenture to be taken off the file by the clerk of the Crown.

Jan. 20th. Motion, that Mr. Lynn being choſen mayor of this city, might be diſcharged and a new choſen; but ruled, that being a member of the houſe, he was elected mayor, he ought to ſerve here, and he is to be ſent for to attend the ſervice of the houſe if he come not ſhortly.

30th. Moved, that where Mr. Jordan's election made by the commons of Exeter, allowed by the houſe, and that made by the magiſtrates rejected, the magiſtrates do now refuſe to pay Mr. Jordan any wages, out of lands given the city for that purpoſe, but pay the other burgeſs.

The conſideration thereof referred to the committee of privileges, to be the next caſe after that of Flynt, and they to report their opinion therein to the houſe, for further proceedings therein; and upon queſtion reſolved, that Mr. Lynn, mayor of the ſaid city, be ſent for to the houſe by a letter from Mr. Speaker.

Feb. 5th. The aldermen and town-clerk of Exeter, now in town, to attend the committee for privileges, about Mr. Jordan's wages; and the ſending for the two aldermen agreed upon by the committee of privileges to be ſent for, ſhall be ſtayed.

April 16, 1640. This city a town and county. The writ to be delivered to the ſheriff. The mayor deſires to know, whether he ſhall ſerve or no.

Ordered, that the caſe of the mayor of this city, be referred to the committee of privileges to look into precedents, and to take order for the ſettling it hereafter.

June 4, 1660. Mr. Turner reported from the committee of privileges and elections on the double return for this city; that, upon examination of the fact, it appeared there was a tumult at the time of the election, and that three queſtions were in the caſe, viz. Whether there was ſuch a force as made the election void; 2. Whether the ſheriff did duly take the poll, and whether the freemen of the place alone, or the freemen and the freeholders together, had right to elect; and that the committee reſolved thereon, that although there was a tumult, yet there was not ſuch force as to make the election void; that the poll was duly taken by the ſheriff, and that the right of election belonged to the freemen; and were therefore of opinion, that both ſerjeant John Maynard, who had a greater number of the freemens votes than Mr. Richard Ford, and Thomas Bampfyld, eſquire, who is returned by both indentures, were duly elected, and ought to ſit: whereto the houſe did agree.

March. 24, 1680. A petition of the citizens and freemen of this city was read, touching the election for this city.

Ordered, that it be heard at the bar of this houſe on this day three weeks.—the parliament was diſſolved before the time.

May 8, 1689. Ordered, that Mr. Speaker do iſſue his warrant to the clerk of the crown, to iſſue out a new writ for the electing of a citizen to ſerve in this preſent parliament for this city, in the room of Sir Henry Polexfen, who is now promoted to be Lord Chief Juſtice of the court of Common Pleas.

June 20th. A petition of Hugh Speke, eſquire, was read; ſhewing, that on the 6th inſtant was the election for one of the citizens for this city, in the room of Sir Henry Polexfen, now Lord Chief Juſtice of the court of Common Pleas; that the petitioner and one Chriſtopher Beale, the now pretended Mayor, were candidates, and the petitioner had then been choſen, had not the ſaid Beale bribed ſeveral perſons, and brought ſeveral out of priſon and almſhouſes, to give their votes for him; many of them ſtriking ſeveral that appeared to vote for the petitioner, which cauſed a great riot, and many of the petitioner's friends who had votes, went away for fear of murder; whereby the ſaid Beale procured himſelf to be returned by Edward Seaward, the now pretended ſheriff, in wrong of the petitioner: and praying to appoint a ſhort day for him to make out his ſuggeſtions.

Ordered it be referred to the committee of privileges to examine the matter, and report it with their opinion.

Aug. 6th. Colonel Birch reported from the ſaid committee the ſtate of the caſe upon this petition, viz.

It was inſiſted by the petitioner, that the election was diſturbed by ſeveral butchers and others, and that it was a void election: and called

Mr. Robins, who ſaid, he was at the election during the whole time, and that one Frew was knocked down, and if any perſon called out againſt Mr. Beale, the butchers cried, "knock them down;" and that though it was deſired that the butchers be polled, yet it was not done; that it was agreed that no freeholder, who lived in the out-county, ſhould vote, yet ſeveral were admitted to vote for Mr. Beale; and that one time, as he thought, he heard a clear voice for Mr. Speke. Hamlyn and others ſaid to the like purpoſe.

For Mr. Beale, the counſel inſiſted, Mr. Speke had but 25 voices, and Mr. Bale had 526, and the poll was carried on with all fairneſs; and called,

Mr. Whithead, who ſaid, he was preſent during the whole election, and ſaid, what diſturbance was was occaſioned by ſome perſon coming in, and would not withdraw, and that it was a very peaceable election, and that the way was made for any one who would come in competition; that the competition was for 5 or 6 hours between Mr. Bampfield and Mr. Beale, and then about 25 polled for Mr. Speke, and proclamation was made for about three quarters of an hour.

Crocker ſaid, there was no violence uſed, and proclamations were duly made, and none hindered from voting for Mr. Speke. Upon the whole, the committee reſolved,

That Chriſtopher Beale, eſquire, is duly elected a citizen to ſerve in this preſent parliament for this city: to which the houſe agreed.

Dec. 2, 1695. A petition of Sir Edward Seymour, baronet, and John Snell, eſquire, was read; ſhewing, that the petitioners were duly elected by the majority of votes to ſerve in this preſent parliament for this city; but that Mr. Tyley and Mr. Seyward by menaces and bribes, and by combination with the ſheriff of the ſaid city, have obtained a return in prejudice of the petitioners right: and praying the conſideration of the houſe.

Ordered it be referred to the committee of privileges and elections to examine the matter, and report it, with their opinion. No report appears.

EYE.

THIS is a very antient borough ſituate in the county of Suffolk; and was ſuch at the time of the general ſurvey, having then twenty-five burgeſſes. It is now a town corporate, governed by two bailiffs, a recorder, ten principal or ſuperior, and twenty-four inferior burgeſſes; and has been repreſented in parliament ever ſince *anno* 13 Eliz. Brady, 6. Willis, 1749. 53.

The following memoirs, in regard to its elections, are to be found in the Journals.

April 6, 1571. An enquiry was directed to be made concerning the right of election of members for this borough. [See Cirenceſter.]

9th. A report made of their validity, and their charters to be examined elſewhere. [See as before.]

Nov. 10, 1675. Information being given to the houſe, that a writ having been ſent and delivered to the high-ſheriff of the county of Suffolk, for electing a burgeſs for this borough, and the election being paſt for a week ſince, he had hitherto neglected to make return of the writ, to the injury of the member elected.

Ordered, that the high-ſheriff of the county of Suffolk be ſummoned to attend, to give account at the bar of the houſe of his neglect, in not returning the ſaid writ.

11th. Reſolved, that the meſſenger which was ſent to ſummon the high-ſheriff of Suffolk, to attend at the bar of this houſe, be recalled.

12th. A petition of George Welſh, eſquire, complaining of the undue election of Robert Reeves, eſquire, to ſerve as a burgeſs for this borough, in wrong of the petitioner, was read.

Reſolved, it be referred to the committee of privileges and elections, to examine and report the matter, with their opinion. This petition continued before the committee, until February 1677, when

Feb. 12th. Sir Thomas Meres reported from the ſaid committee the ſtate of the caſe, and that the committee had reſolved, That Robert Reeves, eſq; is duly elected a burgeſs to ſerve in this preſent parliament for this borough: to which the houſe agreed.

Oct. 28, 1680. A petition of Sir Charles Gaudy and Sir Robert Reeves, touching the election for this borough, was read.

Ordered, that it be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

Dec. 8. Sir Richard Corbet reported, the ſaid committee had taken the ſame into conſideration, and had reſolved,

That Sir Charles Gaudy is not duly elected a burgeſs to ſerve in this preſent parliament for this borough.

That Sir Robert Reeve is not duly elected a burgeſs to ſerve in this preſent parliament for this borough.

That Charles Fox, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for this borough.

That George Welſh, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for this borough: all which reſolutions being twice read, were agreed to by the houſe.

Ordered, the clerk of the Crown do attend tomorrow morning, to amend the return.

The houſe, taking notice of the ſeveral abuſes and miſdemeanors committed in this borough and corporation relating to elections, and otherwiſe,

Ordered, a committee be appointed to examine into the ſaid abuſes and miſdemeanors, and report the ſame, with their opinion: but I do not find any report made.

March 24. A petition of Sir John Duncombe and George Welſh, touching the election for this borough, was read.

Ordered it to be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

June 15, 1716. Ordered a warrant for a new writ for electing a burgeſs to ſerve for this borough, in the room of Edward Hopkins, made a commiſſioner of the revenue in Ireland.

Oct. 25, 1722. Ordered a warrant for a new writ for electing a burgeſs for this borough in the room of Edward Hopkins, made maſter of the revels in Ireland.

FLINT County.

THIS is one of thoſe Welſh counties, impowered to ſend knights of the ſhire to the parliament, by the ſtatute 27 Henry VIII. For, although it had a right of ſending a part, or rather in electing a part of, the twelve for each province of the principality, in Edward the ſecond's See Angleſea. time, as has been already obſerved, it made no particular return itſelf, till after this ſtatute.

The memoirs of its elections and repreſentatives, I have met with ſince that time, are theſe.

May 5, 1626. Mr. Coryton moveth againſt the ſheriff of Flynt, divers miſdemeanors about the laſt election of the knights of the ſhire—That all theſe abuſes proved by four witneſſes of great worth in the affirmative—Moveth where the committee gave a month's time for him to come up, that this time may be ſhortened.

Upon the queſtion, the ſheriff to be ſent for to appear upon Tueſday fortnight before the committee of privileges.

Dec. 10, 1711. Ordered a warrant for a new writ for electing a knight of the ſhire to ſerve for this county, in the room of Sir Roger Moſtyn, baronet, made paymaſter of the marine regiments.

FLINT Town.

THIS is the ſhire town of this name; and as Willis, 1749. ſuch, with the boroughs of Rhyddlan, Overton, Caerwis, and Caergoerley, ſends one burgeſs to parliament. The memoirs of its elections and repreſentatives, ſince the act of 27th of Henry VIII. are,

Jan. 22, 1628. The late election of Mr. Wynn for this town referred to the committee of privileges, to be there firſt heard.

Feb. 9. Mr. Hackwyll reporteth from the committee of elections, returns and privileges, part of the caſe for the election at Flynt—That the writ, iſſued by the direction of Lord Keeper—That the clerks in the Crown-office claimed, in times of prorogation, to make out writs of courſe, without order from the Lord Keeper; yea, they had done ſo ſometimes, in times of adjournment—That the clerks have brought precedents, appearing in their books, from the 14 Queen Eliz. to 23 Eliz. 46 writs; and in the parliament in the 1 *Jac.* in the prorogation, . . . writs, and two writs made in time of adjournment.—That the committee hath left the matters to the reſolution of the houſe, without any opinion delivered by the committee. This parliament ended ſoon after, and no reſolutions made.

Oct. 20, 1722. A petition of Edward Conwey, eſquire, was read; ſhewing, that at the election of a burgeſs to ſerve in parliament for this borough, Thomas Eaton, eſquire, and the petitioner, were candidates; that John Jones and John Pierce, who acted as bailiffs of the ſaid borough, behaved themſelves very partially, on behalf of the ſaid Mr. Eaton; taking upon themſelves to refuſe ſeveral perſons who had a right to vote, and demanded to poll for the ſaid petitioner; and admitting other perſons to vote for the ſaid Thomas Eaton, who had no right ſo to do; beſides which, ſeveral illegal practices were made uſe of by the ſaid Thomas Eaton, and his agents, to procure him to be elected; and he is returned accordingly, to the prejudice of the petitioner: and praying &c.

Ordered to be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

Jan. 17, 1723. A petition of Edward Conwey, eſquire, was read; ſhewing, that at the election of a burgeſs to ſerve in this parliament for this borough, Thomas Eaton, eſquire, and the petitioner were candidates; that John Jones and John Pierce, who acted as bailiffs of the ſaid borough, behaved themſelves very partially on behalf of the ſaid Thomas Eaton, taking upon themſelves to refuſe ſeveral perſons who had a right to vote, and demanded to poll for the petitioner; and admitting other perſons to vote for the ſaid Thomas Eaton who had no right ſo to do; beſides which, ſeveral illegal practices were made uſe of by the ſaid Thomas Eaton, and his agents, to procure him to be elected, and he is returned accordingly; though he was not duly elected nor qualified to ſerve for the ſaid borough, in prejudice to the petitioner: and praying &c.

Ordered to be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

FOWEY.

THIS is a borough within the county of Cornwall, which never ſent burgeſſes to parliament, untill the year 1571, when it ſeems to have received its firſt ſummons; of which, and other ſubſequent memoirs, I ſhall now give my reader theſe.

April 6, 1571. Ordered an enquiry to be made concerning the validity of this, and other boroughs, that ſend burgeſſes to parliament. (ſee Cirenceſter.)

9th. Report made of the validity of the burgeſſes; but their charters to be examined elſewhere, if need be.

Nov. 20, 1640. Mr. Palmer reports of Sir Richard Buller's election that the committee took into conſideration the election of Sir Richard Buller, knight, and they find that Mr. Rainsford was well elected; but for the ſecond burgeſs, viz. Sir Richard Buller, there was no election made; that one Mr. Trefoile was deſigned, and they truſted him with the indenture and a blank return thereupon, and in the interim Sir Richard Buller was put in; but in regard it appeared not to be with his privity, and that he received any benefit by this return, the committee conceived it to be no miſdemeanor in him, and that a warrant may iſſue forth for a new election.

Reſolved upon the queſtion, Sir Richard Buller hath committed no miſdemeanor touching his election, and ordered a warrant for a new writ.

Dec. 12, 1698. A petition of Shadrach Vincent and Harry Aſhurſt, eſquires, was read; ſetting forth, that at the election of members of parliament for this borough, the petitioners were duly choſen by a great majority, yet ſuch was the partiality of Jonathan Tincombe, portreve of this borough, that before the election he declared he would not return the petitioners, though they had never ſo many votes, but would return one of the ſitting-members, if he had but four voices; and accordingly did return Sir Bevil Granville and Mr. Vivian; and being told, that the petitioners might recover great damages againſt him for ſuch falſe return, he ſaid, he hoped to get five hundred pounds by the bargain; and ſeveral other corrupt practices were uſed in behalf of the ſitting-members; and therefore the petitioners &c.

Ordered, that the petition be referred to the committee of privileges, to examine and report the matter, with their opinion.

Nov. 16, 1699. A petition of the ſame Shadrach Vincent, eſquire, was preſented and read; ſhewing, that at the laſt election of burgeſſes to ſerve in this preſent parliament for this borough, the petitioner ſtood a candidate, and ought to have been returned a burgeſs, becauſe a great majority of the legal voters appeared and voted for him; but Jonathan Tincombe, portreve of the borough, arbitrarily and contrary to the ancient rights of the borough, refuſed to poll the petitioner's voices, who had almoſt all the qualified voters, and wrongfully returned Sir Bevil Granville and Thomas Vivian, eſquire, declaring he would not return the petitioner, though he had never ſo many voices; but that he would return Sir Bevil Granville, if he had but four; and the portreve, being told that the petitioner might recover damages againſt him for ſuch his falſe return, anſwered, he hoped to get five hundred pounds by the bargain, and would not return the petitioner though the majority ſigned and ſealed an indenture for returning him as one of their burgeſſes; and many other ill practices were uſed in behalf of the ſitting-members: and praying &c.

Ordered to be referred as before.

Nov. 29th, The houſe being informed that the petition of Shadrach Vincent, eſquire, touching the election for this borough this ſeſſion is different from that which was preſented the laſt ſeſſion;

Ordered it to be an inſtruction to the committee of privileges and elections, that they do examine, whether the petition this ſeſſion, be the ſame in ſubſtance with that which was preſented the laſt ſeſſion; and that they do report the ſame, with their opinion, to the houſe; and that the committee do the ſame before they proceed on the merits of the ſaid election.

A debate ariſing in the houſe concerning certain orders lately made by the ſaid committee, relating to giving liſts of perſons excepted to on either ſide, in caſes touching elections depending before them; and the houſe, conſidering the inconveniences which have ariſen thereby;

Ordered the ſaid orders be diſcharged, and that it be an inſtruction to the ſaid committee, that they do make no ſuch orders for the future.

Dec. 13th. Ordered the report to be made tomorrow morning.

14th. Sir Rowland Gwyn reported the reſolution of the committee of privileges and elections, upon the ſaid inſtruction.

Reſolved, that the petition of Shadrach Vincent, eſquire, preſented to the houſe of commons this ſeſſions of parliament, touching the late election for this borough, is the ſame in ſubſtance with the petition of the ſaid Mr. Vincent and Henry Aſhurſt, eſquire, preſented to the houſe of commons the laſt ſeſſion, relating to the ſaid election: to which the houſe agreed.

Feb. 5th. The houſe being informed that Shadrach Vincent, eſquire, who petitioned againſt Sir Bevil Granville and Mr. Vivian, touching the election for this borough, is dead,

Ordered, that the committee of privileges and elections be diſcharged from proceeding further on the ſaid petition.

Feb. 13, 1700. A petition of of Thomas Vivian, eſquire, was read; ſetting forth, that the petitioner was duly choſen a member to ſerve in this preſent parliament for this borough, and ought to have been returned; but by many illegal practices, uſed by and on the behalf of John Williams, gentleman, and by the partiality of his uncle Jonathan Tincombe, the portreve, he the ſaid Jonathan hath, contrary to the conſtitution of this borough, returned the ſaid John Williams in prejudice to the petitioner's right: and praying &c.

Ordered to be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

14th. A petition of the mayor, recorder, and major part of the aldermen, and alſo the major part of the inhabitants, paying ſcot and lot, within this borough, was read; alledging, that Jonathan Tincombe, portreve of the ſaid borough, at former elections of members to ſerve in parliament, hath publickly affirmed, that the right of election was, as in truth it is, in the ſcot and lot men inhabiting within this town, and paying to the relief of the poor; but at the laſt election the ſaid Jonathan Tincombe did admit to poll ſeveral perſons for John Williams his nephew, that were not ſcot and lot men, but rather objects of charity, in violation of the known conſtitution of this borough, and the petitioners rights: and praying &c.

Ordered, that it be referred as before.

April 25, 1701. Ordered, that Mr. Vivian have leave to withdraw his petition, touching the election for this borough.

Ordered, that the matter upon the petition of the inhabitants of the ſaid borough be heard by the committee of privileges and elections on Wedneſday next, after the hearing of the matter touching the election for the city of Litchfield.

May 3. Ordered to be reported on Monday morning next.

5th. Sir Rowland Gwyn, according to order, reported the matter touching the election for this borough, upon the petition of the inhabitants.

That the right of election was not much controverted by the counſel; however the counſel for the petitioners called Edward Parker, who ſaid, he had lived in Fowey fifty years, and that the right of election was in the Prince's tenants, one of which is always choſen portreve, and in ſuch inhabitants as pay ſcot and lot: whereupon the committee reſolved,

That the right of electing burgeſſes to ſerve in parliament for this borough, is in the Prince's tenants, who are capable of being portreves of the ſaid borough, and in ſuch inhabitants of the ſaid borough only, as pay ſcot and lot: which reſolution being twice read, was agreed to by the houſe.

Jan. 13th. A petition of the mayor, recorder, aldermen, free-burgeſſes, and inhabitants paying ſcot and lot in this borough, on behalf of themſelves and many others of the ſaid borough, was read; ſetting forth, that there is a mayor and a portreve of the ſaid borough, to whom the precept for electing members to ſerve in parliament is directed, who are judges of the election; that the precept came to the hands of Jonathan Tincombe, the then portreve, who gave notice, that the laſt election ſhould be on Tueſday the ſecond of December laſt, and the petitioners met, but the ſaid portreve did not; and John Granville, eſquire, John Hicks, eſquire, and alſo John Williams, nephew to the ſaid portreve, were candidates; but Nathanael Tincombe, the portreve's brother, who had wrongfully got the precept, took upon him the execution thereof; endeavouring to hinder the mayor from acting in his office, and arbitrarily, contrary to the determination of the laſt houſe of commons, touching elections, rejected divers legal voters for Mr. Granville and Mr. Hicks, and allowed many unqualified perſons to vote for Mr. Williams, and committed many other illegal practices for him; notwithſtanding which, Mr. Granville and Mr. Hicks were duly elected, and the petitioners executed an indenture for returning them; but the ſaid Nathanael refuſed to deliver the precept to the mayor, to annex it thereto; by reaſon whereof, the high-ſheriff would not accept the ſaid indenture from the petitioners; and the ſaid Jonathan Tincombe hath falſely returned the ſaid Williams, inſtead of Colonel Granville, with Mr. Hicks, to the great injury of the petitioners: and praying &c.

Ordered, it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion: but no report appears.

Oct. 30, 1702. A petition of John Williams, eſquire, was read; ſhewing, that at the election of members to ſerve in this preſent parliament for this borough, the petitioner was duly choſen one of the burgeſſes, and ought to have been returned; but by means of ſeveral illegal and corrupt practices, uſed by John Hicks, eſquire, and his agents, he hath procured himſelf to be returned, in the room of the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine and report the matter, with their opinion: but this was never reported.

Nov. 27, 1708. A petition of John Forteſcue Aland, eſquire, was read; ſhewing, that at the late election of burgeſſes to ſerve in this preſent parliament for this borough, the petitioner was a candidate, and had a majority of legal voices; but by the corruption, and arbitrary proceedings of Charles Lamb, portreve of the ſaid borough, in rejecting the petitioner's voters, and admitting others which had no voices, and by ſeveral other undue practices, George Granville, eſquire, was returned, as duly elected, in prejudice of the petitioner, and the rights of the ſaid borough: and praying &c.

Ordered, that it be heard at the bar of the houſe on the 21ſt day of April next.

Dec. 8, 1711. Ordered, that Mr. Speaker do iſſue a warrant for a new writ, for electing a burgeſs for this borough, in the room of Henry Vincent, eſquire, made a commiſſioner of the Victualling-office.

Ordered a warrant for a new writ, for the electing another burgeſs for this borough, in the room of the right honourable George Henry Lord Duplin, made one of the tellers of her Majeſty's Exchequer.

GATTON.

THIS is a ſmall village in the county of Surry, which acquired the privilege of returning burgeſſes 29th of Henry VI. Mr. Prynn writes, it returned only once; but Dr. Willis has given the names of their repreſentatives in the 33d of Hen. VIII. and ſince. Of its elections, and repreſentatives in that reſpect, I meet with theſe memoirs.

B. P. R. 213. Willis, Notitia, 1749. 55.

Feb. 5, 1620. Sir George Moore maketh the firſt motion for a committee of privileges: offereth a petition from the borough, in the county of Surry. —Four choſen, and ſo returned to the ſheriff;— he only certified one return, and ſealed not the counterpart of the indenture to the borough for the other.

7th. Sir George Moore reporteth, from the committee of privileges, the return for Gatton in Surry: —One Smyth, a burgeſs for that town, and a ſon of Mr. Copley, appeared:—That a precept from the ſheriff to the conſtable, the principal officer of the town; he delivered it to the miniſter; he publiſhed Wedneſday after for the election.—Mr. Copley, lord of the town, a recuſant convict, with ſix of his leſſees, no freeholders, made their choice the Tueſday before; the freeholders made choice, on the Wedneſday, of Sir Thomas Greſham and Sir Thomas Bludder.

This being confeſſed to be true, all the committees of opinion, the election undue, and return void.

Sir Henry Brittayn offers to ſpeak in his own caſe.

Reſolved, he ought not to ſpeak in his own caſe, but ought to go out, during the diſpute concerning himſelf.

Mr. Samuel Sands:—No member, a delinquent, to be preſent here at the treaty of the buſineſs: otherwiſe [when] the default in others, not in them, as here; for [here] elſe no body can inform the houſe.

Sir Thomas Trevor, *accordant.*—To hear him firſt, and then let him go out, before the queſtion.

Sir Jerome Horſey:—That he yeſterday taxed the committee, becauſe not underſtood.

Mr. Finch:——To exclude him, for ſo in all courts.

Sir Robert Phillipes, *concordat cum* Sir Thomas Trevor; and that Mr. Finch miſtook Sir Thomas Trevor.

Mr. Glanvylle, *accordant.*—To hear him, becauſe accuſed of no crime, ſo to hear him as informer; and then not to let him ſit here, either to obſerve others, or be a judge.

Reſolved, he ſhall be heard.

Sir Henry Brittayne:——As to the objection of the choice of him, before Wedneſday, he unknown to them. The writ directed, *burgenſibus*, and delivered to Mr. Copley. The town but of ſeven houſes: all, but one, Copley's tenants. That the election, by them, good, being not by freeholders. That they agreed upon their election in Gatton, and ſealed it caſually in Ryegate. That this election good in law. That all the freeholders, except one, dwelt out of town; and only hold of the manor within the town.

This ſpoken, he went out.

Sir William Cope:—That the hearing him thus, a wrong to the committee.

Sir Edward Montague, *accordant.*—Never heard any ſuch conteſtation againſt the committee.——Held there long.—1. The election made in Ryegate, as confeſſed, by Mr. Copley, and preſcribed uſe in chooſing there. 2. The precipitation in chooſing made it.——Moveth a warrant for a new election.

Sir Edward Coke:—The orders of the houſe, of all things moſt precious.—1. Common law fined, and refined, well. 2dly, Act of parliament, which is to be made by ourſelves. Antiently, the committee like a jury for matter in fact; which *vereditum*, and that not be queſtioned againſt——but queſtion *de jure*, upon that fact, may be made and diſputed here.—Commendeth the report of the committee.—That, the finger of God, this man ſhould not be of this houſe.

Mr. Alford:——This precedent of tying to the committee, dangerous.—Friends oft to the committee.——The committee oft agreeth; yet after, the houſe directly againſt it.—Voucheth two precedents.

Sir Samuel Sandys:—A double queſtion raiſed: 1. Of the fact. 2dly, Of the right: *vereditum* a concluſion in fact.—The return *vereditum*;—a ſufficient warrant to appear, take his oath, and enter into the houſe.

For the point of right, as to the precipitation, the warning by the miniſter, not good nor legal; therefore their meeting after, by force of that, not good. The election returned. For the place, if the dean and chapter agree upon a grant in the Chapter-houſe, and ſeal it in another place, good.—To do him juſtice, and not put him out for this cauſe.——Thinketh, there will be no other cauſes to put him out.—No out-dwellers in county or borough.—An election either by law, or uſage.

Sir Edward Gyles:—That this toucheth not our privileges.——Oft others, upon the like queſtions, thruſt out.—The notice, by the miniſter, good.—Not done in time or place, therefore to put him out.

Sir William Strode, *accordant.*

Sir Thomas Rowe:—That the election in another place, for ſome ſpecial end. That averred at the committee. That but one freeholder, a recuſant and fugitive. The ſuſpicion, in regard the election, procured by Copley, a recuſant.—To put him out.

Mr. Hackwyll:—That this place *officina legum*, as all inſtruments made by the hand; ſo the parliament-houſe *lex legum*:—To keep it therefore pure.—Dangerous to be bound, or not to examine the ſheriffs returns.—Satisfied by the report of the committee.—To put him out.

1ſt Queſtion. As many, as hold the election good, ſay, Yea.——Not one Yea.

2d Queſtion. As many, as hold it naught, ſay No.——General vote, No.

Sir Henry Poole:—Againſt a new election, in reſpect of danger from Copley.

Sir Humphrey May, *contra.*

Sir John Strangeways, *cum* Sir Henry Poole.

Sir Edward Coke:—No queſtion, but the ſheriff's returns to be examined here.

The election of Sir Thomas Greſham, and Sir Thomas Blodder, to ſtand, and the ſheriff to be commanded to bring in the indenture of their election: and ordered upon the queſtion.

March 26, 1628. Mr. Hackwill reporteth from the committee of privileges:

For Gatton, two indentures returned: one, by the inhabitants of Gatton; the other, by Mr. Copley ſolely.—Mr. Owfield, and Sir Charles Howard, returned by the inhabitants; Sir Thomas Lake, and Mr. Jerome Weſton, returned by Mr. Copley.—Mr. Copley inſiſted upon this, that he the ſole inhabitant. 33 Henry VIII, Copley, as ſole inhabitant, returned two burgeſſes, and ſerved. 1 and 2 Mary, Mrs. Copley made the like return; and ſo 2 and 3 Philip and Mary.

Sic origin.

On the other part, 7 Edw. VI, Mrs. Copley, *et omnes inhabitantes*, returned. 28 and 43 Eliz. The 1, and 18 Jac. the return made by the inhabitants; and that, in all the latter parliaments, Mr. Copley joined with the other inhabitants in the return.

Mr. Copley urged,—That reſolved by the committee, that thoſe which had lands in their own manurance, though dwelt out . . . . .

That all the committee, except one . . . . .

Upon queſtion, the return of Sir Charles Howard, and Mr. Owfield, good; and the other, of Sir Thomas Lake, and Mr. Weſton, void; and to be taken off the file.

July 15, 1641. The caſe of Gatton in Surry to be reported from the committee of privileges.

Nov. 3. Mr. Maynard reports the caſe of Gatton in Surry.

For Mr. Owfield, his election to ſerve that place is ſettled.

The difference reſteth between Mr. Sandys and Mr. Sanders, who are returned by two indentures. Mr. Saunders had for him fourteen voices, Mr. Sandys had eight voices: but of the fourteen voices for Mr. Saunders, eight of them are dwellers out of the town, aud one of them a miniſter; yet all of them have freeholds in the town: and of Mr. Saunders's eight voices, one of them was a recuſant convict, and another the clerk of the pariſh, who received wages of the pariſh; and then, if theſe two ſhould be declared to have no voices, their voices are equal: ſo the queſtion in debate was, Whether the election belonged to the burgeſſes by common right, or that the freeholders dwelling out of town, who had freeholds, ought to have voices, by virtue of a particular preſcription. In this caſe, the committee were of opinion, that there was a preſcription, and which was good againſt a common right.

It appears by a record, 33 Henry VIII, that a return was made by one inhabitant; and 1 Edward VI, and 6 Edward VI, returns made by the inhabitants and burgeſſes.

But, 18 Jac. a precedent was ſhewn on the behalf of the freeholders, and for the parſon of the pariſh, whether he ſhall have a voice, that cannot ſit here, if he was choſen: and next, whether by law a recuſant convict ought to have a voice: and 3dly, to receive the judgment of the houſe, whether one, that receives alms of the pariſh, ſhall have a voice; and then, whether the clerk of the pariſh, who receives fifty ſhillings *per annum* of the pariſh, is one that lives of the alms of the pariſh.—Theſe were the doubts offered to the committee, in the debate of the election.

Reſolved, upon the queſtion, that there is no ſufficient proof of a preſcription againſt the common right, within the borough of Gatton in *com. Surr.*

Reſolved, upon the queſtion, that How, the pariſh clerk of the borough of Gatton, does not appear, upon the evidence given this houſe, to be an alms-man.

Reſolved, upon the queſtion, that Mr. Saunders's election for this borough is not good.

Reſolved, upon the queſtion, that Mr. Sands' election for the borough of Gatton is good.

Reſolved, upon the queſtion, that Mr. Sands is well elected, and ought to ſit as a member of this houſe for the borough of Gatton.

May 5, 1660. Mr. Turner reported from the committee of privileges and elections, touching the ſeveral returns for this borough, That, upon examination of the fact, it appeared, that Thomas Turgis, William Oldfield, and Roger James, eſquires, who were returned by two ſeveral indentures, had all of them equal votes; and that Robert Wood, eſquire, who is returned in the ſaid indenture with the ſaid Mr. James, had the minority of votes; and the opinion is, that the whole election is void: whereto the houſe agreed.

Nov. 12, 1696. A petition of John South, eſquire, was read; ſetting forth, that the petitioner was by a great majority duly elected a burgeſs to ſerve in this preſent parliament for this borough, in the room of Sir John Thompſon, called up to the houſe of Lords; but one Anthony Aynſcome, conſtable for the ſaid borough, hath returned George Evelyn, eſquire, to the petitioner's prejudice: and praying the houſe to appoint a ſhort day for hearing this matter.

Ordered to be referred to the committee of privileges and elections, to examine and report the ſame, with their opinion.

A petition of the burgeſſes and inhabitants of the ſaid borough, was read; ſhewing, that the petitioners did, the 5th inſtant, duly chooſe John South, eſquire, as their repreſentative to ſerve in this preſent parliament; but Anthony Aynſcome, the conſtable of this borough, did not only except againſt nine of the petitioners, but alſo refuſed to poll five more, who have a right to vote; and hath unduly returned George Evelyn, eſquire; and deſiring relief &c.

Ordered to be referred in like manner.

Dec. 15. Colonel Wharton reported, from the committee of privileges and elections, the matter touching the ſaid election.

That for Mr. South, the petitioner, it was inſiſted, the right of election was in the inhabitants not receiving alms, and in the freeholders of the ſaid borough, having ſuch freehold in their own occupation: that, upon the poll, the petitioner and Mr. Evelyn had each eleven voices: but it was inſiſted, on behalf of the petitioner, that ſeveral, who voted for Mr. Evelyn, were not qualified; and that four, who had a right to vote, and would have voted for Mr. South, were denied.

As to the right of election; for the petitioner were called,

John Pigeon and others, who had been acquainted with the town many years, and had been at ſeveral elections, ſaid, The right of election was, as ſtated by the petitioner; but could not inſtance, when any perſon, who received alms, had offered to vote, or been refuſed.

And it was agreed, there had been no diſputed election in this borough, but one, when Lord Haverſham, Sir N. Carew, and Mr. Turgis ſtood; at which election, Mr. Turgis brought ſome perſons down from London, as having eſtates in Norwood; and the inhabitants, that were for Lord Haverſham, objected to them as unknown perſons; but the then conſtable returned Sir N. Carew, and Mr. Turgis, who the ſtrangers voted for: that afterwards the inhabitants petitioned the houſe of commons againſt them, but it never came to a determination.

N. B. This petition I apprehend was delivered to the committee, and never reported, for I cannot find any notice of it in the Journal.

Mr. Ingram, a miniſter of the next pariſh, ſaid, by common report the right of election was, as is ſtated by the petitioner; but was never at any, but the laſt election.

As to the right of the four perſons, refuſed to be polled for the petitioner, Benjamin Shore and Dallington ſaid, Aſton was an inhabitant at the time of the election, and came down in July or Auguſt laſt; and had laid out a great deal of money on his houſe:

That Scriven was an inhabitant at the election, and a fortnight before:

That Ticknal was an inhabitant then, and a month before:

That James Williams had been an inhabitant ſeveral years, had voted before, and been churchwarden and conſtable.

They then proceeded to juſtify their votes, who were queried: and Shore and Dallington ſaid, Pepys was an inhabitant, and paid tythes, and voted formerly:

That Shore is an inhabitant, and has a freehold in his poſſeſſion:

That Richard Killick ſenior has voted, and bore office in the borough: that Richard Killick junior, and John Walker, are inhabitants, and have voted formerly: that Edward Stevens was an inhabitant, but newly come to town: that Charles Smith had a freehold of two acres, ſold to him by Lord Haverſham about September laſt; and Dallington ſaid, he was witneſs to the writings, but ſaw no money paid for it.

They then excepted to ſeveral of Mr. Evelyn's votes.

Benjamin Shore ſaid, he never knew John Wood vote; nor was he an inhabitant. Parker was reputed not to have his freehold in poſſeſſion. Chilman had let his freehold to Edward Shore.

Anthony Aynſcombe was, about twelve months ago, abſent for three months; and John Beadle lives in a little houſe, by the great houſe. Gabriel Aynſcombe lives in Mr. Turgis's houſe.

For Mr. Evelyn it was inſiſted, That the right of election was in the freeholders of the borough, and inhabitants paying ſcot and lot: and called,

Mr. Carew and Richard Jewell; who ſaid, before the election, the right was agreed to be in the freeholders and inhabitants paying ſcot and lot.

Edward Shore ſaid, he had known this borough fifty years, and the right was in the freeholders and inhabitants paying ſcot and lot.

Mr. Carew ſaid, colonel Thompſon claimed to vote in right of a leaſe from his father for a year, made in May laſt; and he did not then think Aſton to be an inhabitant, he renting an houſe of 5 l. 10 s. *per annum*, and never gave notice to the church-warden, as the act of ſettlement requires: that he had made out a warrant to take up Scriven and Ticknall, to make them find ſecurity, but could not take them.

That Palmer, and two or three more, were denied their votes, becauſe they were excuſed their rates for their poverty.

Aynſcombe the conſtable ſaid, that he queried ſeven of the petitioner's votes, becauſe they did not pay ſcot and lot; and believes none of the ſeven, but the miniſter, voted before: that he queried colonel Thompſon; becauſe he did not know whether his father had made any ſettlement, or whether he was twenty one: he queried Thomas Pepys, becauſe he was a miniſter; thereby diſqualified from being elected, and he thought the ſame as an elector:—Kellich ſenior refuſed to pay church and poor: that John Walker had but thirty ſhillings freehold *per annum*, though he rented eighty pounds a year:—Edward Stevens and Palmes did not pay to the church and poor:—Charles Smith had no eſtate there, till a little before the election, being two acres granted to him by Lord Haverſham: that Aſton came to town the day before Sir John Thomſon was made a peer:—James Williams lived in one of Lord Haverſham's houſes:—Ticknal was no inhabitant:—Scriven came thither about Auguſt.

Geofrey Chilman ſaid, Scriven was brought thither in Auguſt laſt by the Lord Haverſham, and the pariſh had endeavoured to remove him: that Edward Stevens doth not pay ſcot and lot; but there had been no aſſeſſment ſince he came to town:—John Walker never paid, but had been overſeer of the poor:—Williams did pay, when he lived in a bigger houſe, but now is removed into an houſe, which never paid.

Edward Shore ſaid, that Gabriel Aynſcombe is an inhabitant, and rents above 80 l. *per annum*; and Anthony Aynſcombe is an inhabitant, and rents almoſt as much:—Ambroſe Parker has had a freehold in his own occupation, ever ſince Michaelmas laſt: that John Chilman is a freeholder, but Shore poſſeſſes it: that Beadle hath been an inhabitant many years: that John Wood, the counſel ſaid, was a freeholder, and appealed to Mr. Turgis, a member. Upon the whole, the committee reſolved,

That George Evelyn, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for this borough; which, being twice read, was agreed to by the houſe.

GLAMORGANSHIRE.

THIS county is ſituate in the ſouthern part of Wales, and is one of the twelve, whoſe liberty of returning a member to parliament was founded on the ſtatute of the 27th of Henry the eighth (of which ſee Angleſey.) It has not, until modern times, had any reſolution concerning its election, and that here follows.

June 12, 1711. Ordered, that Mr. Speaker do iſſue his warrant to make out a new writ, for electing a knight of the ſhire for this county, in the room of Sir Thomas Manſell, made comptroller of the houſhold.

GLOUCESTER County.

THIS county is ſituate upon the Severn, by which it is bounded. It has been repreſented in parliament from the firſt ſummons of King Edward the firſt. Of its elections and repreſentatives, in reſpect of ſuch elections, I have met with theſe memoirs. See writ in the Appendix.

April 9, 1624. Mr. Glanvylle reported from the committee of privileges and elections for this county:—Appeared to the committee, that the county-court kept at the uſual place.—Made upon the poll.—Proved, done in a convenient place, in a church.—Committee thought this election the moſt fair of any that ever came before them.—Reſolved four points. 1. That Sir Thomas Eſtcourt well elected. 2. That no cauſe of farther hearing. 3. Moved to pay coſts—Mr. Poynes—but they caſt off that conſideration, if no farther preſſed it. 4. That the under-ſheriff hath committed no miſdemeanor about this election. All which was reſolved by the houſe.

April 17, 1640. Mr. Jones reports from the committee of privileges and elections, touching Sir Robert Tracey, choſen for a knight of the ſhire for Glouceſter:

They found many miſdemeanors in the carriage of that election, and therefore the committee was of opinion, Sir Humphrey Tracey, ſheriff of Glouceſter, was to be ſent for as a delinquent by the ſerjeant attendant on this houſe.

Put to the queſtion, Whether Sir Humphrey Tracey, ſheriff of this county, ſhall be ſent for, as accuſed to be a delinquent?

Ordered, upon the queſtion, to be ſent for, as accuſed to be a delinquent, by the ſerjeant.

18th. Upon motion, that Sir Humphrey Tracey, being now in town, might attend the committee for privileges on Tueſday next in the afternoon; it was anſwered, the committee had already appointed it.

21ſt. Mr. George undertakes to the houſe, that Sir Humphrey Tracey ſhall appear before the committee this afternoon; and thereupon the warrant, that was ordered to iſſue under Mr. Speaker's hand for bringing him by the ſerjeant at arms, was reſpited.

Nov. 20, 1660. Ordered, that Mr. Speaker do grant his warrant to the clerk of the Crown in Chancery, to iſſue forth a writ for the election of a knight of the ſhire, to ſerve in this preſent parliament for the county of Glouceſter, in the place of Mr. ſerjeant Hales, called by his Majeſty to be Chief Baron of his Highneſs's court of Exchequer; and the Lord Chancellor is to iſſue and paſs the ſame under the great-ſeal of England accordingly.

April 19, 1662. Mr. Milward reported from the committee of privileges and elections, touching the election of Sir Baynham Throckmorton and Mr. How, knights of the ſhire for this county, That the committee were of opinion, that they had the majority of voices, and were duly elected, and ought to ſit in this houſe: which was alſo reſolved by the houſe.

Jan. 8, 1695. A petition of Sir John Guiſe, baronet, was read; ſhewing, that at the election of a knight of the ſhire for this county, the petitioner, and Thomas Stevens, eſquire, were candidates: that the high-ſheriff ſhewed himſelf partial in favour of Mr. Stevens, and continued the poll very irregularly by adjournments, and refuſed ſeveral freeholders who offered to poll for the petitioner; and finding the petitioner had the majority after four days polling, and that ſeveral hundreds more offered to poll for the petitioner, and none appearing to poll for Mr. Stevens, the ſaid ſheriff adjourned the poll near twenty miles diſtant from the place where he began to poll; and afterwards ten miles diſtant from thence; and declared the ſaid Mr. Stevens duly elected, though the ſheriff did not appear at the laſt place of adjournment: and praying &c.

Ordered to be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Motion, to inſtruct the committee to hear it the 28th of February next: diſagreed to by the houſe. No report appears upon the ſaid petition.

Oct. 24, 1702. A petition of Sir John Guiſe, was read; ſhewing, that at the election of knights of the ſhire for this county, John How, eſquire, Maynard Colcheſter, eſquire, and the petitioner, were candidates; and a poll being demanded and taken, it did thereby appear that Mr. Colcheſter and the petitioner had the majority, and they were duly elected, and ought to have been returned; but Sir Samuel Ekley, the high-ſheriff, was prevailed upon, by undue and illegal practices, to return the ſaid Mr. How, in wrong to the petitioner; and the ſaid ſheriff ſhewed himſelf very partial againſt the petitioner, illegally adding to, and changing the votes, and adjourning the poll at his pleaſure, in violation of the rights of election: and praying relief &c.

Ordered to be heard at the bar on the 19th of November next.

Nov. 19. The houſe proceeded, according to order, to the hearing the merits of the petition of Sir John Guiſe, baronet, relating to the election for the county of Glouceſter.

And the counſel on both ſides were called in, and heard; and alſo ſeveral witneſſes on both ſides were examined; and being withdrawn,

The queſtion being propoſed, that John How, eſquire, is duly elected a knight of the ſhire to ſerve in this parliament for this county.

The previous queſtion was put, That the queſtion be now put; and paſſed in the affirmative.

Then the main queſtion being put,

Reſolved, that John How, eſquire, is duly elected a knight of the ſhire to ſerve in this preſent parliament for this county.

May 16, 1717. Ordered a warrant for a new writ, for electing a knight of the ſhire, in the room of Matthew Ducy Moreton, made vice-treaſurer of Ireland, &c.

GLOUCESTER.

See Sir Robert Atkins' Survey. 4 Regiſt. 331.

THIS city is the ſhire-town, or capital of its county. It was incorporated by King Henry the third, 1216. The parliament has often ſat here, and it has returned burgeſſes from the 26th of Edward the firſt. The antient method of election for this city, 28 Hen. VI, appears from the following indenture.

28 Hen. VI.

Per iſtam indenturam Thomas Hilley, et Willielmus Newman, ballivi villæ Glouceſter, liberaverunt Johanni Trye, vic. com. Glouc. nomina burgenſium villæ Glouc. electorum ad parliamentum Domini Regis apud Weſtm. tenend. ſexto die Novembris, prox. futur. prout in mandato dicti vic. cujus dat. eſt apud Glouc. 26 *die Octob. anno regni Regis Henrici ſexti, poſt Conqueſtum viceſimo octavo eiſdem ballivis directo, virtute cujuſdam brevis Regis de parliamento ad diem et locum præd. tenend. eidem vic. directi, cujus brevis dat. eſt apud Shene,* xxiii *die Septemb. anno Domini Regis prædicti ſupradicto.*

Burgenſes electi Willielmus Notingham, Henricus Dodd. Electores burgenſium prædictorum Thomas Hilley, Willielmus Newman, Thomas Biſley, Willielmus Eldresfeld, Walter Bauknot, Willielmus Benſon, Thomas Heft, Thomas Bye, Thomas Barbour, Willielmus Shepiſtouk, Ricardus Bunbury, Johannes Coteler.

In cujus rei teſtimonium tam prædicti ballivi, quam prædictus vic. ſigilla officiorum ſuorum alternatim appoſuerunt. Dat. apud Glouc. xxix *die Octob. anno ſupradicto.*

The conteſts concerning its elections, and memoirs of its repreſentatives in that reſpect, which I have found, are theſe.

Dec. 2, 1640. Mr. Speaker informed the houſe, That, at the election of burgeſſes for this city, he himſelf was nominated for one, and the poll demanded; but it was denied: and it was ordered, it ſhould be referred to the committee for privileges, to be firſt conſidered of, when the witneſſes are come up. But there doth not appear to have been any report.

April 13, 1675. Upon the death of Sir Edward Maſſey, a new writ was ordered; and I find, colonel Norwood was returned. A petition was afterwards preſented, or lodged againſt him; but by whom it doth not appear, nor any proceedings upon it, until

March 20, 1676. Ordered, that the caſe concerning the election for this city, which was appointed to be heard before the committee of elections and privileges on the 27th day of this inſtant March, be put off till the 3d of April next.

After this, no other proceedings appear, until

March 7, 1677. Sir Thomas Meers reported, from the committee of privileges and elections, the caſe upon the election for this city, That the committee had come to a reſolution,

That colonel Norwood is duly elected to ſerve in this preſent parliament as a citizen for this city: and the ſame, being twice read, was reſolved by the houſe.

In the parliament ſummoned to meet 1679, and which did not meet upon buſineſs until 1680, Sir Charles Berkley and ſerjeant Seys were returned. A petition was lodged againſt them, but by whom I cannot diſcover: but I find,

Dec. 9, 1680. A motion being made to the houſe, That the matter, touching the election for this city, be appointed to be heard before the committee of elections and privileges on the 3d of January next:

Ordered, that it be referred to the conſideration of the ſaid committee.

April 3, 1690. A petition of the mayor, aldermen, and freemen, of this city, was preſented; ſhewing, that the privileges of the ſaid city, as to the choice of parliament-men, is, That no perſon ſhall be there choſe but one that is a freeman, and hath taken the uſual oath of the ſaid city; yet one Mr. Try, having joined with Mr. Palmer, one of the ſaid city, by great expence of money amongſt the poorer ſort of freemen, hath prevailed with them for their voices, and, with the ſaid Palmer, to return him with William Cooke, eſquire, although John Delabre, eſquire, who is a freeman of the ſaid city, and qualified as he ought to be (and the ſaid Mr. Try is not), was duly elected by the majority of the petitioners and qualified freemen, as appears by the return executed by one Benjamin Roſe, one other of the ſheriffs, and the petitioners; but the ſaid Mr. Palmer refuſed to join therein, but hath returned the ſaid Mr. Try, in breach of the antient privileges of the ſaid city; and not doubting, but that the houſe will be very tender of the preſervation of the rights and cuſtoms of ſo antient a city: and praying that they may be permitted to enjoy their ſo antient liberty and free cuſtom, according to the tenor of the great charter of the liberties of England.

Ordered, that the ſaid petition be read to-morrow morning.

4th. The ſaid petition was read; and referred to the committee of privileges and elections, to examine and report the matter, with their opinion: but no report appears to be made.

Jan. 11, 1709. A petition of William Trye, eſquire, was read; ſhewing, that the petitioner, and Francis Wyndham, eſquire, were candidates at the election of a citizen for this city, in the room of William Cook, eſquire, deceaſed: that the county-court was adjourned to the booth-hall in the ſaid city, the uſual place of the election; but the ſheriffs of the ſaid city refuſed to proceed there, but went to the College-yard (where never any poll was took) and there, by menaces, bribery, and other indirect practices, polled alms-men, and others not qualified, and have returned Mr. Wyndham, in prejudice to the petitioner, who was duly choſen, and ought to have been returned: and praying &c.

Ordered to be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

March 30, 1715. A petition of Francis Wyndham, eſquire, was read; ſhewing, that at the election for this city, John Snell, Charles Cox, and John Hanbury, eſquires, and the petitioner, were candidates: that the ſaid Mr. Snell, by bribery, &c. obtained a majority of votes for himſelf againſt the petitioner: and praying &c.

Ordered to be referred to the committee of privileges and elections, to examine and report the matter thereof, with their opinion.

A petition of the citizens and freemen of the corporation of this city and county, was read; ſhewing, that at the election for this city, Charles Cox, John Snell, Francis Wyndham, and John Hanbury, eſquires, were candidates: that the ſaid Mr. Cox and Mr. Snell, by bribery, &c. procured themſelves to be returned, though the ſaid Mr. Wyndham and Mr. Hanbury were duly elected; and that the ſaid Mr. Cox is not duly qualified to ſit: and praying &c.

Ordered to be referred to the committee of privileges and elections, to examine and report the matter thereof, with their opinion.

Oct. 18, 1722. A petition of Sir Edward Fuſt, baronet, was read; ſhewing, that at the election of citizens to ſerve in parliament for this city, John Snell, eſquire, and the petitioner, were candidates: that the ſaid John Snell, by menaces, bribery, and other corrupt practices, procured a majority of votes for himſelf againſt the petitioner: that a ſcrutiny was demanded on the behalf of the petitioner, but denied: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine and report the matter thereof, with their opinion.

Another petition of the ſaid Sir Edward Fuſt, was read; ſhewing, the petitioner had the majority of legal votes, and ought to have been returned; but John Snell, eſquire, by himſelf and agents, by menacing ſome who were in the intereſt of the petitioner, corrupting others, and by other unwarrantable practices, procured himſelf to be returned, in manifeſt prejudice to the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine and report the matter thereof, with their opinion.

Jan. 20, 1723. A petition of Sir Edward Fuſt, baronet, was read; ſhewing, that at the laſt election for members to ſerve in this parliament for this city, Charles Hyet and John Snell, eſquires, and the petitioner, were candidates; when the petitioner had the majority of legal votes, and ought to have been returned; but Mr. Snell and his agents, by menacing ſome, corrupting others, beating more, of the electors, and by divers other illegal and unwarrantable practices, hath procured himſelf to be returned, in prejudice to the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

GRAMPOUND.

THIS borough is in the county of Cornwall, and was created by John of Eltham, ſon of Brady, 45.
King Edward the ſecond Earl of Cornwall, who granted to his burgeſſes of Grauntpont, or Great-Bridge, the whole town, and ſeveral other lands, and made it a free burgh [ſee the extract of the charter in the Appendix.] It was afterwards recited Pat. 1 Ric. II. part 6. m. 7. by inſpexim.
in a charter of King Richard the ſecond, and in letters patent of King Henry the eighth, who confirms it. It never returned burgeſſes to parliament 2 Willis, p. 98.
until the 6th of Edward the ſixth; from which time it has continued ſo to do. In the Journal of the houſe of commons, I meet with the following memoirs, in regard to its elections, and repreſentatives, in that reſpect.

Oct. 29, 1566. A warrant was granted for a new D'Ewe's Journal, 126.
writ to be made, and ſent out, for the election of a new burgeſs for the borough of Grampound in the county of Cornwall, in the place of Chriſtopher Perne, reported to be a lunatick.

April 20, 1640. Mr. Jones reported the caſe of this borough.—Three returned; Mr. Mohun, Mr. Koryton, and Mr. Trevanion.—Appears clearly, upon view of the indentures, Mr. Trevanion well returned: and therefore,

Ordered, upon the queſtion, that Mr. Trevanion is well elected, and well returned, and may come and ſit in the houſe:—whereupon he was called in.

GRANTHAM.

THIS borough is ſituate in the county of Lincoln, but never returned members to parliament until the 7th of Edward the fourth, who Prynn's 4th Reg. p. 983
made it a free borough, *anno* 1463; from which time it has, as other boroughs, returned till this time. The memoirs relating to its elections, and

members in that reſpect, I have met with, are theſe.

Feb. 4, 1580. Upon a motion made unto the houſe by Mr. Norton; in which he declared, that ſome perſon of late, had cauſed a book to be ſet forth in print, not only greatly reproachful againſt ſome particular good members of this houſe, of great credit; but alſo very much ſlanderous and derogatory to the general authority, power and ſtate of this houſe, and prejudicial to the validity of the proceedings of the ſame, in making and eſtabliſhing of laws; charging this houſe with drunkenneſs, as accompanied in their counſels with Bacchus; and them alſo with choler, as thoſe which had never ſailed to Anticyra, and the proceedings of this houſe to be *opera tenebrarum*; and farther, that by the circumſtance of the reſidue of the diſcourſe of the ſaid book, he conjectured the ſame to be done and procured by Mr. Arthur Hall, one of this houſe; and ſo prayed thereupon the ſaid Mr. Arthur Hall might be called by this houſe to anſwer, and that, the matter farther to be duly examined, as the weight thereof, in due conſideration of the gravity and wiſdom of this houſe, and of the authority, ſtate and liberty of the ſame, requireth.

Reſolved, that the ſaid Mr. Hall be forthwith ſent for by the ſerjeant at arms attending upon this houſe, to make his appearance here, in that behalf accordingly.

And then immediately Mr. Secretary Wilſon did thereupon ſignify unto the houſe, that the ſaid Mr. Hall had upon his examination therein before the Lords of the council heretofore confeſſed, in the hearing of the ſaid Mr. Secretary, that he did cauſe the ſaid book to be printed indeed——Upon relation whereof, and after ſome ſpeech alſo then uttered unto this houſe, by Mr. Chancellor of the Exchequer, of the dangerous and lewd contents of the ſaid book, the ſerjeant was forthwith by order of this houſe, ſent to apprehend the ſaid Arthur Hall, and preſently aſſiſted for that purpoſe, with Sir Thomas Scot and Sir Thomas Brown, by the appointment of this houſe; and commiſſion then alſo was given by this whole houſe unto Mr. Vice Chamberlain, Mr. Chancellor of the Exchequer, Mr. Secretary Wilſon, Mr. Treaſurer of the Chamber, Sir Henry Lea, Sir Thomas Cecill, Sir William Fitzwilliams, and Sir Henry Gate, to ſend for the printer of the ſaid book, and to examine him touching the ſame, and afterwards to make a report thereof to this houſe accordingly; and alſo to take order, and adviſe further, for the ſending for, and apprehending the ſaid Arthur Hall, if it ſhould ſo fall out, that he did withdraw himſelf, or depart out of town before ſuch time as the ſaid ſerjeant could find him; with this farther reſolution alſo, that any ſuch member of this houſe as ſhould happen firſt to ſee him, or meet him, might and ſhould in the name of this whole houſe, ſtay him, and bring him forth to anſwer the ſaid matter forthwith before the whole houſe, with all poſſible ſpeed.

14th. Mr. Vicechamberlain, for himſelf and the reſidue of the committees appointed to examine Mr. Hall, the printer, the ſcrivener, and all other perſons privy to the ſetting forth and publiſhing of the book, declared their proceedings; and the ſaid Mr. Hall being brought to the bar, where after ſome reverence to the houſe (though not yet in ſuch humble and lowly manner as he ought to have done, whereof being admoniſhed by Mr. Speaker) he ſubmitted himſelf to the houſe, refuſing to make any anſwer or defence, but acknowledged his error, prayed pardon of the houſe with all his heart, and that done was ſequeſtered.

Reſolved, that he ſhould be committed to the priſon of the Tower, as the priſon proper to this houſe. And alſo,

Reſolved, that he ſhould remain in the ſaid priſon ſix months, and ſo much longer, as until himſelf ſhould willingly make a retraction of the ſaid book to the ſatisfaction of this houſe; or of ſuch order, as the houſe ſhould take for the ſame, during the continuance of this ſeſſion of parliament. And,

Reſolved, that a fine ſhould be aſſeſſed by this houſe, to the Queen's Majeſty's uſe, upon the ſaid Mr. Hall, for his ſaid offence. And reſolved, that the ſame fine ſhould be five hundred marks. And alſo,

Reſolved, that the ſaid Mr. Hall ſhould preſently be ſevered and cut off from being a member of this houſe any more, during the continuance of this parliament; and that Mr. Speaker, by authority of this houſe, ſhould direct a warrant from this houſe to the clerk of the Crown-office in the Chancery, for awarding the Queen's Majeſty's writ to the ſheriff of Lincoln, for a new burgeſs to be returned to this preſent parliament for this borough, in the lieu and ſtead of the ſaid Arthur Hall, ſo as before diſabled any longer to be a member of this houſe.

And, upon another queſtion, it was alſo, in like manner, reſolved, that the ſaid book, and ſlanderous libel, ſhould and ſhall be holden, deemed, taken and adjudged to be utterly falſe and erroneous; and that the ſame ſhall be publickly teſtified, affirmed, and ſet forth, to be falſe, ſeditious, and erroneous, in ſuch ſort, order and degree, as by this houſe ſhall be, during this ſeſſion of parliament, further determined in that behalf.

After which, Mr. Hall was brought to the bar, and received his ſentence; and the houſe directed the whole form ſhould be drawn up of this proceeding; (which ſee in the Appendix.)

Nov. 21, 1586. Mr. Markham a burgeſs for this borough, ſhewed, on behalf of the inhabitants of the ſaid borough, D'Ewe's Journal, p. 404.

That Mr. Arthur Hall having been in ſome former parliaments returned a burgeſs for the ſaid borough, and in ſome of the ſame parliaments, for certain cauſes, the houſe then moving, diſabled for ever afterwards to be any member of this houſe at all; hath of late brought a writ againſt the inhabitants of this borough for his wages, amongſt other times in attendance at the late ſeſſion of parliament, holden at Weſtminſter (in the 27th year of her Majeſty's reign) during which time, as alſo a great part of ſome other of the ſaid former parliaments he did not ſerve in the ſaid houſe, but was for ſome cauſes, as aforeſaid, diſabled to be a member of this houſe, and was alſo committed a priſoner to the Tower of London; and ſo prayeth the advice and order of the honourable houſe therein, unto the cenſure and order whereof the ſaid inhabitants do in moſt humble and dutiful manner ſubmit themſelves; and ſhewed the writ, which was then read by the clerk.

After the reading whereof, and ſome ſpeeches had touching the former proceedings in this houſe againſt the ſaid Mr. Hall, as well on diſabling him to be any more a member of this houſe, as alſo touching his impriſonment, the matter was referred to farther conſideration, after ſearch of the precedents and entries of this houſe, heretofore had and made in the courſe of the ſaid cauſe.

Dec. 2. Upon a motion this day, the matter was referred to Sir Walter Mildmay, Chancellor of the Exchequer, Sir Ralph Sadler, Thomas Cromwell, Robert Markham, and Robert Wroth, eſquires, to the end that after due examination thereof by them had, if it ſhall ſo ſeem good, they do thereupon move the Lord Chancellor, on behalf of this houſe, to ſtay the granting out any attachment or proceſs againſt the ſaid inhabitants, for the ſaid wages, at the ſuit of the ſaid Arthur Hall; and the ſaid committee to ſignify their proceedings therein to the houſe, at the next ſitting thereof accordingly.

March 21. Mr. Cromwell preſented a report in writing, that not having time at the laſt meeting of parliament (ſeſſion in the Journal, but ſaid to be an error) to examine the circumſtance of the cauſe, they had in the mean ſeaſon, by their letters, advertiſed the Lord Chancellor, that the ſaid cauſe was committed unto them, and humbly requeſted his lordſhip to ſtay the iſſuing forth any further proceſs againſt the ſaid borough, until this ſeſſion of parliament (miſtaken for meeting) which accordingly his lordſhip had very honourably performed. And the ſaid committee did further declare, that having, during this ſeſſion of parliament (miſtaken for meeting) ſent for Mr. Hall, declared unto him the effect of the complaint againſt him, they had deſired him to remit the ſaid wages which he had demanded of the ſaid borough, whom they found very conformable to condeſcend to ſuch their requeſt; and that the ſaid Mr. Hall then affirmed unto them, that if the ſaid citizens, of the ſaid borough, would have made their ſuit unto him, he would upon ſuch their own ſuit then remitted the ſame; ſo he was very willing to do any thing which might be grateful to this houſe, and did freely and frankly remit the ſame; which being well liked by this houſe, it was by them, this day, ordered, that the ſame ſhould be entered accordingly.

May 18, 1660. Mr. Turner reported from the committee of privileges and elections, the caſe upon the double return for this borough; that upon the examination of the fact it appeared, that John Newton, eſquire, who is returned with Thomas Skipwith, eſquire, by one of the indentures, had a greater number of voices than William Ellis, eſquire, who is returned with the ſaid Thomas Skipwith by the other indenture; and the opinion of the committee is, that the ſaid Mr. Newton is duly elected, and ought to ſit: whereto the houſe agreed, and ordered Mr. Ellis's indenture to be withdrawn.

March 16, 1677. A petition of Sir William Ellis, baronet, complaining of an undue return of Sir Robert Markham, baronet, to ſerve in this preſent parliament for this borough, in injury of the petitioner, who was duly elected.

Ordered to be referred to the committee of privileges, to examine and report the matter, with their opinion.

May 23, 1678. The ſame petition was preſented; and referred to the committee of privileges, to examine and report the matter, with their opinion.

June 10. Sir Thomas Meeres reported from the committee the ſtate of the caſe, and that the committee had agreed to two reſolutions, viz.

That Sir Robert Markham is not duly elected a burgeſs to ſerve in this preſent parliament for this borough.

That Sir William Ellis, baronet, is duly elected a burgeſs to ſerve in this preſent parliament for this borough.

The ſaid reſolves being read twice, the firſt was diſagreed to; and

Reſolved, that Sir Robert Markham is duly elected a burgeſs to ſerve in this preſent parliament for this borough.

May 30, 1685. A petition of John Newton, eſquire, touching the election for this borough.

Ordered to be referred to the committee of privileges, to examine and report the matter, with their opinion.

June 3. A petition of Sir William Ellis, touching the election for this borough, was read.

Ordered to be referred to the committee of privileges, to examine and report the matter, with their opinion.

Jan. 5, 1697. A petition of the inhabitants of the ſaid borough, was read; ſhewing, that a writ iſſuing for chuſing a member to ſerve in this preſent parliament for this borough, in the room of Sir John Brownlow, deceaſed, Sir John Thorold ſpent money at the ſaid election, contrary to the late act of parliament to prevent expences; and by bringing ſtrangers to vote, who never were admitted, their claim being under pretence of a charter made by the late King James, which he alſo revoked; and by other undue means, the ſaid Sir John Thorold hath procured himſelf to be returned for this borough.

Ordered to be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

Dec. 1, 1710. A petition of Sir John Thorold, was read; ſhewing, that the petitioner, the Marquiſs of Granby, and Sir William Ellis, were candidates at the election of burgeſſes to ſerve in this parliament for this borough: that the aldermen refuſed to poll ſeveral legal voters for the petitioner, and admitted ſeveral to poll againſt him, who had no right; whereby, and other undue practices, the ſaid Marquiſs has procured himſelf to be returned, although the petitioner was duly elected: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Jan. 5. Ordered, that the report be made on Thurſday next.

11th. Mr. Freeman reported, from the ſaid committee, the matter upon the ſaid petition—That upon the poll, the votes were, for Lord Granby 176, for the petitioner 175.

That the petitioner's counſel inſiſted, that the right of election is in the freemen of the borough, not receiving alms or weekly collections.

For Lord Granby it was inſiſted, this was a borough by preſcription; and that the freemen receiving alms and charity, have a right of voting.

The petitioner's counſel called Calcraft; who ſaid, he had known the borough 40 or 50 years, and four or five elections, which have not been diſputed: that the freemen receiving weekly collection have voted; but were always objected to by the other ſide.

Whaley ſaid, he had known the borough 18 years; and believed, thoſe receiving weekly collections have not right to vote.

The committee reſolved,

That the right of election of members to ſerve in parliament for the ſaid borough, is in the freemen of the ſaid borough, not receiving alms or charity.

To diſqualify three of Lord Granby's voters on this head, viz. Smith, Haſkard, and Oſborn, the petitioner's counſel called Whaley; who produced two receipts, one dated in May, and one in June laſt, for 40 ſhillings each, poor-money, paid for the uſe of Haſkard, and Smith; and ſaid, the latter had received from 1709: that Oſborn has been gone from his wife about five years, and ſhe has received charity 26 weeks.

Calcraft ſaid, Oſborn had been chargeable to the town four or five years, and that his wife receives conſtant charity.—That the counſel for Lord Granby admitted the majority for the petitioner, if thoſe receiving alms had no right to vote.

Upon this, the committee reſolved,

That the Lord Marquiſs of Granby is not duly elected a burgeſs to ſerve in this parliament for this borough.

That Sir John Thorold, baronet, is duly elected a burgeſs to ſerve in this parliament for this borough.——Whereto, on their being twice read, the houſe agreed: and ordered the return to be amended accordingly.

GREAT GRIMSBY.

Willis. 1749. 32. THIS borough is ſituate in the county of Lincoln. It was a mayor-town in Edward the third's time, and ſent members to parliament in the 26th of Edward the firſt; and has ſo continued ever ſince. It is a liberty, and made its own returns, as appears by the indenture following.

27 Hen. VI. *Reſpons' Willielmi Rampton et Willielmi Smith, ballorum libertatis villæ de Grimeſby, virtute cujuſdam warrant' per vic. eis direct' patet in quadam cedula huic warrant' conſut' quod quidam Ricardus Duffeld, et Willielmus Grymſbey, ſunt electi burgenſes pro predicta villa de Grymeſby, ad parliamentum Domini Regis tenend' apud Weſtm. ibidem comparend' ad diem et locum in prædicto warranto content'.*

The memoirs concerning its elections, and the repreſentatives in that reſpect, I have met with, are theſe.

Oct. 10, 1667. Upon the death of Sir Henry Bellaſis, a new writ was ordered for the election of a burgeſs for this borough; and Sir Philip Tyrwhit was returned, againſt whom Sir Fretchville Holles lodged a petition.

Nov. 22. Serjeant Charleton reported from the committee of privileges and elections, in the caſe of election for this borough, between Sir Philip Tyrwhit and Sir Fretchville Holles, That the committee had, upon full examination of the matter, reſolved,

That the election was not void:

That Sir Philip Tyrwhit was not duly elected:

That Sir Fretzville Holles was duly elected, and ought to ſit:

All of which were reſolved by the houſe; and the return ordered to be amended.

April 13, 1675. A new writ was ordered for the electing a burgeſs for this borough, in the room of colonel Holles; and Sir Chriſtopher Wray was returned, againſt whom there was lodged a petition: but it doth not appear by whom, or the cauſe. Only,

May 5, 1675. Sir Thomas Meers reported, from the committee of privileges and elections, the ſtate of the caſe, touching the election of a member to ſerve for this borough; and two votes agreed to by the committee; viz.

Reſolved, &c. that Sir Chriſtopher Wray is well returned to ſerve for this borough, and hath right to ſit in parliament accordingly.

Reſolved, that it be reported to the houſe, as the opinion of the committee, That the ſheriff of the county of Lincoln be ſent for in cuſtody, for making an undue return for this borough.

Theſe reſolutions, being twice read, the houſe reſolved the former, but diſagreed to the latter.

April 1, 1690. A petition of Sir Thomas Bernardiſton was read; ſhewing, that the petitioner was duly elected for this borough, having the votes of 22 of the 27 electors, and ought to have been returned; but that John Chaplein, eſquire, the preſent high-ſheriff of the county, hath procured himſelf to be returned, contrary to the law, and a ſtanding order of this houſe: and praying, the petitioner may be admitted to ſerve in this preſent parliament, he being duly choſen thereto.

Ordered to be referred to the conſideration of the committee of privileges and elections, to examine and report the matter, with their opinion.

Dec. 8, 1699. A petition of Richard Robinſon, eſquire, was read; ſhewing, that at the election of a burgeſs to ſerve in this preſent parliament for this borough, in the room of Sir Edward Ayſcough, deceaſed, the petitioner, Sir Thomas Bernardiſton, and captain Thomas Vyner, were candidates; and by treating, bribing, and many illegal practices, uſed by Mr. Vyner and his agents, to procure voices for him, he was returned as duly choſen; otherwiſe the petitioner had been returned, who read the act againſt expences in open court at the election, and charged the voters with breach thereof, and none of them denied the ſame: therefore the petitioner prays, that the merits of the ſaid election may be heard at the bar of the houſe, or otherwiſe, as the houſe ſhall think fit.

Ordered, that the petition be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

Feb. 6. Ordered, that Mr. Robinſon have leave to withdraw his petition.

Feb. 13, 1700. A petition of Arthur Moor, eſquire, was read; ſhewing, that at the late election of members to ſerve in parliament for this borough, the petitioner, Thomas Vyner, eſquire, and one Mr. William Coatſworth, were candidates; and ſome of the freemen did enter into treaties with ſeveral perſons in London, for ſale of the choice of a burgeſs to ſuch as would give moſt money; and accordingly one of them did agree with Mr. Coatſworth in London, for a great ſum, to elect him a burgeſs for this borough, though his name was never heard of there, until he was actually on the road thither: and the ſaid Mr. Coatſworth, by the mayor and his other agents, did bribe moſt of the voters of the town with money; giving none leſs than five pounds, but to many of them more, and promiſing them larger ſums after the election, in caſe they voted for him; by which, and by other undue and corrupt practices, Mr. Coatſworth got himſelf a majority of votes, and to be returned, in wrong to the petitioner, who had the majority of fair votes; which the mayor well knew, who ought to have returned the petitioner: and praying &c.

Ordered, that the merits of the ſaid election be heard at the bar on this day three weeks.

March 6. The houſe proceeded, according to order, to hear the merits of the election for this borough, upon the petition of Arthur Moor, eſquire; and the counſel and witneſſes on both ſides being called in, and heard:

And the counſel for the petitioner, in the proceeding on the evidence, offering to produce witneſſes, to prove the confeſſion of ſeveral voters, that they had money given them for their votes; the counſel for the ſitting-member objecting againſt ſuch evidence, the counſel withdrew upon that point, Whether evidence ſhould be given of ſuch confeſſions?

Reſolved, that the counſel be permitted to give evidence of the voters confeſſion of bribery.

And the counſel were called in again, and then proceeded with the evidence; which being gone through on the petitioner's ſide;

The counſel for the ſitting-member proceeded in their evidence.

And Mr. Clayton, the mayor of this borough, being offered as a witneſs on his part; who being objected againſt by the petitioner's counſel, as a perſon charged in the petition, and proved to be concerned in paying money to the voters;

The counſel withdrew upon the point, Whether the ſitting-member's counſel ſhould be permitted to examine Mr. Clayton? and the queſtion being put, That the counſel be permitted to examine Mr. Clayton; it paſſed in the negative.

And the counſel were called in, and heard; and then the counſel withdrew.

And the queſtion being put, That William Coatſworth, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for this borough; it paſſed in the negative.

Reſolved, *nem. con.* that it appears to this houſe, that William Coatſworth, eſquire, hath been notoriouſly guilty of bribery, and other indirect practices, in order to procure himſelf to be returned a member to ſerve in this preſent parliament for this borough.

Ordered, that the ſaid William Coatſworth, eſquire, be, for the ſaid offence, committed priſoner to his Majeſty's Tower of London; and that Mr. Speaker direct his warrants accordingly.

Then the queſtion being put, That Arthur Moor, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for this borough; it paſſed in the negative.

A motion being made, and the queſtion being put, That it appears to this houſe, that Arthur Moor, eſquire, by bribery and other indirect practices, endeavoured to procure himſelf to be elected a burgeſs to ſerve in this preſent parliament for this borough; it paſſed in the negative.

Reſolved, that it appears to this houſe, that Mr. Clayton, mayor of this borough, is guilty of bribery, and other indirect practices, in procuring William Coatſworth, eſquire, to be elected a member to ſerve in this preſent parliament for this borough.

Reſolved, that it appears to this houſe, that Mr. Perks is guilty of indirect practices, in relation to the electing William Coatſworth to be a member to ſerve in this preſent parliament for this borough.

Reſolved, that it appears to this houſe, that Mr. Story is guilty of diſtributing money, and other indirect practices, in order for the electing William Coatſworth to be a member to ſerve in this preſent parliament for this borough.

Reſolved, that Mr. Jeffryes is guilty of diſtributing money, and other indirect practices, in order to the electing William Coatſworth, eſquire, to be a member to ſerve in this preſent parliament for this borough.

Reſolved, that it appears to this houſe, that Mr. Bourman is guilty of diſtributing money, and other indirect practices, in order to the electing William Coatſworth, eſquire, to be a member to ſerve in this preſent parliament for this borough.

Ordered, that the ſaid Mr. Clayton, Mr. Perks, Mr. Story, Mr. Jeffryes, and Mr. Bourman, be, for their reſpective offences, taken into cuſtody of the ſerjeant at arms attending this houſe.

Ordered, that Mr. Rogers, merchant of Hull, be ſummoned to attend this houſe, to give an account touching the money that was ſent to this borough, in order to the election there.

7th. Reſolved, that it appears to this houſe, upon the evidence given yeſterday at the bar of this houſe, upon the hearing the merits of the election of this borough, That Mr. John Newark, agent for Arthur Moor, eſquire, is guilty of diſtributing money, and other indirect practices, in order to procure the ſaid Mr. Moor to be elected to ſerve in this preſent parliament for this borough.

Reſolved, that it appears to this houſe, upon the evidence given yeſterday at the bar of this houſe, upon the hearing the merits of the election of this borough, That Mr. Branſby is guilty of diſtributing money, and other indirect practices, in order to procure the ſaid Arthur Moor, eſquire, to be elected to ſerve in this preſent parliament for this borough.

Ordered, that the ſaid John Newark, and Mr. Branſby, be, for their ſaid offences, taken into the cuſtody of the ſerjeant at arms attending this houſe.

A letter from Mr. H. Maſon, to Mr. William Branſby, which was produced yeſterday, upon the hearing touching the election for this borough, being read, which is as followeth; viz.

" Mr. BRANSBY,

" I ſuppoſe Mr. Moor is not well approved on
" above, but I cannot deſire you to be ſo dirty to
" your friend, as to vote againſt him; but I would
" adviſe you not to ſtickle too much for him, leſt
" you get yourſelf worſe enemies. I ſuppoſe, the Lord
" William Powlet, and Sir William St. Quintin, re-
" commend one Mr. Coteſworth to oppoſe him;
" but do as you think fit, and accept of this ſea-
" ſonable hint from a friend, and burn it when
" you have read it: extremes never do well. You
" will have a ſurveyor-general ſhortly to inſpect
" your port, and what books you keep for coal,
" and other accompts. I wiſh Mr. Jefferys and
" you were kinder, that buſineſs might go on
" better, and that you might jointly ſign his ac-
" counts, which you do not; and pray ſend a *nihil*
" accompt for cinders, and likewiſe your cuſtoms,
" and in and out; and let me ſee you, when you
" can ſpare time, the ſooner the better, that I may
" give you ſome inſtructions againſt . . . ſurveyor
" comes. I deſign to deſire a ſalary for you. I
" am in haſte yours,

" H. M."

Reſolved, that Mr. Maſon, an officer of the cuſtom-houſe at Hull, hath endeavoured, by threats and promiſes, to procure Mr. Branſby to influence the election of William Coatſworth, eſquire, to be a member to ſerve in this preſent parliament for this borough.

Ordered, that the ſaid Mr. Maſon be, for his ſaid offence, taken into the cuſtody of the ſerjeant at arms attending this houſe.

Reſolved, that this houſe will, on Tueſday fortnight, take into farther conſideration what hath appeared to this houſe, in relation to the election for this borough.

Ordered, that Mr. Rogers, who was yeſterday ordered to be ſummoned to attend this houſe, and alſo the perſons ordered to be taken into cuſtody of the ſerjeant at arms, do attend this houſe on Tueſday fortnight.

Ordered, that no warrant do iſſue this ſeſſion of parliament for any new writ for this borough.

Reſolved, that it having appeared to this houſe, that there has been an illegal and indirect practice at this borough, to examine perſons upon oath, and take affidavits, in relation to the evidence they were to give at the bar of this houſe, touching the election for this borough:

Ordered, that Mr. Attorney-general do proſecute all perſons who took the ſaid examinations, and affidavits, or were concerned in procuring the ſame.

8th. Ordered, that the affidavit which was taken at this borough, relating to the evidence to be given at the bar of this houſe, upon the hearing of the merits of the election for this borough, be laid before the houſe.

March 25, 1701. The ſerjeant at arms attending this houſe being called upon, to give the houſe an account what he had done, in execution of the orders for taking into cuſtody the perſons directed by the houſe to be taken into cuſtody, or ſummoned to attend;

He acquainted the houſe, that, in relation to the matter of this borough, Mr. Clayton, Mr. Story, Mr. Bourman, Mr. Branſby, Mr. Newark, and Mr. Maſon, were in cuſtody; and both they, and Mr. Rogers, who was ſummoned to attend this houſe, did all now attend; but that Mr. Jeffryes and Mr. Perks abſconded, and could not be apprehended.

Reſolved, that an humble addreſs be preſented to his Majeſty, that he will pleaſe to iſſue his royal proclamation for apprehending the ſaid Mr. Jeffryes and Mr. Perks, with a promiſe of a reward.

Mr. Rogers was called in, and examined; and then withdrew.

Ordered to be diſcharged of any further attendance.

Mr. Maſon was called in, and examined, and then he withdrew.

Reſolved, that proviſion be made, that no member of this houſe, from and after the diſſolution of this parliament, ſhall be concerned as a commiſſioner, or other office, in the cuſtoms.

Reſolved, that proviſion be made, that no commiſſioner, or officer of the cuſtoms, ſhall concern themſelves in ſolliciting any election, or procuring votes for any election, of members to ſerve in parliament.

26th. Mr. Speaker acquainted the houſe, That Mr. Jeffryes and Mr. Perks, touching whom the houſe did yeſterday reſolve upon an addreſs to be made to his Majeſty, for the iſſuing forth his royal proclamation for the apprehending of them, have ſurrendered themſelves to the ſerjeant.

Ordered their names to be left out of the ſaid proclamation.

Jan. 5. A petition of Thomas Vyner, eſquire, was read; ſhewing, that the petitioner was elected a burgeſs to ſerve in the two laſt parliaments for this borough; and being invited by the mayor, and others, he was a candidate there for this parliament; but by expences, bribery, and other illegal practices, of Arthur Moor, a committee man of the Old Eaſt-India company, and William Coteſworth, eſquire, a member of the new, they procured to themſelves, by a joint intereſt, a majority of votes, and are returned, to the manifeſt injury of the petitioner; and the endangering the conſtitution of England, by expoſing to ſale, in like manner, many of the boroughs of this kingdom, to publick companies and joint-ſtocks: and praying &c.

Ordered to be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

Nov. 12, 1705. A petition of ſeveral freemen of this antient corporation was read; ſhewing, that at the late election of members to ſerve in parliament for this borough, William Coatſworth, eſquire, was not duly choſen; but by bribery, and other undue practices of Mr. Kitching, late mayor, and his agents, he obtained a majority, in prejudice of the petitioners, and the rights of the corporation: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion. But it was never reported.

March 3, 1713. A petition of Sir James Clark, knight, was read; ſhewing, that at the election for this borough, the petitioner, Arthur Moor, William Coatſworth, and Matthew Boucheret, eſquires, were candidates: that altho' the petitioner had a majority of Mr. Coatſworth at the election, yet by bribery, and other undue practices, the ſaid Mr. Coatſworth hath procured himſelf to be returned, in wrong to the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

A petition of Henry Thiſtleton, Thomas Stephenſon junior, Thomas Heaton, James Skelton, inhabitants of this borough, on behalf of themſelves, and many others of the ſaid borough, was read; ſhewing, that at the election for this borough, Arthur Moor, eſquire, did, by illegal practices of himſelf and agents, procure a majority of voices, and was returned for the ſaid borough, contrary to, and in violation of, the privileges thereof: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

April 1, 1714. Ordered, that the petitioners have leave to withdraw their petitions.

March 28, 1715. A petition of William Coteſworth, eſquire, was read; ſhewing, that at the laſt election of burgeſſes for this borough, the petitioner, Arthur Moore, Robert Chaplain, eſquires, and Joſeph Bankes, were candidates: that before, and at the ſaid election, the ſaid Mr. Chaplain and Mr. Bankes, by themſelves and agents, were guilty of notorious bribery, and other illegal practices, in order to procure themſelves to be returned for the ſaid borough, and are returned accordingly; notwithſtanding the petitioner was duly elected, by a majority of votes, duly qualified; and therefore ought to have been returned a burgeſs for the ſaid borough: and praying &c.

Ordered to be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

In the year 17$\frac{20}{21}$, upon the enquiry into the conduct of the directors of the South-Sea company, Sir Robert Chaplin, baronet, one of the ſaid directors, was a member of the houſe of commons for this borough.

Jan. 23, 1720. Ordered, that Sir Robert Chaplin do attend the houſe in his place immediately;

But not coming to the houſe that morning, he was ordered to attend next Saturday.

28th. Sir Robert Chaplin attended in his place; and

A motion being made, and a queſtion propoſed, That the ſaid Sir Robert Chaplin, a member of this houſe, is guilty of a notorious breach of truſt, as a director of the South-Sea company; and has thereby occaſioned very great loſs to great numbers of his Majeſty's ſubjects, and highly prejudiced the publick credit.

Sir Robert Chaplin was heard in his place, and being withdrawn,

Reſolved, *nem. con.* that Sir Robert Chaplin, baronet, a member of this houſe, and one of the directors of the South-Sea company, is guilty of a notorious breach of truſt, as a director of the ſaid company; and has thereby occaſioned very great loſs to great numbers of his Majeſty's ſubjects, and highly prejudiced the publick credit.

Reſolved, *nem. con.* that the ſaid Sir Robert Chaplin be, for his ſaid offence, expelled this houſe.

31ſt. Ordered a warrant for a new writ, for electing a burgeſs for this borough, in the room of the ſaid Sir Robert Chaplin.

Oct. 18, 1722. A petition of Arthur Moore, eſquire, was read; ſhewing, that at the election for members to ſerve in parliament for this borough, the candidates were the petitioner, Benjamin Collier, and Charles Pelham, eſquires: the petitioner had a majority of legal votes, and ought to have been returned; but the ſaid Mr. Collier and Mr. Pelham, by themſelves and agents, did, by bribery and other corrupt practices, procure ſeveral of the electors to vote for them, and the mayor of the town to return them, although neither of them had a majority of legal votes; in manifeſt prejudice to the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine and report the matter thereof, with their opinion.

A petition of Joſeph Banks, eſquire, was read; ſhewing, that at the late election of members to ſerve in parliament for this borough, the petitioner, Charles Pelham, and Benjamin Collier, eſquires, were candidates: that the ſaid Mr. Pelham and Mr. Collier, by bribery and other corrupt practices, did procure themſelves to be returned members for the ſaid borough; but underſtanding before the election, that the petitioner, if not returned, deſigned to petition againſt them, they, with great art, each of them ſet up a friend, on whom to caſt ſecond votes; thereby, as they hoped, to deter him from petitioning, to the great wrong of the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Nov. 28. Ordered, that Mr. Moore have leave to withdraw his petition.

Dec. 14. Ordered, that Mr. Banks have leave to withdraw his petition.

GUILDEFORD.

THIS borough is in the county of Surrey, and ſent members to parliament from the 26th of Edward the firſt, to theſe times. The election ſeems to have been in the commonalty by the indenture following; viz.

30 Hen. VI. *Hæc indentura facta inter Robertum Fenys, armig' vic. com. Surrey, ex una parte, et Johannem Shenefeld, Thomam Palſhue, Johannem Fitz-John, Richardum Shawe, Galfridum Frances, et multos alios homines de burgo de Guildeford infra burgum illum commorantes et reſidentes, ex altera parte; teſtatur quod iidem homines eligerunt David Flud, armig. et Johannem Weſton, eſſend' burgenſes burgi prædicti et parliamentum domini regis apud Weſtm. ſeptimo die Octob. prox' futur' tenend' ita quod iidem burgenſes, plenam et ſufficientem poteſtatem pro ſe et communitate burgi prædicti habeant ad faciend' et conſentiend' iis que tunc ibidem de communi conſilio regni domini regis Angliæ favente domino, contigeret ordinari, &c. In cujus rei teſtimonium partes prædictæ hiis indenturis ſigilla ſua alternatim appoſuerunt. Dat. apud Guildeford in pleno com. ibidem tent' XVII. die Septemb. anno regni Henrici ſexti XXXIX.*

The other memoirs I have met with of conteſted elections, and of the rights of election, or its members in theſe reſpects, are theſe.

March 28, 1679. A petition of Algernon Sidney, eſquire, complaining of an undue return of Thomas Dalmahoy, eſquire, as one of the burgeſſes to ſerve in this preſent parliament for this borough; in injury of the petitioner, who was duly elected, and ought to have been returned.

Reſolved it be referred to the committee of privileges and elections, to examine and report the matter thereof, with their opinion.

Jan. 23, 1688. A petition of Morgan Randyll, eſquire, was read; complaining of an undue election and return of burgeſſes to ſerve in this preſent convention for this borough.

Ordered to be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

April 24, 1689. Colonel Birch reported from the ſaid committee the matter concerning this election.

That the queſtion was, whether the right of election of burgeſſes to ſerve in parliament for this town was only in the freemen and freeholders of the ſaid town, paying ſcot and lot, and reſident in the ſame, or in general, whether they paid ſcot and lot, or not.

That it was agreed on both ſides, that Foot Onſlow, eſquire, was duly elected one of the burgeſſes for the ſaid town: but the counſel for Mr. Randyll inſiſted, the right was in the freemen and freeholders of Guildeford in general, though they did not pay ſcot and lot; that ſeveral of them being denied by the mayor, ſome others proceeded in it; and that in the whole, the petitioner had 188, and Mr. Weſton 150.

—— Banbury delivered in two papers, which he ſaid, were copies of the poll, taken at the election.

Moore ſaid, he was a freeman and paid ſcot and lot; has lived there ſeventy-three years, and forty-eight years ſince he was polled at the election, and all the freemen without diſtinction; at Parkhurſt's and Abbot's election, all polled who did not pay ſcot and lot, and all that time he did not pay ſcot and lot, being new married, yet voted, and never received alms; and it continued ſo till King James the ſecond's time, and then the magiſtrates would have none polled, but what paid to the church and poor; but before, he ſaid, an order uſed to be read in the church, for all freemen to come to the election; and though he remembers four or five elections, yet he never knew any diſpute about paying to the church and poor; and that he has known thoſe who lived in alms-houſes, and thoſe who received alms, to vote, but could not name any.

Wilkey ſaid, he had known elections forty-two years; and if they were freemen, though alms-men, they voted; he now pays ſcot and lot, and had paid for three years, but when he did not pay he voted; that he voted for Mr. Glover and Mr. Weſton, Sir Richard, and Sir Arthur Onſlow, though he did not pay, and there was no diſpute about paying, before King James the ſecond's time.

Thomas Ellis ſaid, he had known the town forty-two years, and at Mr. Glover and Mr. Weſton's election, all freemen voted, though they received alms; he then polled, though he did not pay to the poor, but did not receive alms, and now pays.

Coldham ſaid, he took the poll for Mr. Randyll at his deſire, after the poll was adjourned, and before it was declared, but whether they were freemen, or who they were, he knows not; but ſays, he polled about 50.

Chenell ſays, he knew about 50 of thoſe polled by Mr. Coldham to be freemen.

And other witneſſes ſaid, as ſoon as the court ſaw Mr. Randyll deſired all the freemen might poll, and the mayor declared none ſhould poll but ſuch as paid ſcot and lot; that Mr. Randyll did offer a liſt of names to the mayor after the adjournment, and before the poll was declared, and the mayor refuſed to poll them, becauſe they were not qualified.

Mills and Bray ſaid, ſeveral were denied to poll by the mayor, though they offered themſelves, did not receive alms, nor pay ſcot and lot.

Milton ſaid, he knows the men polled in the liſt by Mr. Coldham, except two or three, to be freemen; about thirty-eight of them were allowed in 1679, and about ſix or ſeven receive alms of the pariſh.

The counſel for the petitioner excepted to 23 of the ſitting-member's voters, but their counſel undertook to make out their right.

For Mr. Weſton—The counſel inſiſted, that the right of election was only in the freemen and freeholders of the town, paying ſcot and lot, and reſident there; that upon caſting up the poll at firſt, Mr. Onſlow had 190, Mr. Weſton 148, Mr. Randyll 118; but after the poll was ſcrutinized and reduced thus, Mr. Onſlow 143, Mr. Weſton 105, Mr. Randyll 93, and delivered in the poll taken by the mayor's order: and called

Mr. Child, who ſaid, upon the poll there is 190 for Mr. Onſlow, 148 for Mr. Weſton, 118 for Mr. Randyll; but on the ſcrutiny 143 for Mr. Onſlow, Mr. Weſton 105, Mr. Randyll 93; that ſeveral in Mr. Coldham's liſt receive Archbiſhop Abbot's benevolence, and none of them pay ſcot and lot, but ſeveral of them receive alms; ſome that have that benevolence have paid ſcot and lot, and ſometimes voted on one ſide, and ſometimes on another; that the Archbiſhop's money given to maintain the manufacture in the town, and trade failing, there is a decree for it to be paid to poor people; that Mr. Randyll was not preſent at the ſcrutiny; but the mayor offered he might have two, and he ſaid, he was adviſed not; but ſays, the mayor made proclamation at firſt, that he would exempt no perſon but who did not pay ſcot and lot for their poverty; and that upon ſcrutiny, they who received Archbiſhop Abbot's charity, were not ſtruck out of the poll, if they paid ſcot and lot.

Another witneſs ſaid, the paper given in by Mr. Coldham were moſt of them very poor men, and ſome of them had alms of the pariſh.

Mr. Child ſaid, moſt of them excepted to by Mr. Randyll are freemen, and pay ſcot and lot; and though ſome did not, they were not exempted by means of poverty. Upon the whole, the committee reſolved,

That the right of election of burgeſſes to ſerve in parliament for this town, is only in the freemen and freeholders of the ſaid town, paying ſcot and lot, reſiant in the ſame.

That John Weſton, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for the ſaid town: which being twice read, were agreed to by the houſe.

Dec. 12, 1698. A petition of John Weſton, eſquire, was read; ſhewing, John Randyll and the petitioner, were duly choſen burgeſſes to ſerve in this preſent parliament for this town; but the mayor hath returned Foot Onſlow, eſquire, inſtead of the petitioner, to his prejudice: and praying &c.

Ordered to be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

Nov. 16, 1699. A petition of John Weſton, eſquire, was read; ſhewing, that at the laſt election of members to ſerve in this parliament for this borough, Morgan Randyll, eſquire, and the petitioner, were duly choſen; but that the mayor of the ſaid borough hath wrongfully returned Foot Onſlow, eſquire, with Mr. Randyll, and refuſed to poll ſeveral freemen for the petitioner, though he admitted ſeveral others under the ſame qualifications to poll for Mr. Onſlow, and in ſeveral other inſtances the mayor was highly partial: and praying &c.

Ordered to be referred as before.

Dec. 1, 1710. A petition of Morgan Randyll, eſquire, was read; ſhewing, that at the laſt election of members to ſerve in this parliament for this town, the petitioner, Denzil Onſlow, Robert Wroth, eſquires, and ſeveral others, were candidates; and Mr. Wroth, by notorious bribery, and other unlawful practices, did procure votes, and deter others from voting for the petitioner; and Mr. John Goodyer, the mayor, polled ſeveral perſons for Mr. Wroth, who had no right, and rejected divers, who had a right, for the petitioner; and he and Mr. Child, the town-clerk, ſhewed themſelves very partial againſt the petitioner, denying the petitioner a ſcrutiny, and returning Mr. Wroth, without examining the poll, in wrong of the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Jan. 31. Ordered, that the report be made on Saturday next.

Feb. 3. Mr. Freeman reported, from the ſaid committee, the matter upon the ſaid petition, as follows.

That the right of election was agreed to be in the mayor, freemen and freeholders, of the ſaid borough, reſiding in the borough, paying ſcot and lot: and it was agreed, that one, who had ſerved ſeven years apprentice to a freeman, was *ipſo facto* a freeman.

The poll was, for Mr. Wroth 111, for Mr. Randyll 108.

To take off 13 of Mr. Wroth's votes; eight, as not qualified, and five others, on account of bribery; they called Parmafoy, and others, who ſaid, Burnham, White, Collyer, Butler, and Hill, are neither freemen or freeholders; Joſeph Emlin was not reſident till the election was proclaimed, and Jewer doth not pay ſcot and lot. But it was proved, Burnham and

White are freemen; and Jewer is excuſed his rates, for maintaining his mother.

Witherell ſaid, Gallop had not his freehold till Michaelmas, and the election was on the 4th of October: the purchaſe was on the 19th of Auguſt.

Loveland owned, he had had a bribe of 24 s. for his vote for Mr. Wroth.

Golding ſaid, that Henry Quennell ſold him a bullock for 3 l. 15 s. the ſame Price he bought it at; and that Mr. Wroth gave him four-pence a ſtone above the market price for ſome beef, or he would have been for Mr. Onſlow and Mr. Randyll.

Rogers ſaid, he voted for Mr. Wroth, becauſe he had the benefit of making 100 meal tubs, and Mr. Wroth promiſed him work, or he ſhould have voted for the petitioner.

Gilbert ſaid, he heard Yates promiſe Yalden 30 l. of the town's money for apprentices, to vote for Mr. Wroth; and Witherell ſaid, Yalden owned, ſix of the ſeven magiſtrates made him the ſame promiſe for his vote.

Mutford ſaid, Parkhurſt owned, he ſhould have been for Mr. Randyll, if he had not been threatned to be ſued for 10 l. of the town's money.

To prove bribery—Robert Jackman, and others, ſaid, Yates gave Jackman two guineas to vote for Mr. Wroth; and becauſe he did not, he was threatned to be ſued for it.

Cockerell ſaid, Smallpiece gave him 3 l. to vote for Mr. Wroth.

Stephens ſaid, Yates gave him two guineas for
Sic origin. his vote, and he voted for him.

Gerard Smith ſaid, about a month before the election, he heard Wood promiſe Valler the grinding of 20 loads of Wheat, which is four ſhillings a load, if he would vote for Mr. Wroth.

Watts and Mudford proved, the ſeveral perſons, who gave and promiſed theſe bribes, are agents for Mr. Wroth.

The counſel for Mr. Wroth called, to take off three voters from Mr. Randyl, Maybank and Burton, who ſaid, Mollace and Sands are not rated in Trinity pariſh, where they live, becauſe they will not receive them as inhabitants, but are rated where they came from.

That it was objected, Yalden was no freeman. But it was proved, he ſerved a clerkſhip with the town-clerk, a freeman, and is admitted an attorney of the town court.

They alſo excepted to Cooper, Roberts, and Brown, for bribery: they called Benbrick and Newberry, who ſaid, Cooper owned, Mr. Randyl promiſed to make him ſurveyor of the window-lights, if he would vote for him. But Cooper, being called in, denied the charge; and ſaid the petitioner never made him any ſuch promiſe, nor ever aſked his vote; and that he only ſaid, he believed he ſhould have ſuch a place, but not of the petitioner.

Glover ſaid, Roberts adviſed him not to promiſe his vote, for he would engage to get him ten pounds from the petitioner.

Brown ſaid, the petitioner, the morning of the election, aſked his vote, which he promiſed ſix weeks before, in caſe he would aſſiſt him in regard to a demand made for fees by Mr. Child, which the petitioner undertook; and therefore gave him his vote.

Upon this evidence, the committee reſolved,

That Robert Wroth, eſquire, is not duly elected a burgeſs to ſerve in this preſent parliament for this borough.

That Morgan Randyl, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for this borough:——To which reſolutions (on their being twice read) the houſe agreed.

March 19, 1713. A petition of John Walter, eſquire, was read; ſhewing, that at the election for this borough, the petitioner and Denzil Onſlow, eſquire, were candidates; that by the illegal practices of the mayor and town-clerk in admitting ſeveral to poll who had no right, and by refuſing others, who had a right, have unduly returned Mr. Onſlow in wrong of the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter thereof, and to report the ſame, with their opinion.

Ordered, that it be an inſtruction to the committee, that they hear the matter of the ſaid petition on the 1ſt day of April next.

April 21. Ordered the report to be received on Tueſday morning next.

27th. Sir Gilbert Dolben reported the matter of the ſaid election.

That the right of election was agreed to be in the mayor, freemen, and freeholders, reſident within the borough, paying ſcot and lot.

It was alſo agreed, that ſuch freemen as have no right to freedom by birth, after their fathers freedom, or by ſervice of ſeven years apprenticeſhip within the borough, to a freeman, muſt be admitted, and the majority of the mayor, magiſtrates, and approved men. The poll was,

For Mr. Onſlow 99,
For Mr. Walter 89.

That to add to the petitioner's poll two votes who were refuſed, they called for the petitioner,

William Shudall, who proved Richard Fludder is a freeholder within the borough, by producing a conveyance from his mother to him in fee for 30 l. and that he offered to vote for the petitioner.

And that Nathanael Hyde, who offered to vote for the petitioner, ſerved a clerkſhip of five years with Mr. Coldham, town-clerk of this borough, whoſe former clerk, Edmund Yalden, was admitted to freedom.

It appeared by the Journal of the 3d of February 1710, that in the firſt then controverted election, it was proved Yalden ſerved a clerkſhip with the town-clerk, who was a freeman, and Yalden was admitted an attorney of the town-court.

The petitioner objected againſt eighteen of Mr. Onſlow's voters for not being qualified, and againſt two for bribery: and called,

Lawrence Geale, who ſaid, he collected the poor rates at Michaelmas and Chriſtmas laſt, and the widow Woods paid him thoſe rates; ſhe, and not Caleb Woods, her ſon, who voted, was rated in the books, and alſo in the new books made ſince the election; but after the new books were made, it was altered, at Richard Middin's ſhop; the mayor would not ſign it till ſhe was ſtruck out, and Caleb put in.

That Caleb Woods has a good eſtate in this borough, and they ſay, is a voter.

Howard ſaid, William Brooks doth not pay ſcot and lot; the veſtry, laſt Ladyday was twelve months, left him out of the book at his own deſire, becauſe of his poverty; and he has not been rated ſince.

Mulford ſaid, Edward Smith is not reſident; he came with his family into the borough before the election, and a few days after went away again; he has an houſe in the borough, but it is let; he lives at the priory houſe, no part of which is within the borough: ſince he went to the priory, he ſerved aſſeſſor and collector of the land-tax, and church-warden, and collector of the window-tax, within the borough: he is rated and pays the poor rate for his houſe in the borough, by agreement with his tenant: that St. Nicholas pariſh is part in the borough and part out of it: Smith was collector for that part which was within the borough; but he and his family, reſided out of the borough at the time of the election.

Weſtbrook ſaid, that no part of the priory, nor of the land belonging to it, was ever looked upon, or reputed to be within the borough; that Smith has lived there four or five years, and his family three years; ſince that time, he has been church warden, and now is an aſſeſſor of the land-tax for that part of St. Nicholas pariſh which is within the borough; his houſe in the borough, has been let theſe two years: Smith is rated for it to the poor.

That Joſeph Clarke and Robert Hill were admitted to be no freemen.

Weſtbrook ſaid, Richard Baden came into the pariſh by certificate from St. Mary's pariſh; he was rated two years ſince, but has never paid, or has been diſtrained, by reaſon of his poverty; that the houſe he lives in is within the borough, and he has a bed in it.

John Crockford ſaid, that Baden ſerved two years apprenticeſhip with his father at Croyden; and was then turned over, and ſerved five years apprenticeſhip at this town; three years to John Benbrick, and two years to Joſeph Benbrick.

Whitehall ſaid, that the wives of Edmund Elkins and John Miles are tenants in common of an houſe which is freehold, and part is in Stoke pariſh and part in Guildford; the value of the whole is 3 l. yearly: that Miles lives at Stoke, and nobody voted for this houſe but Elkins.

Howard ſaid, that Roger Valler is no freeholder, and is reputed to be no freeman: the houſe he lives in is not in the borough; but for that houſe he has ſerved conſtable in the corporation, for the pariſh of the Holy Trinity; and has voted formerly.

Berry ſaid, that Valler ſerved his apprenticeſhip with Hall, who was not a freeman.

Watts ſaid Valler told him, that Mr. Coldham, the town-clerk, enrolled him at his own houſe for ſixpence; and ſaid, his maſter was no freeman, and he thought he bought his freedom very cheap; he alſo ſaid, that ſuch as have no right by birth, or ſervice, cannot be made free, but by the magiſtrates; and it muſt be ſuch a fine to the corporation as the whole body ſet at the common-hall; and that 15 l. has been given for freedom where there was no right; that they ſhould call an hall, on purpoſe to ſet the fine, but they do not take this method now; that Valler's houſe is not in the borough, but for that houſe he has ſerved offices within the borough, and has polled formerly and not queſtioned; that freemen vote by being enrolled, freeholders without being enrolled.

Sands ſaid he lived in Guildford fifty years, and that five guineas was the loweſt fine he ever knew ſet for freedom where there was no right; 15 l. and 10 l. have been paid, and two guineas refuſed: that the fine ought to be ſet by the mayor, magiſtrates, and approved men, which are thoſe who have ſerved bailiffs; none but thoſe who have a right, except gentlemen and men of quality, have been admitted freemen without a fine to the corporation; all who have copies of freedom are allowed to vote.

That it appeared by two admiſſions, that in the year 1702, 15 l. and in the year 1703, 10 l. was paid for freedom.

Watts and Sands ſaid, that Richard Strudwicke ſerved Valler.

Mulford ſaid, that Betts pretended to ſerve James May, but did not ſerve his time; he has often voted, was always queried; and in the election 1710, and another election before, he was diſallowed by the houſe of commons.

That it appeared by the Journal of the 18th of December 1699, that in the then controverted election, May ſaid, that Betts was only bound to him under a colour to be made free of the town, and his indentures were ſealed two years after the date, and he lived with his mother after he was bound, and uſed the trade of a barber; though May owned, that during the time he was bound, he had the benefit of ſervice about a year and a half.

Whitehall ſaid, that James Goodyer ſerved ſeven years apprenticeſhip to one Hollis at Tillington in Suſſex, and did not ſerve in this town.

Steer ſaid, George Cook never ſerved ſeven years apprenticeſhip in this corporation.

Booker ſaid, Cook is a poor man; he has had 10 l. yearly of the hoſpital money, and received alms of the pariſh three months ago.

Geale ſaid, Hall did not ſerve his time in Guildeford; that he is not in the poors book; his houſe has been rated at 6 l. but he came thither ſince the laſt rate of the inhabitants; cannot poll if they are not rated in the poors book.

Mulford ſaid, that Bibby ſerved Angelo Burt, but before his time was out he abſconded, and went to live at Horſham, and never returned to his maſter.

Berrye ſaid, that Hill's father was bound apprentice to him, but neither living with him, or ſerving him, he gave him up his indentures, but never made him free; the witneſs put William Hill in ſerjeant; and believes he might vote in an election when he was mayor.

That Smalpiece ſerved his time out of town, to one Blaſden, and believes he had paid ſcot and lot, and voted.

Watts ſaid, Smalpiece lives out of the borough, at Mr. Randyl's, and told the witneſs he had not lived in his houſe for twelve months.

Sands and Mulford ſaid, that Thomas Thatcher ſerved his apprenticeſhip at Weſtminſter, and not in this town, and that his father was no freeman.

That it appeared by the Journal of 18 December 1699, that, in the then controverted election, Joſeph Benbrigg depoſed, that Thomas Thatcher had not been admitted to poll for 20 years, and was refuſed as no freeman.

Robert Parkhurſt ſaid, that Henry Thatcher ſerved only five years in Guildeford, to Thomas Rogers, who was no freeman.

Mulford and Shudall ſaid, Jackman owned to them, that he voted for Mr. Onſlow becauſe Mr. Randyll got an entail docked for him, and paid the bill for it, amounting to 15 or 16 l.

Mulford and Weſtbrooke ſaid, that William Williamſon ſenior, owned he did not vote for the petitioner, becauſe Mr. Quennel, one of the magiſtrates, promiſed him ten or twenty pounds of the hoſpital money next Chriſtmas, if he voted in their intereſt.

To juſtify fifteen of the voters objected to, as diſqualified, no objection being made againſt Mr. May junior, Nehemiah Wilkins, and Hugh Moth junior; for the ſitting-member were called Woods, who ſaid, his brother Caleb Woods had an eſtate of one hundred pounds yearly, and twenty pounds of it within the borough; and that he has paid the Queen's tax, and poor rates ever ſince Michaelmas laſt.

Watleton ſaid, that Caleb Woods had paid the poor rates for half a year laſt.

That it was admitted, that Brooks had formerly paid to the poor, but did not pay the two laſt payments.

Burt ſaid, that part of the priory garden is within the borough; Smith has an houſe within Guildeford, is ſometimes there and ſometimes at the priory; his houſe in town is large enough for two families, and was formerly two tenements: he is now an aſſeſſor in the borough, and has been churchwarden in the borough, for that part of the pariſh of St. Nicholas which is within the borough, and lived at the priory at the ſame time.

Joſeph Benbrick ſaid, Richard Baden ſerved two years of his apprenticeſhip to his eldeſt brother, and was then turned over to him with the trade, and ſerved five years with him in Guildford.

Joſeph Burt ſaid, a great part of Elkins' houſe is in Guildford, and the part where he lodges is in Stoke, the tenement is 3 l. yearly, and fifty ſhillings of it is rated to the Queen's tax in Guildford.

George Mabbank ſaid, Elkins paid ſcot and lot in the borough, and is rated 2 l. 10 s. yearly.

That the following entries are in the town-book.

March 29, 1703. Roger Valler allowed to be free, having ſerved ſeven years to William Hall.

July 30, 1711. Richard Strudwick, apprentice to Roger Valler, admitted.

Sept. 17, 1705. John Betts, apprentice to James May, admitted by the mayor.

May 29, 1700. In a liſt of ſuch perſons as are, at this Guild, allowed to be freemen, are,

James Goodyer; ſerved ſeven years to his father Saunder:

George Cook; ſerved ſeven years with John Goodyer:

John Hall; ſerved ſeven years with his father Humphry:

William Hill; eldeſt ſon to his father William, a weaver:

Jan. 17, 1703. John Bibby; apprentice to Angelo Burt junior, admitted:

May 30, 1670. Thomas Smalpiece; ſerved two years to Adryan Van Preſton of Guildhall, and five years to one Blaſden of Sheer, allowed to be a freeman: Thomas Smalpiece is rated in the poor rate for Midſummer 1713.

Price Maſſey ſaid, that Smalpiece has lived at Guildeford 30 years; he works by the day at Mr. Randyel's, and often lies there.

May 29, 1700. Thomas Thatcher entered as a freeman in the town-book, as eldeſt ſon of his father Thomas, who is entered a freeman in the ſame book, in 1664.

Leonard Child ſaid, Henry was eldeſt ſon to Thomas his father, and there was another elder ſon, who died under age.

That Mr. Onſlow's counſel excepted againſt ſeven of Mr. Walter's votes for not being qualified, and againſt two others for bribery: and called,

Mr. Burt, who ſaid Mr. Pigot is no freeman; he owned to the witneſs he has no vote for the county, that he got himſelf out of the poor-book, on account of his being maſter of the free-ſchool; but ſaid, he would be rated again, to qualify him to vote at this election.

George Mabbank ſaid, ſix years ago Mr. Pigot was in the poors-rate, but refuſed to pay; and ſince that time oftener been left out, than continued: that he has a ſalary of 20 l. yearly.

Weſton ſaid, Wheatly was bound an apprentice to him for ſeven years, and ſerved between four and five years; then married, and bought out the reſt of his time for 20 l.

Standiſh ſaid, he was fellow-apprentice with Berwick, and his maſter gave him up his indenture when he had one year and a half to ſerve.

Weſtbrook ſaid, William Stout had an houſe in the borough, but it is mortgaged to Mr. Randyll; he lives in the back part of it, and the witneſs doth not know he is a freeman.

The counter part of the mortgage was produced.

Child ſaid, John Walter was queried by the mayor at the poll, and could not make out his right, either as freeman, or freeholder.

Daniel Burgeſs ſaid, that Caſtillion Clerk was bound apprentice to him; he often abſconded, and refuſed his ſervice, but actually ſerved ſix years and a quarter, beſides his abſence: having been an ill ſervant, the witneſs, at his father and mother's requeſt, diſcharged him three quarters of a year before his time expired.

Child ſaid, Gilham has always lived at Stoke; ſome part of the houſe is in the borough, but the door, by which he goes in and out, is in Stoke; and John Webb ſaid, Gilham is now nominated overſeer of the poor for the pariſh of Stoke.

Pearce Maſſey ſaid, Watts declared, that if the petitioner did not bring down the commiſſion to inſpect the charitable uſes of the town, he would not give him his vote.

Jewer ſaid, Barneſley owned to him, he voted for the petitioner, becauſe he promiſed to help him to a debt of ten pounds, owing from one of the pariſhes: and the witneſs ſaid, the petitioner aſked his vote, and promiſed to help him to a debt of 4 l. which was owing to his wife by another perſon; but he voted for Mr. Onſlow.

To prove farther offers of bribery, were called,

Betts; who ſaid, he voted for Mr. Onſlow, but if he would have voted for Mr. Walter, he was offered a treat of 10 l. to be ſpent at his houſe; and Mr. Walter's ſervant offered him the making of ten pounds worth of nets.

George Cook ſaid, that, two nights before the election, Joſeph Clements offered him three guineas to vote for the petitioner; and in caſe he would not, he offered him a guinea to go out of town; but he voted for Mr. Onſlow.

That the night before the election, the petitioner aſked his vote; and he anſwering, he was engaged, the petitioner deſired him to go out of town; but he did not offer him any money.

Jonathan Darby ſaid, Mr. Pigot promiſed him ten or fifteen pounds, to vote for the petitioner, but he voted for Mr. Onſlow.

That Mr. Walter's counſel inſiſted, the entries in the town-book of the perſons objected to, for not being regular freemen, were made by the town-clerk without any authority, and therefore ſuch entries did not give a right to freedom.

The counſel for Mr. Onſlow inſiſted, theſe entries were regularly made, The committee reſolved,

That Denzil Onſlow, eſquire, is duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

The ſaid reſolution, being twice read, was agreed to by the houſe.

Dec. 18, 1717. Ordered a warrant for a new writ, for electing a burgeſs to ſerve in parliament for this borough, in the room of Denziel Onſlow, eſquire, made out-ranger of Windſor-Foreſt.

HARWICH.

THIS borough is in the county of Eſſex; and made one return to parliament in the 17th of Edward the third, of which Mr. Prynn hath taken notice; but after that ceaſed until the 12th of King James the firſt, who then by his charter granted that privilege again; ſince which, it has ſo continued to do till this time, as Dr. Willis and Dale write; but I find, in this laſt aſſertion, they are ſomewhat miſtaken, for, by the Journals of Queen Elizabeth, 1601, it appears they were then ſummoned. With this memoir I ſhall begin concerning its elections and members; and from thence to this time, theſe following do occur.

4 Regiſt. 1002.

Willis. 1749. 23.

S. Dale's Liſt of Members, 4to. 1730.

D'Ewe's Journal, p. 628.

Nov. 5, 1601. The town of Harwich in Eſſex, and Newtown in the county of Southampton, have returned burgeſſes this parliament, which they never did before.

March 27, 1690. A petition of Sir Philip Parker, baronet, was read; ſhewing, that the petitioner, and Sir Thomas Middleton, were duly elected for this borough, notwithſtanding indirect practices were uſed by the mayor there, to prevent the petitioner's election; who, in prejudice to, and in the ſtead of the petitioner, hath returned the Lord Viſcount Chene to ſerve for this borough: and praying &c.

Ordered to be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

Dec. 18, 1708. A petition of Sir Thomas Davall, knight, was preſented and read; ſhewing, there being a vacancy of a member to ſerve in parliament for this borough, the petitioner, and Kendrick Ediſbury, eſq; were candidates; and the petitioner had 16 indiſputable voices, and Mr. Ediſbury had only 15: but John Philipſon, gentleman, the mayor (who is brother-in-law to Mr. Ediſbury) pretended to vote for him, and thereby to make an equality; whereas he ought not to vote, but where the numbers are equal; and ſeveral indirect means were uſed, to the petitioner's prejudice; and a double return is made of the petitioner and Mr. Ediſbury; and praying &c.

Ordered, that it be heard at the bar on the 13th of January.

20th. A petition of Kendrick Ediſbury, eſquire, was read; ſhewing, that at the laſt election of a burgeſs to ſerve in parliament for this borough, in the room of Sir John Leak, the petitioner was duly elected, and ought to have been returned; but Sir Thomas Davall (who alſo was a candidate) and his agents, uſed many indirect practices, and John Philipſon, mayor of the ſaid borough, hath made a double return of the petitioner, and the ſaid Sir Thomas Davall, to the petitioner's prejudice: and praying &c.

Ordered, that it be heard at the bar on the ſame 13th of January.

January 13. The houſe proceeded to hear the merits of the ſaid double return and election:

And the counſel on both ſides were called in, and the petitions read, and ſeveral witneſſes examined; and the counſel heard on both ſides, both for the election and return; and being withdrawn, it was reſolved,

That Sir Thomas Davall, knight, is not duly elected a burgeſs to ſerve in this preſent parliament for this borough.

That Kenrick Ediſbury, eſquire, is not duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

And it appearing to the houſe, that at the laſt election for this borough, there was an equality of votes, viz. 16 for Sir Thomas Davall, and 15, and the mayor, for Kenrick Ediſbury:

Reſolved, that the ſaid election is a void election: and a new writ ordered.

March 6, 1713. A petition of Carew Hervy Mildmay, eſquire, was read; ſhewing, that at the election for this borough, Sir Thomas Davall, knight, the petitioner, and Thomas Heath, eſquire, were candidates: that the petitioner had the majority, and ought to have been returned, in the room of Mr. Heath; who, by his undue practices, hath procured himſelf to be returned, in wrong of the petitioner: and praying &c.

A petition of Thomas Heath, eſquire, was read; ſhewing, that at the election for this borough, the petitioner, Sir Thomas Davall, and Carew Harvey Mildmay, eſquire, were candidates: that the petitioner was duly elected, and ought to have been returned with Sir Thomas Davall; but the mayor has illegally made a double return of the petitioner with Carew Harvey Mildmay, in wrong of the petitioner: and praying &c.

Ordered, that the ſaid petitions be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

April 1, 1714. Ordered to be reported on Tueſday morning next.

6th. Sir Gilbert Dolben reported the matter of the ſaid election and double return of Sir Thomas Devall and Mr. Mildmay, who are returned by one indenture, and Sir Thomas Devall, and Mr. Heath, by another.

It was agreed, that Sir Thomas Devall was duly elected.

The poll for Mr. Mildmay and Mr. Heath were 16 each.

Mr. Mildmay's counſel inſiſted, that the right of election of members to ſerve in parliament for this borough is in the mayor, aldermen, and capital burgeſſes reſiding within the borough; and when a capital burgeſs removes from the borough, his place is, *ipſo facto* void.

For Mr. Heath it was inſiſted, that the right was in the mayor, aldermen, and capital burgeſſes at large; and that an order of the corporation for disfranchiſements is neceſſary, when a capital burgeſs removes from the borough, otherwiſe his place is not void.

For Mr. Mildmay, was proved,

By the charter, the capital burgeſſes are required to be *reſidentes et inhabitantes*; and the clauſe for chooſing members to parliament, directs the election to be *per majorem, aldermannos, et capitales burgenſes.*

It appeared, by the minutes of the corporation, that in the years 1658 and 1661, two perſons were elected into the places of others, who were removed out of town. And Mr. Daniel Smith ſaid, he has been ſteward of the borough above forty years: that the right of election is in the mayor, aldermen, and capital burgeſſes, or headboroughs, reſiding within the borough, and no others: that it has always been practiſed, when a capital burgeſs leaves the town totally, and has no family at reſidence there, he ceaſes to be a capital burgeſs: they make no order for disfranchiſing him, but his place is, *ipſo facto*, void; and he ſpoke of ſeveral inſtances thereof twenty years ago, in the caſe of Sir Anthony Dean, Robert Fox, Iſaac Betts, Stephen Morriſe, captain Radburn, and Edmund Reynolds; on whoſe removal, others were choſen in their place: but ſaid, captain Burleigh, after he went out of town, acted as a capital burgeſs; but then the non-reſidents were not diſputed; and that Charles Smith, and Daniel Smith, acted as capital burgeſſes, although they only lodged in the town.

The committee reſolved,

That the right of election of burgeſſes to ſerve in parliament for this borough, is in the mayor, aldermen, and capital burgeſſes, or headboroughs, of the ſaid borough, reſiding within the ſaid borough.

Three of Mr. Heath's voters were objected to, as non-reſidents; viz. captain Burleigh, Tobias Jewers, and Thomas Philips junior.

Mr. Smith ſaid, that captain Burleigh had no reſidence in the borough at the time of the election; he often came thither in a boat, but has lived three or four years out of the borough, two miles off.

Stephen Tracy and Thomas Mattocks ſaid, Jewers and Phillips live in Bur-Street, near the Tower of London; and have lived there with their families, one from Lady-day, and one from Midſummer laſt, in houſes of 17 l. yearly rent, for which they were rated there during that time.

For Mr. Heath, was called Giles Baker; who ſaid, captain Burleigh has always had lodgings in this borough; he often lodges there; has always paid the pariſh duties: that all capital burgeſſes are rated, though they are lodgers.

That, at the time of this election, Jewers had a family there, and the ſame houſe for which he was always rated: that Philips' wife was then at London, but he always had a maid and two children in lodgings at Harwich; and he rents a houſe there.

Giles Baker ſaid farther, that it was captain Hunt's turn to go with the packet to Holland; but he ſent the packet by another he hired, and ſtaid and voted for Mr. Heath: that about three weeks after the election he was turned out, and Davidſon his mate, who voted for Mr. Mildmay, put in his place: that all the other captains voted for Mr. Mildmay, and none of them are turned out: that the poſt-maſter-general has the government of the packets, and he doth not know why Hunt was turned out, nor whether it was for diſobedience to any order of the poſt-maſter, or not.

Thomas Philips ſaid, when Mr. Heath's letter was delivered to the mayor, offering his ſervice to the corporation, the mayor ſaid, he thought it reaſonable to ſtay, and ſee whether Lord Bolingbroke, their recorder, would recommend any member to them or not.

Lawn ſaid, Mr. Brinſden and Mr. Mildmay brought Lord Bolingbroke's letter, recommending Mr. Mildmay; upon which a court was called, and the letter read: that Brinſden ſolicited votes for Mr. Mildmay, and ſtaid in town till the election was over; and Mr. Mildmay told the witneſs, he knew nothing of his coming to this borough, till his Lordſhip bid him go, and aſſured him his buſineſs was done.

He farther ſaid, that Davidſon was at ſea when he was elected burgeſs, and was ſworn at a petty court: that there was no general court between the time of his election, and the election to parliament: that, at the time of his election, there was a ſuperiority of one vote againſt him for one Dean, but another vote coming in, made an equality, and Davidſon was elected by the mayor's caſting vote: but owned, the names of the voters were inſerted in the corporation-book; whereupon, for Mr. Mildmay, it was inſiſted, either the book, or a copy, ſhould be produced: he alſo ſaid, that ſince the election, he has baked, and delivered 150 bags of bread for Mr. Heath, at 15 s. *per* hundred; which is one ſhilling *per* hundred leſs than the packets pay; but never baked any for him before.

Maddiſon Hunt ſaid, that at the time to the election to parliament, Dean was on board a hulk at Chatham, where he has an employment in that hulk; but had then an houſe, wife, and children, at this borough:

That the capital burgeſſes are to be ſworn before the mayor, aldermen, and burgeſſes, at a general court; but Davidſon was ſworn at a weekly court, before the mayor and ſteward only:

That the charter directs the capital burgeſſes to be ſworn before the mayor, aldermen, and capital burgeſſes, or the greater part of them.

Mr. Mildmay's counſel inſiſted, that Davidſon's election intitled him to poll; and offered to call witneſſes, to prove the capital burgeſſes have been uſually ſworn in the ſame manner.

The committee reſolved,

That Carew Harvey Mildmay, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for this borough.

The ſaid reſolutions of the committee, being twice read, were agreed to by the houſe; and Mr. Heath's return ordered to be taken off the file.

May 25. A petition of Benedict Leonard Calvert, eſquire, was read; ſhewing, that the petitioner, and Thomas Heath, eſquire, were candidates at the election for this borough, on the 17th of May 1714, in the room of Sir Thomas Deval, knight, deceaſed: that by the unwarrantable proceedings of Madicent Hunt, the then preſent mayor, tending to the deſtruction of the liberties of the commons; and by allowing ſeveral to vote for Mr. Heath, who had no right to poll, and refuſing perſons to vote for the petitioner, who had a right; and alſo by the illegal practices of Mr. Heath, his friends and agents, have procured the ſaid Mr. Heath to be returned, in wrong of the petitioner, who had an undoubted right to be returned: and praying &c.

A motion was made to hear the matter of the ſaid petition at the bar: but it was diſagreed to by the houſe.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter thereof, and to report the ſame, with their opinion.

28th. Ordered, it be an inſtruction to the committee, that they do hear the matter of the ſaid petition on Wedneſday ſevennight.

June 8. The houſe being informed, that in relation to the election for this borough, the merits of which are to be heard to-morrow in the afternoon, before the committee of privileges, the ſollicitors for the petitioner and the ſitting-member had but yeſterday delivered to each other, liſts of ſeveral perſons names whom they intend to object againſt, upon account of their not being qualified according to the corporation-act; and that it will require ſome time to make proof concerning the ſame;

Ordered the ſaid hearing to be deferred until to-morrow ſevennight.

16th. Ordered the committee to proceed in the hearing on Friday next.

23d. Ordered to be reported on Monday next.

28th. Ordered to be reported to-morrow morning.

29th. Mr. Medlycot reported the matter of the ſaid election:

That the right of election was agreed to be in the mayor, aldermen, and capital burgeſſes, or head-boroughs, reſiding within the borough:

That the poll was, for Mr. Heath 19,
for Mr. Calvert 12.

For the petitioner it was alledged, they ſhould add Charles Smith to their poll, and take off 13 from Mr. Heath's poll; viz. John Philips and William Jaffrey, for not being duly elected; the ſaid Philips, and ſix others, for not being qualified according to the corporation-act; and two of thoſe ſix, and five others, for bribery.

It appeared by the town-book, that Charles Smith was elected, and ſworn a capital burgeſs, on the 16th of October 1712: and,

Daniel Smith junior ſaid, that, two years ago, Charles Smith was ſtore-keeper at this borough, and, at the time of this election, had lodgings, and cloaths, and books, and a cheſt there; though at the ſame time he had lodgings at London, and an office in the Cuſtom-houſe, relating to the prohibited Eaſt-India goods: that he tendered his poll for the petitioner, which the mayor refuſed, on pretence of his being removed, though there is no order for his disfranchiſement:

That upon Smith's election as a capital burgeſs, the witneſs, as deputy town-clerk, adminiſtred the oath of office to him in his chamber, by order of the court, becauſe he had broke his leg, and could not come to the court to be ſworn; and he voted at the election in November laſt.

That it appears by two inſtruments, ſigned by the capital burgeſſes, that at a general court, held on the 15th of Februrary laſt, Mr. John Philips, and Mr. William Jafferyes, were in nomination and election of a capital burgeſs, in the room and place of Mr. Charles Smyth, who is removed; and that two voted for Philips, and three for Jafferyes; and ten others of the aldermen and capital burgeſſes proteſted againſt the amoval of Smyth, as being without ſufficient reaſon; and the court illegal, and contrary to the charter and conſtitution of the borough, by which the mayor cannot keep a court without the recorder, or ſteward, or ſworn deputy, or one of them.

Daniel Smyth junior ſaid, that neither the recorder, ſteward, or deputy-ſteward, were preſent at this court; and he never knew a court held without one of theſe officers preſent.

For the petitioner, the counſel objected againſt the ſaid John Philips, and ſix others, as diſqualified by the corporation-act; viz.

Henry Luffkin, elected the 10th, and ſworn the 15th of December 1713; John Kirk, elected and ſworn the 4th of September 1707; John Fleming, elected and ſworn the 6th of October 1711; Giles Baker, elected and ſworn the 11th of December 1710; John Philips, elected and ſworn the 15th of December 1713; Cyprian Bridge, elected and ſworn the 16th of October 1712; and Maddiſon Hunt, ſworn mayor, 21 December 1713.

Mr. Curteis ſaid, he was inſtituted vicar of Harwich in October 1706, and ever ſince that time, has adminiſtred all the Sacraments; and uſually took memorandums of the perſons receiving, that he might certify them to the quarter-ſeſſions, if they deſired it: that the ſaid ſeven perſons did receive the Sacrament from him within three months after their election into office, but none of them within the year before ſuch election: but ſaid, he had a curate at Dover-court, who officiated for him a year and a quarter; and what perſons received the Sacraments there in that time, or whether any of theſe might not receive it elſewhere, he could not tell; but ſaid, they are all conſtant churchmen, and he never knew any of them go to a diſſenting meeting.

To take off two of the aforeſaid voters; viz. John Fleming and Giles Baker, and five others, for bribery, for the petitioner, were called,

Philip Trahern; who ſaid, upon the 12th of May laſt, being the Wedneſday before the election, he went to ſerve the proceſs of the ſheriff of Eſſex upon one Mr. Ewer, who was going to Holland; on which occaſion he went to ſee his old acquaintance, one Robert Kebell, and enquired out ſeveral of Mr. Heath's voters, who owned to him the following bribes.

Robert Kebell ſaid, Mr. Heath had promiſed him a conſiderable ſum, and he had already had 20 l. of him, for his vote.

John Dean ſaid, Mr. Heath had promiſed to provide for his ſon-in-law, and he had received ten guineas for his vote, and expected ten guineas more when the election was over.

Joſeph Munt ſaid, Mr. Heath was the beſt friend he had in the world, and that he had of him, on this laſt election, above 100 l. to pay off a bond to Sir Thomas Devall, but now he had only ten guineas; and that Mr. Heath ſhould have his vote as long as he was a candidate.

Richard Carrington told him, he had, upon the laſt election, 20 l. and was promiſed 10 l. for his vote now; and he could have an old coach-horſe of Mr. Heath at any time.

John Fleming, whoſe buſineſs was to look for loſt anchors, ſaid, he was promiſed to be helped to a merchant, who would buy all his anchors; and that he had a preſent of five guineas for his vote in this election, which came from Mr. Heath or his lady, he could not tell which.

Robert Stephens ſaid, he always uſed to vote on the other ſide, and had made as much of his vote as he could, and cared not which ſide carried it: that he had had twenty guineas of Mr. Heath for his vote in this election.

Giles Baker ſaid, Mr. Heath had been his friend, and had gone 50 l. part of his veſſel; but they could make nothing of that, for this was no bribery he was ſure.

That Mr. Heath's counſel inſiſted, that Charles Smith had loſt his burgeſhip by his going to London, and therefore ought not to be added to the petitioner's poll; and Philips and Jefferys are good voters for Mr. Heath; and alledged, they ſhould take off ten from the petitioner's poll.

The amoval of Charles Smith, and the election of Philips and Jefferys thereupon, are entered in the town-book, as acts of the great court.

Daniel Smyth junior ſaid, he inſerted the entry by order of the mayor, though only five voted in that election; and ten others proteſted againſt that court, and ſigned the proteſt, as before.

By the report of the laſt controverted election, produced for Mr. Heath, it appears,

That Mr. Daniel Smith junior, being then examined as a witneſs, ſaid, "He has been ſteward of the borough above forty years: that the right of election is in the mayor, aldermen, and capital burgeſſes, or headboroughs, reſiding within the borough, and no others. It had been always practiſed, that when a capital burgeſs totally leaves the town, and has no family or reſidence there, he ceaſes to be a capital burgeſs: they make no order for disfranchiſing him, but his place is *ipſo facto* void; and he mentioned the ſeveral inſtances of this practice above twenty years ago, in the caſes of Sir Anthony Dean, Robert Fox, Iſaac Betts, Stephen Morriſe, captain Radburn, and Edmund Reynolds; on whoſe removal others were choſen in their place." And ſaid,

"That captain Burleigh, after he removed out of town, acted as a capital burgeſs, but then the non-reſidents were not diſputed; and that Charles Smith his nephew, and Daniel Smith his ſon, acted as capital burgeſſes, although they only lodged in the town."

And the committee then reſolved, to which the houſe agreed,

"That the right of election of burgeſſes to ſerve in parliament for this borough is in the mayor, aldermen, and capital burgeſſes, or headboroughs, of this borough, reſident within the borough."

For Mr. Heath, were called,

Mr. Edwyn; who ſaid, Charles Smyth has left the borough ever ſince the election in November laſt, and lived at London in lodgings, where he has an office in the cuſtoms; and comes very ſeldom to this town, and then but as a lodger: that he takes his lodgings there by the week only, and was but a lodger when he was elected a burgeſs; though he ſays, Smith has goods at Harwich, but doth not pay for them being there.

Jenkins and Read ſaid, that Charles Smyth hath lodgings in Gracechurch-Street, and has had ſo for a quarter of an year paſt.

Ambroſe Moor ſaid, Charles Smyth is comptroller of the prohibited Eaſt-India goods; which office he has had about four months, and it requires his preſence in London. He was alſo excepted againſt, becauſe he was not ſworn into his office at the great court, required by the charter.

Mr. Calvert's counſel admitted, the charter directs the burgeſſes to be ſworn at the great court; but inſiſted, Charles Smith was well ſworn, it being by an order, in regard to the accident of his breaking his leg.

That Mr. Heath's counſel excepted againſt ten of the petitioner's voters; viz. Philip Dean, and Daniel Smyth junior, for not reſiding at the time of the election; againſt John Davidſon, for being ſworn at a private court, and not at a great court; and againſt the ſame three, and ſeven others, for not being qualified according to the corporation-act; viz.

John Wilſon, elected and ſworn the 10th of November 1713:

John Davidſon, elected the 14th, and ſworn the 18th of Auguſt 1713:

Henry Bickerton, elected and ſworn the 16th of December 1712:

Daniel Smyth junior, elected 30 November, and ſworn the 21ſt of December 1702: John Philipſon, elected and ſworn alderman 10 May 1707: Thomas Oſborn, elected and ſworn alderman in 1712: Peter Cole, Miles Rutland, Philip Dean, and Thomas Langley; the times of whoſe electing into office did not appear to the counſel, but were alledged to be many years ſince.

Mr. Curteis ſaid, that John Wilſon did not receive the Sacrament from him within an year before his election, but has ſeen a certificate at Chriſtmas 1712: that Davidſon has received twice ſince his election into office; and received it about April before, as he believes, but could not be poſitive:

That Henry Bickerton has received it three times; twice in 1711, after Midſummer that year, and again, after Michaelmas in 1712; which laſt time was a qualification upon his being choſen into the Poſt-office:

That Daniel Smyth is a conſtant churchman, and he never knew him miſs two Sacraments in an year, when he was well; but could not ſpeak to the year before his election, for it was before he came to Harwich:

That John Philipſon is a conſtant churchman, and comes conſtantly to the Sacrament, and has received it very often; he cannot tell the number of times, nor be particular as to the year before his election; but Oſborne did receive it, in November 1711:

That he could not ſpeak to Cole, Rudland, Dean, and Langley's receiving the Sacrament before their election, it being before he came to Harwich.

Mr. Heath's counſel read a paper, dated 15 June 1714, ſigned by Mr. Curteis, teſtifying, That neither the preſent mayor, nor aldermen, nor any of the capital burgeſſes, that he knew of, except captain Stevens, have, during his time, joined as members of any diſſenting congregation; but duly repaired, on the Lord's day, to prayers and ſermon in the chapel at Harwich, according to the rules and ceremonies of the church of England.

That the committee reſolved,

That Thomas Heath, eſquire, is not duly elected a burgeſs to ſerve in this preſent parliament for this borough.

That Benedict Leonard Calvert, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for this borough.

The ſaid firſt reſolution was read twice, and it was moved to be recommitted; but diſagreed to.

A debate aroſe on the report, and it was moved to be adjourned; and likewiſe diſagreed to.

Then the ſaid firſt reſolution was agreed to by the houſe; and the ſecond reſolution, being twice read, was agreed to in like manner.

HASLEMERE.

THIS borough is ſituate within the county of Surry; and it was never (as Dr. Willis writes) repreſented in parliament, until the 27th of Queen Elizabeth; from which time it has continued ſo to be until now. The memoirs I have met with, relating to its elections, and members in that reſpect, are theſe.

Willis, 1749. 55.

May 17, 1661. Serjeant Charleton reported, from the committee of privilegrs and elections, the double return for this borough, That James Greſham, eſquire, and Challoner Chute, eſquire, are returned by one indenture; and George Evelyn, and Thomas Morrice, eſquires, by another indenture; and the opinion of the committee, That Mr. Greſham and Mr. Chute ought to ſit, until the merits of the cauſe of the ſaid election be determined : which was reſolved by the houſe.

20th. Serjeant Charleton made report from the ſame committee, touching the ſaid election of George Evelyn, and Thomas Morrice, eſquires, returned as burgeſſes for this borough by one indenture; and James Greſham, and Challoner Chute, eſquires, returned by another indenture; and the opinion of the committee, That the inhabitant-freeholders only have voice in election; and that the ſaid Mr. George Evelyn and Thomas Morrice had the majority of voices, and were duly elected, and ought to ſit. And a petition of James Greſham, eſquire, and another of Michael Welland, and John Baldwin, eſquires, touching the ſaid matter, were read.

Reſolved, that the houſe doth agree with the committee, that the inhabitant-freeholders there have only voice in elections; and that the ſaid Mr. George Evelyn and Mr. Thomas Morrice had the majority of voices, and were duly elected, and ought to ſit in the houſe as burgeſſes for the ſaid borough.

And the ſaid Mr. ſerjeant Charleton further reporting from the ſaid committee, That the bailiff of this borough ſaid, that, if they had but five voices, he would return Mr. Chute and Mr. Greſham; and that it lay in his little pate to return whom he pleaſed :

Reſolved, that the ſerjeant at arms, attending this houſe, do bring the bailiff of Haſlemere in cuſtody to the bar of this houſe to-morrow morning, to anſwer his miſdemeanor, in making the return for this borough, and to amend the return of the writ.

21ſt. The ſaid bailiff being brought by the ſerjeant at arms to the table of the houſe; and the clerk of the Crown's deputy attending with the returns made for this borough; the return of the burgeſſes was taken off the file, and the return of the bailiff was amended, by razing out the names of Mr. Chute and Mr. Greſham, and inſerting the names of Mr. Evelyn and Mr. Morrice.

And the ſaid bailiff being then taken to the bar of this houſe, Mr. Speaker did reprove him for his offence; and let him know, he was worthy of ſeverer puniſhment, and liable to be ſued at law for his falſe return.

And the ſaid bailiff appearing to be a very ignorant perſon, and craving the mercy of the houſe, was commanded to withdraw; and being brought to the bar of the houſe by the ſerjeant at arms, and humbly craving pardon and mercy of the houſe on his knees,

Ordered to be diſcharged, paying his fees.

Oct. 25, 1680. A petition of Denzil Onſlow, eſquire; alſo, a petition of Francis Dorrington, eſquire; were ſeverally read.

Ordered to be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

Nov. 11. Mr. Treby reported, from the ſaid committee, the matter of the election and return for this borough; and that the committee had reſolved,

That Sir William Moore, baronet, is not duly choſen a burgeſs to ſerve in this preſent parliament for this borough.

Reſolved, that Denzil Onſlow, eſquire, is duly choſen for the ſame.

Reſolved, that Francis Dorrington, eſquire, is duly choſen for the ſame.

He farther reported, that it did appear to the committee, that William Rapley, bailiff of the ſaid borough, did on the 30th of Auguſt 1679, when the election for burgeſſes to ſerve in this preſent parliament was made, freely and openly declare and proclaim, that Sir William Moore, and Denzil Onſlow, eſquire, were duly choſen burgeſſes for this borough, and did ſign and ſeal an indenture, purporting the ſaid election : but about three weeks after that time, he did ſign and ſeal an indenture, purporting that the ſaid Sir William Moore and James Greſham, eſquire, were duly choſen burgeſſes for this borough; which indentures he delivered to the ſheriff to be returned into the high court of Chancery; and they were accordingly returned : and the ſaid bailiff being examined by the ſaid committee, and interrogated, why he did make return of the ſaid latter indenture, ſaid, he did it at the inſtance of the ſaid Mr. Greſham, who informed him there was no danger in ſo doing; and would not give any other anſwer or account concerning the ſame.

Which report being delivered in at the clerk's table, the reſolves were read, and ſeverally reſolved to be agreed to by the houſe.

Ordered, the clerk of the Crown, and the bailiff of this borough, do attend this houſe to-morrow, to amend the ſaid return.

Ordered, that William Rapley, bailiff of this borough, be ſent for in cuſtody of the ſerjeant at arms attending this houſe, to anſwer at the bar of this houſe, for the miſdemeanors by him committed in this election.

12th. The clerk of the Crown and bailiff of this borough, being called in, amended the return for this borough, by taking off the indenture, whereby Sir William Moore, and James Greſham, eſquire, are returned; and razing out the name of Sir William Moore, and inſerting the name of Francis Dorrington, eſquire, in the other indenture.

Dec. 12, 1698. A petition of George Rodney Bridges, eſquire, was read; ſhewing, that the petitioner was one of the candidates for this borough, to ſerve as a burgeſs in this preſent parliament, and was duly elected, as he conceives, by a majority of the legal voters; but in prejudice of the petitioner's right, Sir Theophilus Oglethorpe was returned as duly elected; the contrary whereof the petitioner doubts not to make appear; and deſires his cauſe, relating to the ſaid election, may be heard, &c.

Ordered it be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

Feb. 7. Ordered to be reported on Thurſday.

9th. Sir Rowland Gwyn reported the matter concerning the ſaid election, that upon the poll there were,

For Mr. Vernon — 33,
Sir Theophilus Oglethorpe 22,
The petitioner — 12.

But for the petitioner it was inſiſted, that ſeveral perſons had polled for Sir Theophilus Oglethorpe, who had no right; and ſeveral were obtained by gifts and promiſes.

The right of election was agreed to be in the freeholders reſident within the borough.

That as to thoſe who had no right to poll, they called William Captaine, Robert Bellinghurſt: who ſaid, Upton had no freehold in the borough, but in right of his wife; but had voted formerly.

Tanner ſaid, Jackſon had only a garden of two or of three rod; but it had been divided nine or ten years, and had voted before.

Bellinghurſt ſaid, the two Carters had only twenty ſhillings yearly between them, and Carter junior's part was but 23 yards over in the inſide, and was not worth more than two or three ſhillings yearly; but he had voted formerly for Mr. Bridges and Mr. Woodroff.

Tanner ſaid, Mr. Markes ſaid, Valler ſenior, had a garden, called a cabbage garden, about three or four rod of ground, out of which he made his ſons, Richard and Thomas, freeholders, about twenty years ſince; and that the father and Richard voted at the laſt election.

Morley ſaid, that Edward Ryde and Matthew Hull bought the houſe, wherein he, Morley, lived; and had ſeveral intereſts therein. He could not ſay, when it was bought; but they took poſſeſſion the day the writ was proclaimed.

Markes ſaid, Ryde and Hull's houſe was drawn within the bound of the borough, by Greſham and Sir William Moore; and Sir William Moore died about twelve or fourteen years ſince; that Ryde had only part of a field within the borough, and was not a ſettled houſekeeper there; but owned, that Robert Ryde rented a ſhop within the borough.

Captaine ſaid, William Ryde agreed with him for the tythes of the fields ſuppoſed to be in Robert Ryde's poſſeſſion.

As to gifts and promiſes, they called Elizabeth Downs; who ſaid, ſhe ſaw Sir Theophilus Oglethorpe talking with Carter's wife, and he deſired her huſband's vote, whereupon ſhe ſaid, ſhe ſhould anger her friends; Sir Theophilus ſaid, don't fear, you ſhall never want.

It was opened, that Sir Theophilus Oglethorpe had paid 122 l. 18 s. 3 d. upon a decree, wherein Ryde, Baxter, and Valor, were plaintiffs to procure votes; but it was not proved.

They alſo called Elizabeth Tudman, who ſaid, Sir Theophilus Oglethorpe gave her and Shudd's daughter, each a ſtraw hat; and ſaid, he hoped they would be his friends, and their fathers give him their votes; and Sir Theophilus Oglethorpe then told her, a great many had promiſed him their votes: that Tudman voted for Mr. Bridges, and Shud's father, for Sir Theophilus Oglethorpe.

Thomas Tudman ſaid, he and his brother divided a cow between them, which his brother had of Sir Theophilus Oglethorpe; and that Sir Theophilus Oglethorpe was to have beef for it again: that he ſent Sir Theophilus Oglethorpe ſix ſtone of beef, and his brother was to have the reſt; but what he did with it he did not know. That Sir Theophilus Oglethorpe's counſel ſaid, they were ready for their defence; but did not ſuppoſe, the evidence, for the petitioner required an anſwer.

Whereupon the committee reſolved,

That Sir Theophilus Oglethorpe is duly elected a burgeſs to ſerve in this preſent parliament, for this borough.

That the petition of George Rodney Bridges, eſquire, againſt Sir Theophilus Oglethorpe is frivolous and vexatious.

Theſe reſolutions being read twice, were agreed to by the houſe:

Oct. 24, 1702. A petition of Lewis Oglethope, eſquire, was read; ſhewing, that at the late election of members to ſerve in parliament for this borough, the petitioner, George Vernon, and James Tichborne, eſquires, were candidates; and Mr. Vernon and the petitioner had a majority of voices on the poll; but Thomas Dudman, bailiff of this borough, hath maliciouſly made a double return of the ſaid Mr. Tichborne and the petitioner: and praying &c.

Ordered to be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

26th. A petition of James Tichborne, eſquire, was read; ſhewing, the petitioner, George Vernon, and Lewis Oglethorpe, eſquires, were candidates, at the laſt election for this borough; that the bailiff of the ſaid borough hath made a return by two indentures of all the ſaid parties, though he ought in juſtice only to have returned the ſaid Mr. Vernon and the petitioner, Mr. Oglethorpe being a minor; and therefore unqualified either to be elected, or ſit in parliament: and praying &c.

Ordered to be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

Nov. 9. Ordered to be reported to-morrow morning.

10th. Mr. Bromley (according to order) reported from the ſaid committee, the matter on the ſaid petition, as it appeared, with the reſolution of the committee, viz.

That the committee inſpected the record of the double return of the petitioners; and alſo examined the merits of the election.

The cauſe of the double return, was, an objection to Mr. Oglethorp's age; that he was not twenty-one years of age: but to prove he was ſo, was called,

Mr. Pye; who ſaid, Mr. Oglethorpe was in his twenty-ſecond year; which he remembered by this circumſtance, that he was married the 16th of March, 1680, and Mr. Oglethorpe was born in the February before.

Mr. Middlegeſſe ſaid, Mr. Oglethorpe's age was twenty-two; he ſaw him born in February, 1680.

Mrs. Banks and Mrs. Middleton ſaid, they were at Lady Oglethorpe's, when ſhe lay in of Mr. Oglethorpe; and they thought him in the twenty-ſecond year of his age, which Mrs. Banks remembered by her being married the June after; and Mrs. Middleton, by her daughter's age; who would be twenty-one next February.

The regiſter of St. Martin's was produced; wherein Mr. Oglethorpe's name was entered, but interlined in two places, in 1681; and writ with different hands in the regiſter.

Mr. Tichborne's counſel produced the record of Fitzharris's conviction in 1680: and called,

Mr. James and Mr. Freeman, two of the jurymen, who ſaid, Mrs. Wall, a gentlewoman belonging to the Ducheſs of Portſmouth, was examined at that trial by that name, and Mr. Bulſtrode ſaid Lady Oglethorpe was the ſame perſon.

It was replied, that Lady Oglethorpe, though then married, did not own it for particular reaſons: upon which the committee reſolved,

That Lewis Oglethorpe, eſquire, is duly elected, and returned a burgeſs, to ſerve in parliament for this borough: which was twice read, and agreed to by the houſe.

Dec. 5, 1710. A petition of Nicholas Carew, eſquire, was read; ſhewing, that the petitioner, with Sir John Clark, were duly elected burgeſſes for this borough, and ought to have been returned; but Theophilus Oglethorpe, eſquire, by bribery, and other indirect practices, procured ſeveral votes, who would have otherwiſe voted for the petitioner; and prevailed with William Elliot, the bailiff, to permit ſeveral to poll for him, that had no right, and to return him with the ſaid Sir John Clark, in wrong of the petitioner, and in violation of the rights of the ſaid borough: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

March 3, 1713. A petition of Theophilus Oglethorpe, eſquire, was read; ſhewing, that at the election for this borough, the petitioner was duly elected: but in wrong of the petitioner, Thomas Onſlow, eſquire, by bribes, &c. and by having ſeveral polled, who had no right, was returned; though unduly.

And the houſe being informed, that it is not believed that Mr. Oglethorpe did, or could, ſign the ſaid petition, as he ought to have done, he being abroad beyond the ſeas;—and it appearing to be delivered to the clerk of the houſe, on the 18th of September laſt, ſoon after the election for the ſaid borough, by one Orby:

Ordered, that the ſaid petition do lie upon the table.

Ordered, that Mr. Orby do attend this houſe on the morrow morning.

4th. The houſe being informed, that Mr. Orby attended, he was called in, and examined touching the election for this borough: and he owned the delivery of the petition to the clerk of this houſe; declaring he had the ſame from the Lady Oglethorpe, with her deſire to deliver it, but that he knew nothing of the ſigning thereof.

And the ſame appearing not to be duly ſigned by Mr. Oglethorpe.

Reſolved, that the ſaid petition be rejected.

March 28, 1715. A petition of John Walter and George Vernon, eſquires, was read; ſhewing, that at the late election for this borough, the petitioners, Sir Montague Blundell and Sir Nicholas Carew, baronets, were candidates; that the petitioners had a great majority, and upon the ſcrutiny (the perſons appointed on the behalf of the petitioners, did not agree in diſqualifying any of them) the bailiff did by illegal practices, take upon himſelf to reject many of the petitioners voters, though duly qualified, and allowed the voices of ſeveral perſons for the other candidates, though not qualified, to vote; and at laſt declared Sir Montague Blundell and Sir Nicholas Carew to be duly elected, and made his return accordingly; though the petitioners were duly elected by a majority of legal votes, and ought to have been returned: and praying &c. Alſo,

A petition of ſeveral freeholders, reſident within this borough, who have a right to vote in the election of members for the ſaid borough, was read; ſhewing, that at the election, George Vernon and John Walter, eſquires, and Sir Montague Blundell and Sir Nicholas Carew, baronets, were candidates; and there were a great majority of legal votes for the ſaid Mr. Vernon and Mr. Walter; but Mr. Carter, the bailiff, took upon himſelf not only to diſallow the votes of ſeveral of the petitioners for the ſaid Mr. Vernon and Mr. Walter, notwithſtanding they had voted at former elections, and particularly for the ſaid Sir Nicholas Carew and Thomas Onſlow, eſquire, who both ſerved for the ſaid borough; but allowed ſeveral perſons who voted for Sir Montague Blundell and Sir Nicholas Carew to be good votes, although they were not reſident within the ſaid borough, or were otherwiſe diſqualified to vote at the ſaid election; and in prejudice to the right of the petitioners, and other freeholders within the ſaid borough: and the ſaid bailiff declared the ſaid Sir Montague Blundell and Sir Nicholas Carew to be duly elected, and made a return accordingly; although the petitioners believe, the ſaid Sir Montague Blundell and Sir Nicholas Carew, are not duly elected: and praying &c.

A motion was made to hear the matter of the ſaid petition at the bar, and diſagreed to.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter thereof, and to report the ſame, with their opinion.

Oct. 18, 1722. A petition of the right honourable Montague Lord Viſcount Blundell of the kingdom of Ireland, and More Mollyneux, eſquire, was read; ſhewing, that at the election of this borough, the petitioners had an undoubted majority of legal votes of the ſaid borough; but that William Haſlegrove, the pretended returning officer, acting in favour of James Oglethrope and Peter Burrell, eſquires, by refuſing ſeveral legal votes who offered to poll for the petitioners, and admitting others who had no right, to vote for the ſaid Mr. Oglethorpe and Mr. Burrell; and in manifeſtation of his partiality againſt the petitioners, did refuſe a ſcrutiny, though often demanded by them; by which illegal practices . . . . . . returned the ſaid Mr. Oglethrope and Mr. Burrell, in prejudice of the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter thereof, and to report the ſame, with their opinion.

Feb. 3. Ordered leave be given to withdraw the ſaid petition.

HASTINGS.

THIS is one of the cinque ports, of whoſe right of repreſentation in parliament, I have wrote in treating of Dover. All I ſhall mention, is, that from the forty-ſecond of Edward the third, it has been entitled to this privilege. The memoirs I have met with, are theſe. See Dover. B. P. R. 215.

Nov. 4, 1689. A petition of Peter Gott, was read; ſhewing, that upon the vacancy of a baron for this port, the petitioner was a candidate to be elected there; and was choſen by ſeveral electors, and would have been by more, if due notice had been given, and fair uſage had: and the petitioner ought to have been returned; but that Colonel Beaumont being governor, or lieutenant-governor, of Dover-Caſtle, and to whom the writ was directed, hath returned himſelf, though not regularly choſen, nor was he capable of being choſen; being the officer who had the execution of the writ, whereby, and by ſeveral other irregular proceedings, the petitioner conceives, the ſaid Colonel Beaumont ought not to ſerve as a baron of the ſaid port, but the petitioner: and praying &c.

Ordered the petition be referred to the committee of privileges and elections, to examine and report it, with their opinion.

Jan. 8. Ordered to be reported on Saturday morning next.

11th. Ordered to be reported on Friday next.

17th. Reſolved the houſe do immediately proceed on the ſaid report.

Mr. Grey reported the matter thus: that the petitioner inſiſted, there had not been due notice of the election, and violence had been offered to ſeveral voters for the petitioner; by which, many, who would have voted for him, were hindered from voting; and ſubmitted, whether Colonel Beaumont, being governor of Dover-Caſtle, could be returned for this port of Haſtings. Upon the poll,

Colonel Beaumont had 35,
The petitioner — 32.

It appeared, that by order of the mayor, on Thurſday, 8 o'clock, the officer gave notice for the election to be next morning at nine.

Mark Sargent ſaid, that at elections, there was uſually three or four days notice; and he was twenty or thirty miles diſtant at the time of the election, and had no notice till it was over; and if more notice had been given, he believed he ſhould have been there, and voted for Mr. Gott.

Jenner ſaid, his life was threatned, if he did not vote for Colonel Beaumont; and the church door was ſhut, and he was hindered from going in, though he came fully deſigning to vote for Mr. Gott.

Lovel owned, when he was mayor, he gave notice of the election for the next day; but was threatned to be killed, if he voted for Mr. Gott; and was afraid if Mr. Gott had carried it, there would have been murder.

Carſwell ſaid, he was threatned; and one catched hold of him, and another aſſaulted one of Mr. Gott's voters; and he was abuſed when he got into the church.

Richard Carſwell ſaid, that, being about to let in Jenner to vote for Mr. Gott, Stevens threatned to kill him, if he let Jenner in, and abuſed him; and owning he had voted for Mr. Gott, he was ſtruck in the breaſt twice.

Bates ſaid, he ſaw Carſwell ſtruck; and heard Sargent threatned by Stevens, if he did not vote for Colonel Beaumont, they would cut his nets.

Boſam ſaid, he came to vote for Mr. Gott, but there was ſuch a tumult, he could not hear his name called.

Garr ſaid, Low told him, he had five ſhillings to vote for Colonel Beaumont.

Sergent ſaid, he voted for Colonel Beaumont, becauſe he was threatned to have his nets cut; and went to church with Mr. Gott, with deſign to vote for him; and after the election, the mayor and jurats ſent him ten ſhillings; and ordered him, he ſhould tell nobody.

For Colonel Beaumont, it was inſiſted, there was due notice of the election; and the diſturbance (if any) was given by the rabble, without the privity of Colonel Beaumont: and called,

Marſh, ſerjeant at arms of Dover-Caſtle; who ſaid, he was ſent to Haſtings, to give them notice that the governor of Dover-Caſtle was coming to ſettle the militia, and to go to the election; and he came thither on the Tueſday before the election, and gave the mayor notice of it, and told Mr. Lovel to that effect.

Hide, the mayor, owned the meſſage by Marſh; and called Mr. Lovel on one ſide, and deſired him to write to Mr. Newington, to acquaint Mr. Gott with it; and ſaid, the conſtant notice had been 24 hours.

That Mr. Gott was in town on Thurſday, before Colonel Beaumont came; that no freemen were kept out, but orders were given to let in none but freemen; and if there was any diſturbance, it was not near the poll.

Said, it was a cuſtom, if any man lived a year and day out of town, and doth not pay ſcot and lot, he has no vote; and that Mr. Dyne the recorder, never lived in town, and (though he voted for Mr. Gott) he had no vote.

Turner and others ſaid, Boſom did vote for colonel Beaumont: and Turner ſaid, the election was with the greateſt quiet, conſidering the number of people; and colonel Beaumont ſent him, ſeveral days before the election, to declare his intention of being a candidate.

Threſher ſaid, he gave notice to the freemen, the day before the election, as cuſtomary; and all the freemen, but one, were preſent; and after the election, colonel Beaumont left ten pounds, to be given to poor ſeamen:

That Carleton junior voted for colonel Beaumont, and lived with his father.

Lovel ſaid, Carleton confeſſed he had lived a year and quarter out of town, being an exciſeman.

Peter Fyal ſaid, Mr. Gott bowed, and complimented colonel Beaumont on his election; and Mr. Gott never deſired to be returned.

Hartſhorn ſaid, the election was fair; nor did they poll, till the rabble was quieted.

Upon the whole, the committee reſolved,

That John Beaumont, eſquire, is duly elected a baron to ſerve in this preſent parliament for the port of Haſtings: whereto, on a ſecond reading, the houſe agreed.

April 1, 1690. A petition of Thomas Munns, eſquire, was read; ſhewing, that the petitioner was duly elected one of the barons for this port, and ought accordingly to have been returned; but John Beaumont, eſquire, governor of Dover-Caſtle, pretends to have a power of the ſeveral cinque-ports; and wrote ſeveral mandatory letters to the mayor, and chief officers of the cinque-ports; requiring them not to engage their votes for any particular perſon, for that his Majeſty would recommend to them ſuch perſons as he ſhould think convenient for them to chooſe; and, by ſeveral menaces and threats, procured many of the electors to vote for him, to ſerve for the port of Haſtings; and prevailed with the mayor thereof to return him, though not legally elected, in prejudice to the petitioner: and praying &c.

Ordered to be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

Dec. 12, 1698. A petition of Robert Auſtin, eſquire, was read; ſhewing, that John Poultney, eſquire, and the petitioner, were duly elected members to ſerve in this preſent parliament for the port of Haſtings; but the mayor hath returned Peter Gott, eſquire, inſtead of the petitioner, to his manifeſt injury: and praying &c.

Ordered to be referred to the committee of privileges, to examine and report the matter, with their opinion.

Jan. 18. Ordered to be reported on Friday morning next.

20th. Sir Rowland Gwyn reported the matter, as it appeared to the committee.

The queſtion was upon the majority of legal voters:

That, upon the poll, there were,

For Mr. Gott 34, beſides the mayor;
Mr. Auſtin 35, with himſelf.

That as to the right of election, Mr. Auſtin inſiſted, it was in the mayor, jurats, and freemen reſient, that watch and ward: and called,

Mr. Hide and Mr. Lovel, who had been mayors of Haſtings, the former four times, and the latter twenty years ſince; who ſaid, they had known ſeveral elections, and that the right was in the mayor, or, jurats, and freemen, living within the corporation; and never knew any non-reſients, or thoſe who did not do ſervice to the town: and Sir Robert Parker, who had been parliament-man, as ſuch, was a freeman, but was refuſed his vote, as non-reſient, and paying to watch and ward.

Mr. Auſtin's counſel then excepted to Mr. Gott's voters.

Mr. Lovell was called; who ſaid, Mr. Pultney did not pay to watch and ward; but his vote was allowed by the majority of the aſſembly, though ſome muttered.

Winter ſaid, Skeech went to ſea, and left the town two years before the election, and for that time had done no duty: that he did not come into the corporation, till the 15th of May laſt: that his goods had been attached, and his doors ſhut up; but upon terms, the goods were not removed: that his family was at London, except a daughter, who lived with a brother-in-law; but his vote was not excepted to at the election.

Waller ſhewed the town-books, to prove Carſwell disfranchiſed, for words reflecting on the corporation. Being aſked, who elſe he knew ever disfranchiſed; he ſaid, he himſelf was, in order to be a witneſs, but afterwards admitted and ſworn again; and another about an hundred years ſince.

Adam Delſey was refuſed to vote for Mr. Gott, becauſe he lived in London.

The counſel inſiſted, the mayor had voted twice; and read a reſolution * of the houſe of commons, between Sir Francis Rolles and Mr. Palmer, 7th of December 1669, where the mayor voted, and after gave a caſting vote; but, by the Journal, the opinion of the houſe did not clearly appear in that caſe.

* See Bridgewater.

The counſel for Mr. Gott allowed the right in the mayor, jurats, and freemen; but denied the reſiency, or paying to watch and ward: and ſaid, they would juſtify all their voters, and take off one or more from Mr. Auſtin: and called,

Waller; who ſaid, he knew Adam Delſey, who was admitted in 1696, and had conſtantly paid the town-duties as much as any other; and that ſeamen, when at ſea, hire others to watch and ward for them: that Skeech had an houſe in town, but mortgaged; his family had been always in town, except two months, or a little more: that he has ſeen the doors open, and his child playing before them: that he was rated, but petitioned off his paying, in regard to his being taken by the French, and other loſſes: that, Mr. Hide being mayor, he was ordered to put Carſwell on the freemen's liſt; and read his re-admittance, dated 12 July 1697; and he had voted at aſſemblies ever ſince, at the election of the preſent mayor, and for a common-ſerjeant; but was not ſworn ſince his re-admittance.

Lovell ſaid, Skeech had been out of town ſome time; but his family had been in town ever ſince, and had an houſe there all the time; and he had not been an inhabitant of any other place, but been at ſea: that Greg, who voted for Mr. Auſtin, had relief two years, and wore a badge: that freemen, if they have been abſent two years, when they return, are not ſworn again: that he has been mayor ſix times, has voted, when mayor, and never knew the mayor's vote denied; nor was it excepted to, this election: that he could not ſpeak as to parliament-men, but in the caſe of town-clerk, and other town-officers, if the votes are equal by the mayor's vote, he had after a caſting vote; and particularly, about twenty-two years ſince, captain Hide, in the caſe of a town-clerk; and Mr. Munn's election, was carried by Sir Robert Parker's vote: that Mr. Gott has voted; and Mr. Pultney's was not objected to by the mayor, jurats, or any body elſe.

Mr. Phipps ſaid, if freemen are abſent, and return again, they have the benefit of their freedom: that Skeech did return to Haſtings, two or three months before the election, and is in the poors-rate: that his children were not abſent; and in this corporation, on an equality, the mayor had always a caſting vote.

Delſey was examined; and ſaid, when he came to town, Mr. Lough, who was concerned for Mr. Auſtin, aſked his vote for colonel Auſtin; but he told him, he did intend to vote for Mr. Gott: that he was made free by the conſent of the whole bench, and they aſked him, what houſe he would be ſummoned at; and bid him agree with the town-ſerjeant, for one to watch and ward; and he did ſo, and paid watch and ward, as long as any other freeman: that he had offered to vote for Mr. Pultney and Mr. Gott, but was refuſed as a delinquent; though, when he was made free, he was told, he ſhould not be ſo reckoned: but owned. he had not been at Haſtings for two years before.

That it appeared to the committee, that Mr. Pultney, Mr. Gott, and Mr. Auſtin, were all in the ſame caſe, as to their freedoms, and neither paid to watch and ward.

Mr. Auſtin's counſel inſiſted, that Mr. Conyers voted for himſelf at Eaſt-Grimſtead; but did not read the report.

Winter ſaid, Greg did watch and ward in his own right; and voted in the election of a mayor and town-officers.

Upon the whole, the committee reſolved, that the right of election of members of parliament for the port of Haſtings, in the county of Suſſex, is in the mayor, jurats, and freemen, reſient, and not receiving alms.

That Peter Gott, eſquire, is duly elected a baron to ſerve in this preſent parliament for this port: to both which reſolutions the houſe agreed.

June 3, 1701. A petition of William Aſhburnham, eſquire, was read; ſhewing, that the petitioner was a candidate for a burgeſs for this port to ſerve in this parliament, and had the majority of qualified voters; but John Mounſher, eſquire, by bribes, threats, and promiſes, hath procured himſelf to be returned for the ſaid port, in wrong to the petitioner: and praying &c.

Ordered it be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

March 5, 1713. Ordered a warrant for a writ, for electing a com-baron for this port, in the room of Sir Joſeph Martin, made a commiſſary, to treat with France for ſettling the trade between Great-Britain and France.

HAVERFORD WEST.

THIS is a borough within the county of Pembroke; and ſends one burgeſs to parliament, in lieu of a ſhire-town for the county of Merioneth. It is a county of itſelf, by charter of King Edward the fourth; afterwards, by Henry the eighth; and laſtly, by King James the firſt. It was incorporated by King James the firſt; and the laſt charter directs and appoints, that it ſhould be called by the name of the mayor, ſheriff, bailiffs, and burgeſſes of Haverford Weſt, during the will and pleaſure of the

Willis, 1749. 7

ſaid King James. It has returned one burgeſs to parliament from the 27th of King Henry the eighth. Concerning the right of election, and its repreſentatives, in that reſpect, the Journals of the houſe of commons afford the following memoirs.

May 28, 1624. Mr. Glanvylle reported from the committee of privileges and elections—For Haverford Weſt—The committee of opinion, to let it reſt till the next ſeſſion. So reſolved by the houſe.

June 29, 1660. Mr. Turner reported from the ſaid committee, the caſe upon the election of a member to ſerve in this preſent parliament for this town; and the committee's opinion thereupon.

The humble petition of the mayor and common-council of this town and county, was read.

The queſtion being propounded, That this houſe doth agree with the committee in their report, concerning this town;—and the queſtion put, That this queſtion be now put;—it paſſed in the negative.

Reſolved, that the election of William Phillips, eſquire, to ſerve in this preſent parliament for this town, is void; and a new writ ordered.

April 4, 1662. Serjeant Charlton reported from the ſaid committee, touching the election for this town and county, between Sir William Moreton and Mr. Iſaac Lloyd; That the queſtion was, Whether the mayor and burgeſſes of the town only, or the mayor, burgeſſes, and inhabitants, that paid ſcot and lot, had voices; and that, upon peruſal of the ſtatute of the 31ſt of Henry the eighth, the committee was of opinion, That the mayor, burgeſſes, and inhabitants, that paid ſcot and lot, had voices; and that although Mr. Lloyd had the greater number of voices, yet divers of them did not pay ſcot and lot; and theſe being ſet aſide, Sir William Moreton had the major number, and ſo was duly elected: but upon information, that divers of Sir William Moreton's voices did not pay ſcot and lot;

Reſolved, upon the queſtion, that the matter, touching the election for the ſaid town, be recommitted to the ſaid committee; to examine whether any of the burgeſſes and inhabitants of this town did not pay ſcot and lot, which did give voices for Sir William Moreton, and how many; and to make their farther report, touching the election for the ſaid town.

May 23, 1663. Serjeant Charlton reported from the ſaid committee, touching the election for this town and county, between Sir William Moreton and Mr. Iſaac Lloyd; That the committee were of opinion, that the burgeſſes and inhabitants of this town, and the inhabitants which paid ſcot and lot, had voices in the election; and the committee, upon examination of the whole matter, were of opinion, That Mr. Lloyd was not duly elected; and that the opinion of the committee was, That Sir William Moreton was duly elected.

A petition was tendered, ſubſcribed by ſeveral perſons, touching the election for this town; and, upon the queſtion, read; and then the reſolution, That Sir William Moreton was duly elected, was diſagreed to; and a new writ ordered for an election of a member for this town and county.

Oct. 15, 1667. A petition of Hugh Owen, eſquire, was read.

Ordered to be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

Nov. 18. Ordered the report to be made to-morrow morning.

19th. Ordered the report to be made on Thurſday morning next.

Nov. 26th. Serjeant Charlton reported the caſe of the election for this town and county, between Sir Frederick Hide, and Mr. Owen, That the committee had paſſed a reſolve; viz.

That the election for Haverford Weſt is a void election: whereto the houſe diſagreed; as alſo, to a motion to have it recommitted; and reſolved,

That Sir Frederick Hide is duly elected, and ought to ſit.

May 28, 1678. A petition of William Wogan, eſquire, complaining of an undue return of Sir Herbert Perrot, to ſerve for this town and county, in injury of the petitioner, who was duly elected, and ought to have been returned, was read.

Ordered, that it be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

Oct. 23. The ſame petition again preſented, and referred in like manner. I don't find any report thereupon.

March 19. A petition of Thomas Owen, eſquire, was read; complaining of an undue practice, in the returning of William Wogan, eſquire, to ſerve in this preſent parliament for this town and county, in injury of the petitioner, who was duly elected.

Reſolved, that it be referred to the committee of privileges and elections, to examine and report the matter, with their opinion. No report appears.

March 25, 1679. A petition of John Bowen, ſheriff of this town and county, on behalf of himſelf and others, was read; complaining of undue and illegal practices in one Edward Hughs, pretended ſheriff of this town and county, in electing and returning of William Wogan, eſquire, to ſerve in this preſent parliament as a burgeſs for this town and county, in injury of the petitioner, and others the inhabitants, who did duly elect Thomas Owen, eſq; to ſerve in parliament as a burgeſs for the ſaid town, and returned him by indenture, under the hands and ſeals of the major part of the inhabitants.

Reſolved, that it be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

Oct. 30, 1680. A petition of William Wogan, eſquire, was read.

A petition of the town and county of Haverford Weſt was likewiſe read.

Ordered, that they be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

May 15, 1715. A petition of John Barlow, eſquire, was read; ſhewing, that the petitioner was a candidate at the election of a burgeſs for this town and county: that Sir George Barlow, baronet, who was the other candidate, notwithſtanding the petitioner was duly elected by a majority of legal electors, did procure himſelf to be returned by the illegal practice of James Wheeler, eſquire, the preſent mayor of the ſaid town and county, and brother-in-law to Joſeph Pruſt, gentleman, ſheriff; who did, in favour of Sir George Barlow, bring ſeveral perſons, foreigners to the ſaid corporation, whom he pretended had a right to vote at the ſaid election; though the petitioner is well informed, they were made freemen againſt the rules of the ſaid corporation; the ſaid ſheriff declaring, notwithſtanding all objections made by the petitioner, he would allow of whomſoever the mayor ſhould bring up; and he accordingly did admit the perſons, ſo illegally made, to vote, and returned the ſaid Sir George Barlow, to the prejudice of the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter thereof, and to report the ſame, with their opinion.

Ordered, that it be an inſtruction to the committee, to hear the ſaid petition on this day month.

June 20. Ordered to be heard on this day ſevennight.

July 1. Ordered the report to be received on Monday next.

4th. Mr. Hampden reported the matter, touching the ſaid election, as follows:

That the right of election was agreed to be in the freeholders, burgeſſes, and inhabitants, paying ſcot and lot, and not receiving alms.

The poll was, for Sir George Barlow 222,
for the petitioner — 181.

The counſel for Mr. Barlow excepted againſt 79 votes for Sir George Barlow; viz. 34, as illegal burgeſſes; 20 alms-men; 15 inhabitants, not paying ſcot and lot; 8, neither freeholders, burgeſſes, nor inhabitants; and 2 minors.

As to illegal burgeſſes, Mr. Barlow's counſel produced a collection of orders (dated 16 Octob. 1629) agreed upon by the mayor, common-council, and other inhabitants, and allowed by the King's juſtices of aſſize; whereby, no perſons are to be ſworn burgeſſes (apprentices and freemen's ſons only excepted), unleſs they be thereunto thought meet, firſt, by the moſt votes of the common-council of the town, and afterwards by the conſent, and moſt voice, of the burgeſſes and commons of the town, under the penalty of 10 l. upon the mayor: and farther, that none ſhall be admitted or ſworn burgeſſes, at any day or time, except on the election-days of the mayor yearly, and at the ſheriffs turns; and at no other time of the year.

Againſt the 34 excepted to as illegal, the following evidence was read; viz.

Dat. March 11, 1714. An order in the town-book, for the mayor's ſwearing 11 of them when he thinks fit; viz. Thomas Skyrm, gentleman, Simon Higda, Morgan Folland, John Hill, John Brown junior, George Hellier, and John Parrot, claiming freedom as burgeſſes ſons; Thomas Howell, claiming as apprentice; and Mr. Lewis Powel, Mr. John Lort, and the reverend Mr. George Philips, whoſe titles are not mentioned:

Dat. March 19, 1714. Another order, for ſwearing 11 others by the mayor; viz. Thomas Bateman, G. Jenkins, Henry Bowen Clerk, and David Lewis, being freemen's ſons; James Wilkin junior, having married a freeman's daughter; Richard Llewellin, as apprentice; Mark Roach, eſquire, Richard Cuny, eſquire, John Stephens, gentleman, John Powell, gentleman, and William Davids, whoſe titles are not mentioned:

Dat. March 20, 1714. Another order, for admitting and ſwearing twelve others; and the order ſays, they were then ſworn accordingly; viz. Mr. Arnold Bowen, Thomas Rees, taylor, George Jones, glover, John Barnſley, butcher, Rowland Harris, and Thomas Davies, gentlemen (being freemen's ſons); John Thomas, Thomas Knowles, eſquire, George Bowen, eſquire, Thomas Edwards, gentleman, Joſeph Allen, gentleman, and Richard Foley, whoſe titles are not mentioned.

That the exceptions to theſe admiſſions were, as being clandeſtine, and upon neither of the 3 days allowed by the conſtitution; and alſo obſerved, that the entries themſelves were for the 20th of March which was on Sunday, when no court was held; and the counſel called,

Bateman and Smith; who ſaid, that for twenty or forty years, the practice has been to admit, and ſwear burgeſſes only, on the three conſtitution-days, viz. the election of the mayor, and the ſheriffs turns, and at no other time, except in caſes of gentlemen of quality, or the mayor's own freeman: that burgeſſes cannot be admitted, but by the conſent of the majority of the common-council, and of the burgeſſes, in the town-hall: that the whole common-council ought to be ſummoned to every court, but only ſelect perſons were ſummoned to the courts in March laſt; and they never knew burgeſſes ſo admitted before.

And Smith ſaid, the mayor declared, he would make as many new burgeſſes as would ſerve his turn.

Rowland Harris, who is wrote in the town-book as admitted and ſworn on the 20th of March, ſaid, he was ſworn the day before the election, being the 2d of May laſt, at a publick-houſe, by the mayor and one alderman.

Mr. Hugh Fowler ſaid, Arnold Bowen, entered as admitted, and ſworn the 20th of March, polled as a burgeſs; and hath owned, ſince the election, he was never ſworn at all.

William Holloway named twenty of Sir George Barlow's voters; and ſaid, they had received alms or charity.

That the petitioner's counſel proceeded to give evidence of partiality, and arbitrary proceedings of the mayor and ſheriffs, in favour of Sir George Barlow; but the counſel for Sir George Barlow ſaid, they were ſurpriſed; and having no witneſſes to juſtify the election,

The committee reſolved,

That Sir George Barlow, baronet, is not duly elected a burgeſs to ſerve in this preſent parliament for this borough.

That John Barlow of Lawrenny, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for this borough.

Reſolved, that the proceedings of the mayor and common-council of this town, in making burgeſſes without the conſent of the commonalty, was illegal, and contrary to the rights of the ſaid town; and that the burgeſſes, ſo pretended to be made, have not thereby acquired any right of voting at any future election.

And then ordered the return to be amended.

HELSTON.

THIS borough is in the county of Cornwall; and has ſent repreſentatives to parliament from the 26th of Edward the firſt; who were chosen, in the ſeventh of Edward the fourth, by all the burgeſſes, as appears by the indenture in the Appendix. After this, I meet with no memorandums relating to it, until after the reſtoration of King Charles the ſecond; when it is recorded in the Journal, as follows.

4th Reg. 995.

May 5, 1660. Mr. Turner reported from the committee of privileges and elections, touching the ſeveral returns for this borough; That Anthony Rowſe, eſquire, and Alexander Penthellick, eſquire, are returned by the proper officer in two ſeveral indentures; and the opinion of the committee, they ought to ſit, till the merits of the election be determined: whereto the houſe agreed.

June 27. Mr. Turner reported from the committee of privileges and elections, upon the double return for this borough; That, upon examination of the fact, it appeared not, that there was due notice given of the time appointed for the election; and therefore the committee were of opinion, the ſaid election is void: whereto the houſe agreed, and ordered a new writ for an election.

Auguſt 3. Reſolved, that it be referred to the committee for privileges and elections, to examine the fact, as to the return of members to ſerve in this preſent parliament for this borough; and to report the ſame.

8th. Sir Edward Turner reported from the ſaid committee, upon the returns for this borough, That they had conſidered of the ſaid returns; and that by two ſeveral indentures, ſigned by the mayor, they find returned Thomas Robinſon, eſquire, and . . . . . . Godolphin, eſq; and by a third, ſigned by the ſheriff, they find Sir Pet. Killegrew returned; and they are of opinion, Mr. Robinſon and Mr. Godolphin, being returned by the proper officer, ought to ſit, till the merits of the election be determined: whereto the houſe agreed.

Nov. 7. Sir Thomas Clarges reported from the ſaid committee, the caſe upon the double return for this borough; wherein the queſtion was, Whether the elections of members to ſerve in parliament for the ſaid borough ought to be made by the freemen alone, or by all the inhabitants; and that, upon examination of the matter, it appeared to the committee, That all the inhabitants of this borough have right to elect for the ſaid borough; and that Mr. Francis Godolphin and Sir Peter Killegrew, being choſen by the inhabitants in general, are duly choſen; and thereupon offered their opinion, that the ſaid Mr. Godolphin and Sir Peter Killegrew ought to ſit in this houſe; and that the indenture, by which Mr. Thomas Robinſon (who was choſen by the freemen alone) is returned, be vacated, and taken off the file.

Ordered, this buſineſs be recommitted to the ſaid committee, to conſider of the matter offered in the preſent debate, and to make a ſpeedy report to the houſe; and, in order thereunto, to meet on the uſual days.

Dec. 10. Sir Edward Turner reported from the ſaid committee, the caſe upon the return of Mr. Robinſon and Sir Peter Killegrew, by ſeveral indentures for this borough; that upon the examination of the fact, upon the recommitment of the caſe, it appeared to the committee, that the mayor and inhabitants at large have the right of election of members of parliament for the ſaid borough; and that the committee are of opinion, that Sir Peter Killegrew, having the greater number of the votes of the ſaid inhabitants at large, is duly choſen, and ought to ſit in this houſe: but the queſtion being put to the houſe, it was diſagreed to.

April 2, 1690. A petition of Rich Hoblyn, was read; ſhewing, he was duly elected for this borough, by the majority of legal voters; but the mayor of the ſaid borough has refuſed to accept of the indenture ſigned by the ſaid electors, or to return the petitioner: and praying &c.

Ordered it be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

April 30, 1714. A petition of Samuel Ennys, eſquire, was read; ſhewing, that at the election for this borough, in the room of Henry Campion and Charles Cox, eſquires; Alexander Pendarvis, Thomas Tonkin, eſquires, and the petitioner, were candidates: that the ſaid Mr. Tonkin is not qualified, which was objected at the election; and, he not appearing, the oath could not be tendered to him; notwithſtanding which, the mayor hath returned him, with Mr. Pendarvis, though the petitioner was duly elected: that the ſaid Mr. Tonkin, in 1700, having occaſion for a ſum of money, did apply to the petitioner, (who then had a mortgage of 600 l. principal on part of his eſtate), to lend him 7169 l. 15 s. 6 d. on the reſidue thereof; which the petitioner complied with: that the petitioner hath ſince found Mr. Tonkin's eſtate was entailed by him on marriage, before the making the ſaid mortgage, he being only tenant for life, and he hath ſince made leaſes for lives: whereupon the petitioner deſired the principal might be paid with intereſt; but inſtead thereof, had a bill brought againſt him in Chancery, for an injunction to hinder recovery of the ſame; but Mr. Tonkin failing therein, the petitioner exhibited his bill of foreclоſure, but got no anſwer; and likewiſe brought ejectments, but as to part of the eſtate; but Mr. Tonkin defended poſſeſſion by ſetting up prior leaſes; and though the petitioner obtained a verdict, and had judgment for the greateſt part thereof, yet the ſaid Tonkin brought his writ of error, and hindered the petitioner from poſſeſſion, before he was returned; and now hath ſent to the petitioner's attorney, that he inſiſts on his privilege; all which the petitioner is ready to prove: and praying &c.

Ordered the ſaid petition be conſidered on Thurſday morning next.

May 6. The houſe proceeded to the conſideration of the ſaid petition, and ordered it to be conſidered again on Monday morning next.

10th. The houſe again proceeded in the conſideration of the ſaid petition, and Mr. Tonkins was heard in his place.

Ordered the matter of the ſaid petition be heard at the bar of the houſe, on the 10th of June next.

June 10. Ordered the ſaid petition to be heard on this day ſevennight.

16th. Ordered Mr. Ennys have leave to withdraw his ſaid petition.

Feb. 5, 1723. Ordered a warrant for a new writ for electing a burgeſs to ſerve in this preſent parliament for this borough, in the room of Sir Robert Raymond, knight, now one of the judges of the King's-Bench.

May 31, 1725. Ordered a warrant for a new writ for electing a burgeſs to ſerve in parliament for this borough, in the room of Walter Cary, eſquire, made warden of the Mint.

HEREFORDSHIRE.

THIS county is the boundary of England towards Wales. It has been repreſented in parliament from the firſt ſummons of Edward the firſt, to this time. The indenture of return of members 5 Hen. V. will be found in the Appendix. But I do not meet with any memoirs of conteſted elections, which have been determined; and the only petitions, or memoirs, I find, are theſe which follow.

Nov. 25, 1708. A petition of Henry Gorge, eſquire, was read; ſhewing, that the petitioner had the honour to ſerve as knight of the ſhire in the laſt and former parliaments for this county, and was again propounded the laſt election for a candidate, with the Lord Scudamore, and John Price, eſquire; when the petitioner was duly elected one of the knights for this parliament, and ought to be returned; but the ſheriff hath unduly returned Mr. Price: that the election was not free, by reaſon of many illegal and indirect practices, many perſons having polled without oath, contrary to the agreement of the candidates: that after the teſte of the writ, and at the time of the election, ſeveral freeholders were entertained on behalf of Mr. Price: that many copyholders were polled for Mr. Price, yet none allowed for the petitioner: that many of the petitioner's voters were miſentered, and many illegal votes allowed for Mr. Price: that the ſheriff arbitrarily adjourned the poll on the firſt day of the election, without conſent of the candidates, and denied the petitioner a ſcrutiny, and copy of the poll, when he was outrageouſly inſulted: that a ſeparate poll was taken at a private houſe, without the conſent of the candidates: all which proceedings tend to the manifeſt prejudice of the petitioner's election, and the violation of the freedom of parliament: and praying &c.

Ordered, that it be heard at the bar of the houſe on the 29th of February next.

Dec. 5, 1710. A petition of Henry Gorge, eſquire, was read; ſhewing, that at the laſt election of the knights of the ſhire to ſerve in this parliament for this county, the right honourable James Lord Viſcount Scudamore, John Price, eſquire, and the petitioner, were candidates: that Mr. Price and his agents, with Samuel Clark the receiver-general, and other receivers-general, by bribery, and other illegal practices, did procure and influence a great number of votes for Mr. Price, ſeveral hundreds whereof were copyholders and cottagers, not having 40 s. a year; and, further to influence votes for Mr. Price, ſcandalous libels were printed and diſperſed, reflecting upon the privileges of the houſe of commons: notwithſtanding all which proceedings, the petitioner had a majority of legal votes of Mr. Price, and ought to have been returned.....

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

July 8, 1712. Ordered a warrant for a new writ for electing a knight to ſerve in this preſent parliament, in the room of John Price, eſquire, made a commiſſioner of exciſe.

HEREFORD City.

Willis, 1749. 25. THIS city is the capital of the county of its name. It is ſaid, it was incorporated by King John; but the preſent charter was granted by King James the firſt, in the 17th year of his reign. Here are a mayor, ſix aldermen, and 24 common-council-men. 4th Reg. p. 998. It returned citizens to parliament 28 Edward I, and has ſo continued to do. The manner Br. Parl. Red. 272. of election, in the 5th of Hen. V, appears to be in the citizens in general; and the return by the mayor, and eleven others, ſtiled *cives civitatis præd. per aſſenſum omnium aliorum concivium* &c. (ſee Appendix.) This is all I meet with in regard thereto, before the Reſtoration; ſince which time the Journals of the houſe of commons afford theſe memoirs.

May 16, 1661. Serjeant Charleton reported from the committee of privileges and elections, touching the double return for this city, That Sir Henry Lyngen and Sir Edward Hopton, knights, are returned by one indenture; and Herbert Weſtfaling, eſquire, and Sir Henry Lyngen, knight, are returned by another indenture; and the opinion of the committee is, That Sir Edward Hopton do ſit in this houſe, until the merits of the cauſe, touching the election, be determined: whereto the houſe agreed.

July 23. Serjeant Charleton reported from the ſaid committee touching the election for this city, That Sir Henry Lyngen was duly elected; and the queſtion was between Sir Edward Hopton and Mr. Weſtfaling, which of them were duly choſen; that Mr. Weſtfaling had 233, which were all freemen and had voices; and that Sir Edward Hopton had cauſed a poll to be taken of 251 voices for him, but their names were gotten a week or fortnight after the election; and ſome of them doubly ſet down, ſome alms-men, ſome minors, ſome were not upon the place at the reading of the writ, nor upon the day of the adjournment; ſo that, as the perſons againſt whom there was juſt exception, being taken out of the liſt, Mr. Weſtfaling had the majority of voices; and the opinion of the committee, that Sir Henry Lyngen's election was unqueſtionable, he having all Mr. Weſtfaling's voices beſides his own; and that Mr. Weſtfaling, having a greater number of clear voices than Sir Edward Hopton, was duly elected a citizen for this city, and ought to ſit; but there was a very ſtrange carriage and ſome diſturbance in the election, which proceeded either from the fear of the mayor, or was done by deſign.

But this report and reſolution was wholly diſagreed to by the houſe; and the election reſolved to be void, and a new writ ordered for election of citizens to ſerve in this preſent parliament for this city: a motion was made to ſend for the mayor in cuſtody, but diſagreed to.

June 26, 1689. A petition of Edward Gwyn, eſquire, was read; ſhewing, that the 11th of June, 1689, being appointed for the election of citizens to ſerve for this city in parliament, the petitioner and Henry Cornwall, eſquire, were competitors for the election; the petitioner having the majority of the votes of the electors, was violently aſſaulted on the morning of the election, and in open court that day, by the competitor's agents, and party in favour of him: and ſeveral ſwords were drawn againſt the petitioner, his voters and friends; and his voters were aſſaulted, threatned and diſcouraged, by the mayor and town-clerk, his father, in favour of the competitor, at the time when they came to give their votes for the petitioner, and at ſeveral times before; terrifying them, that they would ruin them, and make the town too hot for them: and that many perſons were ſecretly and unduly ſworn, and made free, in alehouſes, to vote againſt the petitioner, no way qualified for their freedom; and did vote, with many unqualified perſons againſt the petitioner: by which undue means and practices of the mayor, town-clerk, and other agents of Mr. Cornwall, he, the ſaid Henry Cornwall, is returned to ſerve in this preſent parliament, though the petitioner is duly elected by the majority of the electors, and ought to have been returned: and praying &c.

Ordered it be referred to the committee of privileges and elections, to examine the matter, and report it with their opinion.

Aug. 6. Colonel Birch reported from the ſaid committee, the matter upon this petition, That there appeared upon the poll,

For Mr. Cornwall 372,
For Mr. Gwyn 143.

That Mr. Gwyn inſiſting he was aſſaulted, and the election diſturbed in a riotous manner; it appeared on examination to be a particular quarrel between Mr. Gwyn and Mr. Price in the morning of the election, and the difference quickly ended; the poll went on orderly and peaceably, and proclamation duly made at the cloſing of the poll; wherefore the committee reſolved,

That Henry Cornwall, eſquire, is duly elected a citizen to ſerve in this preſent parliament for this city: whereto the houſe agreed.

July 8, 1712. Ordered a warrant for a new writ for electing a citizen for this city, in the room of Thomas Foley, eſquire; made one of the commiſſioners for trade and plantations.

March 30, 1715. A petition of Herbert Rudhale Weſtfaling, and Nicholas Philpot, eſquires, was read; ſhewing, that James Lord Viſcount Scudamore, Thomas Foley, eſquire, and the petitioners, were candidates for this city; that the ſaid Lord Scudamore, and Mr. Foley, and agents, were guilty of bribery and corruption, by giving ſeveral ſums of money to the freemen of the ſaid city for their votes, and entertained the freemen at their own houſes, after the teſte of the writ; and alſo by threats, &c. prevailed with ſeveral of the freemen who had promiſed the petitioners their votes, to turn from them, and give their votes for the ſaid Lord Scudamore, and Mr. Foley; and ſeveral of their agents entered into a combination under their hands, not to have any dealings with any perſon who ſhould not vote for the ſaid Lord Scudamore and Mr. Foley; and that Sir Thomas Morgan, and others, have owned the ſigning thereof; and that the conſtables being bribed by the ſaid Lord Scudamore, and Mr. Foley, or agents, prevented the voters of the petitioners, by blows, &c. from polling, and admitted others who voted againſt the petitioners; at the ſame time the mob were very numerous, and ſupported by Captain Richard Foley, and others; by which means ſeveral freemen were deterred to vote for the petitioners; and by ſeveral other illegal practices, by admitting to poll, ſeveral perſons for the ſaid Lord Scudamore, and Mr. Foley, who had no right; whereby the ſaid Lord Scudamore, and Mr. Foley, have procured themſelves to be returned, although the petitioners were duly choſen, and ought to have been returned: and praying &c.

A petition of ſeveral freemen of the ſaid city, in behalf of themſelves and ſeveral other freemen of the ſaid city, was read; ſhewing, that James Lord Viſcount Scudamore, Thomas Foley, Herbert Rudhale Weſtfaling, and Nicholas Philpot, eſquires, were candidates, at the ſaid city; that the petitioners and others of the ſaid city, voted for the ſaid Mr. Weſtfaling; but the ſaid Lord Scudamore, and Mr. Foley, and agents, by bribery, &c. and procuring new freemen to be made, and by other illegal practices, obtained a great number of freemen to vote for them; whereby they procured themſelves to be returned, although there was a majority of legal freemen duly qualified, voted for the ſaid Mr. Weſtfaling: and praying &c.

Ordered, that the ſaid petitions be referred to the committee of privileges and elections, to examine the matters thereof, and to report the ſame, with their opinion.

Feb. 18. Ordered, that leave be given to withdraw the ſaid petitions.

April 8, 1717. A petition of Timothy Geers, eſquire, was preſented to the houſe, and read; ſhewing, that on the death of the late Lord Scudamore, a writ iſſued for the election of a citizen for the ſaid city, the petitioner, and Herbert Rudhale Weſtfaling, eſquire, were candidates; that the petioner had as many legal votes for the city as amounted to above the number of 400; but the ſaid Mr. Weſtfaling, by bribery and corruption, and other undue practices, prevailed upon a majority of the electors to vote for him; ſo that the ſaid Mr. Weſtfaling has got himſelf unduly elected, and returned a member for the ſaid city: whereas if the votes of thoſe electors, who are influenced by bribery, had not been received, the petitioner had had a great majority: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter thereof, and to report the ſame, with their opinion.

9th. A petition of ſeveral of the freemen of this city, on behalf of themſelves and ſeveral other unbribed freemen of the ſaid city, was read; ſhewing, that on the death of the late Lord Scudamore, a writ iſſued for the election of a citizen, for the ſaid city; whereupon Timothy Geers and Herbert Rudhale Weſtfaling, eſquires, were candidates; that the petitioners, and ſo many more of the legal voters voted for the ſaid Mr. Geers; but the ſaid Mr. Weſtfaling, by bribery and corruption, and other undue practices, procured himſelf to be returned for this city: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter thereof, and to report the ſame, with their opinion.

April 10, 1723. A petition of John Priſe, eſquire, was read; ſhewing, that the petitioner, and James Walwyn, eſquire, were candidates at the late election of one citizen to ſerve for this city, in the room of William Mayo, eſq; deceaſed; and that the ſaid James Walwyn was guilty, by himſelf and agents, of bribery and corruption, by giving ſeveral hundred freemen of the ſaid city, two guineas a-piece, and other ſums, for their votes; by which indirect and illegal practices, by admitting foreign freemen, and other perſons, to poll for the ſaid James Walwyn, who had no right, the ſaid James Walwyn procured himſelf to be returned; although your petitioner was legally choſen, by a majority of legal votes, and ought to have been returned: and praying &c.

Ordered the ſame to be referred to the committee of privileges and elections, to examine the matter thereof, and to report the ſame, with their opinion.

Jan. 10. A petition of the ſaid Mr. Priſe, in ſubſtance the ſame with the ſaid petition, was again read.

Ordered, that it be referred to the committee of privileges and elections to examine the matter thereof, and to report the ſame, with their opinion.

Feb. 12. Ordered leave be given to withdraw the ſaid petition.

HERTFORDSHIRE.

THIS county hath been repreſented in parliament from the firſt returns of Edward the firſt. I find no remarkable occurrence until very modern times, relating to its elections, except one in the time of King James the firſt; with which I ſhall begin.

Feb. 7, 1620. Sir George Moor reported from the committee. For knight of Hertfordſhire, Lord Faulkland of Scotland, made ſo after his election: that, becauſe rare, and without precedent, left to the houſe.

Sir Robert Phillips—Becauſe the precedent rare, moveth to defer it till to-morrow.

Mr. Price:—That we ſhould take no notice here of his honour in Scotland, which is a diſtinct kingdom; and he but, in England, as one of the commons.

Mr. Alford, *accordant*:—for elſe, ſhall be neither of the upper houſe, nor lower houſe here.—Is not to be tried here by *pares* viſcounts.

Mr. Hackwell, *accordant*:—For the reaſon of not ſerving [here] becauſe a voice, or attendeth above; [clerks (of) the convocation.]

Mr. Crew:—Whether the queſtion now only for this particular, or generally, for all the lords of Scotland or Ireland.——To have this determined.

Sir Henry Pool:—No Engliſhman, but to be either of the upper or lower houſe.—Continueth a ſubject of the kingdom ſtill.

Sir Edward Coke:—Cannot be ſilent in this.——Excellent learning, to determine it *genere*.—Trial here, *per pares*.—For nobility, not by dukes, for dukes; but by the nobility——either of the upper or lower houſe, except ſome few caſes.—A knight not to be tried by knights.——Every Engliſhman not of the upper or lower houſe.—Nowell put out, becauſe he had voice in convocation.—A banneret cannot ſerve here, in reſpect of the honour he hath at funerals, &c.—Paſt his reading, therefore will not read of it.—In this laſt particular, could wiſh him to be of the houſe.—In his laſt quarter;—in the wane of the moon.—If a duke of Scotland; ſued by the name of an eſquire here.—20 Hen. IV. Ocorok, an earl of Ireland, tried here by gentlemen.—A duke of Britayne no addition to an Engliſh earl in ſuit, 20 Edw. IV.—A worthy gentleman, of excellent qualities——putting him out, may break our privileges.——He choſen, when no viſcount.—The matter *ex poſt facto*, not to put him out.——No diſgrace to Scotland or Ireland, for a nobleman there, none here.

Mr. Mallet:—Concurreth for point of law, but this houſe an houſe of counſel.—That the reaſon of ſevering from the higher, freedom of delivery of our minds, when farther from the lords.—No exception to the particular, yet a leading caſe, and the precedent may increaſe, therefore moveth a deferring.

Mr. Amnerſt, *accordant*.

Sir Edward Montague:—By law to ſerve, but in a council to foreſee what fitting.—Mr. Attorney not to ſerve here.—A gap to open a way to all noblemen of Scotland, naturalized, to ſit here, and thruſt us out.

Sir Thomas Rowe:—To conſider, whether he, choſen, being a knight and no lord at the election, ſhall be received; as in the caſe laſt time of Mr. Attorney.

Sir Chriſtopher Hildyard, *accordant*.

Reſolved to ſtay, to be further adviſed upon the queſtion.

April 25, 1690. There being a double return for this county, of Mr. Freeman and Sir Charles Cæſar, it was conſidered by the committee of privileges and elections.

Ordered, that the report from the ſaid committee be received on Monday.

28th. Ordered, it be received on Wedneſday.

30th. Mr. Grey reported from the ſaid committee, the matter, as it appeared to the committee, That, upon hearing the merits of the ſaid double return and election, the queſtion was, Whether Sir Charles Cæſar, or Ralph Freemen, eſquire, had the majority; and the determining of that point depended upon allowing, or not allowing, the votes of ſeventy-three quakers; and if theſe were allowed, Sir Charles Cæſar had the majority; if not, Mr. Freeman. The poll was,

For Sir Charles Cæſar	1415,
Mr. Freemen	1368.

The quakers caſe was thus: all the other freeholders had polled and ſworn to their freeholds, and were entered in a poll book; and after the quakers came together, and delivered a liſt of 73, with their reſpective freeholds, to Mr. Daniel Thomas; who had a deputation to act from the high-ſheriff at the election, but was not ſworn.

Mr. Thomas ſaid, he polled the ſeventy-three quakers, by calling over the liſt; one was for Mr. Freeman, and the others for Sir Charles Cæſar; but the noiſe was ſo great, he could not hear them all anſwer: they refuſed to ſwear, but offered to give bond of four or five thouſand pounds, that all in the liſt were freeholders: that Mr. Thomas knew two of them, and ſome others told him, they knew others of them, to be freeholders; and the liſt was annexed by the ſheriff as part of the poll.

The counſel for Sir Charles Cæſar offered to prove them all freeholders, but were ordered to withdraw: and the committee reſolved,

That quakers, having freeholds, and refuſing to take the oath, when tendered by the ſheriff, are incapable of giving their votes for knights of the ſhire, for that reaſon.

That Ralph Freeman, eſquire, is duly elected a knight of the ſhire for this county: to both of which reſolutions the houſe agreed; and ordered Sir Charles Cæſar's return to be taken off the file.

Nov. 25, 1695. A petition of Robert Cecill, eſquire, was read; ſhewing, that at the election of knights of the ſhire for this county, Sir Tho. Pope Blount, Thomas Halſey, Ralph Freeman, eſquires, and the petitioner, were candidates: that the ſheriff hath returned Sir Thomas Pope Blount and Mr. Halſey, though the petitioner had a greater number of voices than Mr. Halſey; which is in wrong of the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

Jan. 13. Ordered, the report be made on Thurſday next.

16th. Mr. Sollicitor-general reported the matter upon this petitition; viz.

That Mr. Dyer, the high-ſheriff, produced the poll, which appeared thus;

For Mr. Halſey	1428,
For Mr. Cecill —	1412.

And he ſaid, all, who were polled, were ſworn, that they had a freehold in this county of forty ſhillings yearly, and had not been polled before.

Then the petitioner's counſel inſiſted, that many, who had voted for Mr. Halſey, were not qualified to vote in that election; and called a witneſs to diſqualify a freeholder, who voted for Mr. Halſey, as no freeholder; which was oppoſed by Mr. Halſey's counſel, in reſpect of the oath that had been taken by each freeholder when polled: whereupon the committee reſolved,

That evidence ought not to be admitted to diſqualify an elector, as no freeholder, who at the election ſwore himſelf a freeholder.

The petitioner then gave evidence as to ſome quakers, who were refuſed to be polled, becauſe they would not ſwear; and others kept out of the polling place; but theſe, in all, not exceeding twelve, the counſel for the petitioner ſaid, they would give the committee no more trouble.

Upon which it was reſolved,

That Thomas Halſey, eſquire, is duly elected a knight to ſerve in this preſent parliament for this county: whereto, and the former reſolutions, upon their being twice read, the houſe agreed.

HERTFORD Town.

4 Regiſt. 1002. 26 Ed. I.

THIS is the capital, or ſhire town of the county of this name, which returned burgeſſes to parliament in the 26th of Edward I. when the return was—*Johannes de Weſtrete, de Hertford et Simon Ball de eadem electi, ſunt duo burgenſes per communitatem burgenſium de Hertford* &c: but ſometimes intermitted, between that time and the 50th of Edward III. after which, Mr. Prynn writes, it was omitted; the ſheriff making no precept to, or they electing any burgeſſes, it ſeems, to avoid the payment of their expences, by reaſon of poverty; though this was the ſhire town; and thus it continued until 1621; from which time, I ſhall treat of its elections and members, as follows.

May 18, 1621. Sir George Moor reported from the committee of privileges, that Hertford borough, in Hertfordſhire, deſireth burgeſſes; having heretofore had: alſo, Amerſham, Wendover, and Marlow.

That they ſent in temp. Edw. I. and have new charters for renewal of right herein. That the committee think fit, new writs ſhould be granted.

Upon queſtion for Hertford, the houſe will be adviſed; and when it brings its charter to the committee for privileges, the King's counſel to be called to it.

Journal, 97.

May 4, 1624. Mr. Glanvylle reported from the committee of privileges for the ſaid boroughs, who ſent *tempore* Edward I.—Hertford. An act of parliament recited, that Hertford then [*tempore* Edwardi I. ſerved in parliament. That the committee thinketh fit, that new writs ſhall go for theſe.

Sir George Moor:—Petitions delivered for theſe, laſt parliament. Pomfret and Ilcheſter reſtored upon the ſame reaſon, this laſt parliament.

Chancellor Duchy:—Againſt theſe old titles, diſuſed from the 28th of Edward the firſt.

Sir William Fleetwood, Sir Thomas Wentworth, and Mr. Selden—for theſe towns to ſend burgeſſes.

Upon queſtion, every one of the three Buckinghamſhire boroughs to ſend two burgeſſes this parliament: a warrant from the Speaker for new writs accordingly.

Upon queſtion, the like ordered for Hertford.

The houſe refuſed to give any directions for the manner of electing, or who ſhould be electors.

May 7, 1628. Ordered the writ for a new election of a burgeſs at Hertford, to be by Mr. Spencer forthwith ſent down, for an election to be there made; or elſe, that he forthwith deliver the ſame unto the knights of the county of Hertford, or one of them; that they may take order for the preſent ſending thereof accordingly.

Jan. 21ſt. The clerk of the Crown to be warned to appear here to-morrow morning, about the writ iſſued out for choice of a burgeſs in Sir Charles Morriſon's room.

22d. The deputy-clerk of the Crown called, and demanded, to whom he delivered the writ for the election of a burgeſs, to ſerve in this preſent parliament for this borough, in the room of Sir Charles Morriſon, deceaſed; ſaith, he delivered it in October laſt, to Sir Richard Wynn.

Queſtion hereupon moved, that the Lord keeper's making out writs in time of prorogation.—Referred to the committee of privileges to conſider it, and to report their opinion thereon to the houſe.

The clerk of the Crown called in, and required to bring the writ into the houſe to-morrow morning.

The deputy clerk of the Crown enjoined to bring the writ for this borough to-morrow morning.

23d. The clerk of the Crown brought in the writ for Hertford, and he directed to keep the ſame in his cuſtody, till the further pleaſure of the houſe known, and not to deliver it to any.

A warrant under the Speaker's hand for a *Superſedeas* to diſcharge this writ, and for a new writ.

Nov. 7, 1640. The humble petition of the freeholders and freemen of the county and borough town of Hertfordſhire, was read: but nothing reſolved upon as yet.

March 25, 1690. A petition of the inhabitants of this borough, was read; ſhewing, that the borough is a borough by preſcription; and before any charter ſent members to parliament, elected by the inhabitants not taking alms; that, 1681, the mayor and ſome of the corporation granted freedoms to great numbers, of the clergymen and others, living remote; in order to outweigh the inhabitants and legal voters of the ſaid borough; and that, at the laſt election, many of the ſaid honorary freemen were, notwithſtanding exception taken to them by the inhabitants, admitted to poll by the preſent mayor; by reaſon of which he hath returned Sir William Cowper and Sir William Leman, whereas the majority of ſuch the ſaid inhabitants were for Sir Thomas Byde, who ought to have been returned in the room of Sir William Leman; whereby the petitioners are now unduly repreſented, and are likely to loſe their ancient privileges of electing repreſentatives, to ſerve in this preſent parliament: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion, to the houſe.

But no report appears.

Feb. 24, 1700. A petition of William Monſon, eſquire, was read; ſhewing, that the petitioner and Mr. Gulſton were candidates, at the election of a burgeſs to ſerve in this preſent parliament for this borough, in the . . . . . . of Mr. Filmer, deceaſed; that after the ſaid vacancy, and at the ſaid election, ſeveral gifts, promiſes, and menaces, and other undue practices, were uſed by Mr. Gulſton's friends and agents to promote his intereſt, and ſuppreſs the petitioner's; and that the mayor refuſed to poll ſeveral rightful voters, who offered to poll for the petitioner, and admitted great numbers to poll for Mr. Gulſton, who had no right ſo to do; by which means, though the petitioner had the majority of legal voters upon the poll, the mayor hath, contrary to his duty, returned Mr. Gulſton as duly elected, to the petitioner's prejudice: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

March 7th. A petition of divers of the inhabitants of this borough, in behalf of themſelves, and ſeveral other inhabitants of the ſaid borough, was read; ſhewing, that the mayor of Hertford did, at the late election of a burgeſs to repreſent this borough, in the room of Thomas Filmer, eſquire, deceaſed, permit ſeveral pretended freemen, who were arbitrarily, and contrary to their charter, made ſo in the firſt of the late King James II. to poll at the ſaid election; by means whereof, although William Monſon, eſquire, had the majority of legal voters for him; he hath unduly returned Richard Gulſton, eſquire, in prejudice to the rights of the petitioners; who complained to the parliament, held in the firſt year of his Majeſty's reign, of the like proceedings; but the then mayor, and ſeveral of the aldermen, promiſing to deſiſt from theſe practices for the future, the petitioners proſecuted their petition no farther; yet now the mayor, and ſome of the ſaid aldermen, have again violated the rights and privileges of the ſaid borough: and praying &c.

Ordered, to be referred to the committee of privileges and elections, to examine and report the matter, with their opinion. But no report was made of either.

Jan. 3, 1701. A petition of William Munſon, eſquire, was read; ſhewing, that, at the laſt election for members to ſerve in this preſent parliament for this borough, the petitioner, Charles Cæſar, and Richard Gulſton, were candidates, at which election a poll was had; but Benjamin Jones, the mayor of Hertford, refuſed to poll ſeveral legal voters for the petitioner; and admitted great numbers to poll, who had no right, againſt the petitioner, they not being inhabitants, in whom the ancient preſcriptive right of electing was, before the charters of incorporation were granted; nor having been inhabitants of the ſaid borough, or the pariſhes thereof, at the time when ſworn burgeſſes; without which qualification the mayor and aldermen had no power to make any burgeſſes; by which means, and other undue practices, the mayor declared Mr. Gulſton to have the majority of legal votes, though the petitioner had; and accordingly returned him, in breach of his truſt and duty, and in manifeſt prejudice of the petitioner: and praying &c.

Jan. 7th. A petition of divers inhabitants of this borough, in behalf of themſelves, and ſeveral other inhabitants of the borough, was read; ſhewing, that the ſaid borough hath, time out of mind, ſent burgeſſes to parliament by right of preſcription, before any charter was granted; and that by all their charters, the mayor and aldermen are only empowered to make as many as they ſhall think fitting of the inhabitants of the ſaid borough, or the pariſhes thereof, burgeſſes, and freemen, and not above three in being at a time of the inhabitants of the pariſhes; yet the mayor and aldermen, a little before the parliament held in the firſt of King James II. did arbitrarily make great numbers of perſons, who were neither inhabitants of the ſaid borough, or pariſhes, freemen, or free-burgeſſes; who being admitted to poll at that election, and for the parliament held the firſt of William and Mary, ſeveral of the now petitioners petitioned the then houſe of commons, complaining of the ſaid practices; upon which, the then mayor and aldermen promiſing to forbear the like practices for the future, if the petitioners would . . . proſecute the ſaid petition, they deſiſted: but the laſt mayor and majority of aldermen have made more ſuch freemen; and the now mayor, at the late election of members for this preſent parliament, did admit ſo many of the pretended burgeſſes to poll, as offered themſelves; by reaſon whereof, though a greater number of rightful electors voted for William Munſon, eſquire, yet the mayor hath unduly returned Richard Gulſton, eſquire: and praying relief in the premiſſes.

Ordered, to be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

21ſt. Ordered, the report to be made on Tueſday next.

27th. Sir Rowland Gwynn reported from the committee of privileges and elections, the matter upon the ſaid petition,

That the poll was, Mr. Cæſar, 452.
Mr. Gulſton, 303.
The petitioner 220.

That the right of election was the point controverted; the petitioner's counſel inſiſting, that the right of election was in the inhabitants of the ſaid borough not receiving alms; and thoſe for the ſitting-member, that the right was in the burgeſſes, or freemen, as well as the inhabitants.

Another matter much controverted was, ſuppoſing the freemen to have right, how the perſons ought to be qualified, who are made free?

The petitioner's counſel inſiſted, Hertford was a borough by preſcription; and that the firſt charter was granted 1 *Mariæ*; which being read, it appeared to be, *ad humilem petitionem inhabitantium burgi et villæ de Hertford*; and the Queen doth thereby grant to the ſaid inhabitants in theſe words, *Quod idem burgus et villa de Hertford de cætero ſit et erit incorporatum de uno ballivo et burgenſibus, ac burgum illum corpus corporatum et politicum in re, facto, et nomine, de ſe, in perpetuum facimus, ordinamus, et in plen. erigimus et creamus per præſentes, et quod inhabitantes ejuſdem burgi per nomen ballivi et burgenſium burgi de Hertford, ſunt et erunt corpus corporatum in re, facto, et nomine, et una communitas perpetua habeantque ſucceſſionem perpetuam.* And then farther grants to the bailiff power of chooſing, into the office of burgeſs, *omnes et ſingulos quoſcunque viros tenentes et inhabitantes infra dictum burgum qui gubernationi illius forent neceſſarios.*

They alſo read a charter of King James I. reciting, The borough of Hertford is an ancient borough, and enjoys, by ſeveral names, divers ancient liberties and franchiſes; *tam per diverſas literas patentes diverſorum progenitorum et anteceſſorum noſtrum nuper regum et reginarum Angliæ, quam ratione diverſarum præſcriptionum et conſuetudinum in eodem burgo uſitatas et habitas*; by which the mayor and capital burgeſſes have power to make as many of the inhabitants of the ſaid borough, or the pariſhes of the ſaid borough, burgeſſes, as they ſhall ſee neceſſary, or for the profit of the borough; *dummodo burgenſes inhabitantes extra burgum prædictum non excedant aliquo uno tempore numerum trium perſonarum.*

They alſo read two copies of returns, 26th of Edward I. by which it appears, that Hertford then ſent burgeſſes to parliament; and it is ſaid, they were elected *per communitatem burgenſium de Hertford*; and 13th of King Charles II. which names 16 burgeſſes, and ſays, that they were *cum omnibus ceteris inhabitantibus burgi prædicti.—Juxta formam ſtatut. in hujuſmodi caſu edit. et proviſ.—Uva voce eligerunt* two burgeſſes.

The ſaid returns are under the common-ſeal.

That the petitioner's counſel alſo produced ſeveral admittances of freemen, viz. one in 1640, one in 1650, one in 1674, and one in 1678; and all theſe run in the ſame form, That the mayor and capital burgeſſes, *virtute libertatum et privilegiorum quæ dominus Jacobus nuper Rex Angliæ per literas ſuas patentes* to them granted, do receive the ſaid perſons into the ſaid corporation; alſo four admittances in another form, viz. three in 1695, and one in 1697; and the form is, That the mayor and aldermen of the borough, *virtute libertatum et privilegiorum per diverſos Reges et Reginas Angliæ, &c.* do receive them into the corporation: alſo two admittances in 1700, in this form *ex unanimi aſſenſu*, do receive the ſaid perſons into the ſaid corporation.

To prove the uſage of the borough, they called Sweeting, aged 81, who ſaid, he had voted for parliament-men 50 years; the firſt time he remembered honorary freemen were admitted, was, when Sir Thomas Field and Sir John Gore were choſen; that he remembered Sir Thomas Fanſhaw and Sir William Leman's election before that; and then never heard any voted, that was an honorary freeman; but ſince, they have been all along admitted.

John Hill, aged 70 years, ſaid, he remembered Hertford 50 years; and did not remember any perſons made free, but inhabitants, till within forty years.

John Hanſcombe ſaid, he ſerved his time there, and came to live there 30 years ſince: he purchaſed his freedom, and voted at the laſt election.

For the ſitting-member, it was inſiſted, it was both a corporation and a borough, by preſcription; and that the right of election was in the freemen of the borough in general, and could not be reſtrained by charter. And, from an ancient book, ſhewed inſtances of perſons living out of the borough, as well as inhabitants, made free, viz.

Jan. 19, 1596, John Farnake, of Hatfield, requeſted, that he might ſerve Hertford with beer, and to have acceſs thereto: it was granted, paying 10 s. a year.

March 14, 1598. An order of the corporation that the brewer, Thorogood, of Hatfield, and ſome others, ſhould be diſtrained, for occupying their myſteries and trades, before they had agreed for their freedom.

May 7, 1600, John Cordell of Cheſhunt, common-loader, deſired to be admitted a freeman of Hertford; and was to ſell fiſh in the time of Lent, for a ſum agreed on, paying 12 d. each quarter.

Auguſt 13, 1606. Thomas Boreham of Brocbourne, ſhoe-maker, admitted, paying 26 s. 8 d.

Nov. 25, 1612. Henry Cockril, of Cheſhunt, did purchaſe his freedom.

They then read ſeveral returns, viz.

3 Car. I. The mayor, ſteward, aſſiſtants, burgeſſes and town-clerk, elected; and the return is under the common-ſeal.

Two returns 13 Car. II. by which it appears, ſeveral gentlemen joined in theſe elections.

To prove uſage of the borough.

Sir Henry Chauncey, the former recorder, ſaid, he came to Hertford in 1669, and reſided there till 1681, and been at every election, but the two laſt; and that all freemen, as well thoſe by redemption, as others, always voted; and when Sir William Cowper was firſt choſen, he carried it by thoſe freemen; and he found many gentlemen made free before he knew the town; and that he believes, forty were ſo made in the time of King James.

Bridgman ſaid, he had known Hertford ever ſince 1665, and never knew any honorary freemen refuſed or ſcrupled, though they lived out of town: that he has voted for Sir William Cowper, though he lived at Brockborne; and that the freemen by redemption take the ſame oath, as the others: the honorary freemen do not concern themſelves in any other buſineſs of the town, but elections.

Upon the whole the committee reſolved,

That the right of electing members to ſerve in parliament for this borough, is not in ſuch freemen only, as are inhabitants, houſholders of the ſaid borough, not receiving alms; and in ſuch freemen, who at the time of their freedom granted to them, were inhabitants of the ſaid borough, or of the pariſh thereof.

That the right of electing members to ſerve in parliament for this borough, is in all the freemen and inhabitants, being houſekeepers, and not receiving alms.

Theſe reſolutions being paſſed, the counſel were called in, and acquainted therewith; and the counſel for the petitioner was aſked, if he had any thing farther to ſay for his client; who anſwered, that, the right of election being thus determined, he had nothing farther to ſay. Whereupon the committee reſolved,

That Richard Gulſton, eſquire, is duly elected a burgeſs, to ſerve in this preſent parliament for this borough: which reſolution, being twice read, was agreed to by the houſe.

Nov. 2, 1705. A petition of Thomas Clark, eſquire, was read; ſhewing, that Charles Cæſar, eſquire, Richard Goulſton, eſquire, and the petitioner, were candidates at the laſt election for this borough; when Mr. Samuel Hopkins, the mayor, refuſed to poll ſeveral legal voters for the petitioner, and admitted many unqualified perſons to poll for Mr. Goulſton; by which means, and other undue practice of the ſaid mayor, Mr. Goulſton, and his friends and agents, though the petitioner had the majority from Mr. Goulſton of legal voters, that would have polled for him; yet the mayor declared Mr. Goulſton to have the majority, and hath returned him, as duly elected, with Mr. Cæſar, in wrong to the petitioner, and the rights of the borough: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

6th. A petition of divers inhabitants of the ſaid borough, in behalf of themſelves and other inhabitants of the ſaid borough, was read; ſhewing, that at the laſt election of members to ſerve in this parliament for the ſaid borough, Charles Cæſar, Richard Goulſton, and Thomas Clark, eſquires, were candidates; and the mayor, Mr. Samuel Hopkins, polled ſeveral perſons againſt Mr. Clark, who had no right to poll, and admitted great numbers of ſuch unqualified perſons; and refuſed to poll ſeveral perſons, who had a right, and offered to poll for Mr. Clark: and by other undue means of the ſaid mayor, and Mr. Goulſton, and his friends, the mayor declared Mr. Goulſton duly elected; and accordingly hath returned him, in manifeſt prejudice of the rights and privileges of the legal electors of the ſaid borough: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Dec. 1. Ordered, that the report be made on Thurſday next.

6. Mr. Compton reported, from the committee, the matter of the ſaid election, upon the ſaid petitions.

The poll, as it was taken, was, for Mr. Cæſar 348, for Mr. Goulſton 319, for the petitioner 256.

The right of election was firſt controverted.

The petitioner's counſel inſiſted, that this was a borough by preſcription; and the right of election was antiently in the inhabitants, being houſholders, not receiving alms; but if any right of voting was acquired by charter, it was only to ſuch freemen, who were made free purſuant to the charter, who ought to be, at the time of their being made free, inhabitants within the borough, or the pariſhes thereof; the number of freemen in the out-pariſhes not exceeding three perſons at any one time.

That Mr. Goulſton's counſel inſiſted, that the right of election was in the mayor, aldermen, and all the burgeſſes and freemen, and in the inhabitants houſholders, not receiving alms.

For the petitioner.—To prove Hertford is a borough by preſcription, and to make out a right of election, produced a return of the 26th of Edward the firſt, by which it appears, that this borough then ſent burgeſſes to parliament, and it is ſaid, they were elected *per communitatem burgenſium.*

They alſo produced a charter 1 *Mariæ*; which is expreſſed to be *ad humilem petitionem inhabitantium burgi et villæ de* Hertford: and Queen Mary doth thereby grant to the inhabitants, in theſe words, *Quod de cætero ſit et erit incorporatum de uno ballivo et burgenſibus; ac burgum illum corpus corporatum et politicum, in re, facto et nomine, de ſe, in perpetuum facimus, ordinamus, et in plenum erigimus et creamus per præſentes:* and that charter farther grants to the bailiff, and burgeſſes, power of chuſing into the office of burgeſs, *omnes et ſingulos quoſcunque viros, tenentes et inhabitantes, infra dictum burgum, quæ gubernationi illius forent neceſſarios.*

They alſo produced a charter of King James the firſt, reciting that this borough is an ancient borough, and uſed, by ſeveral names, ſeveral rights, liberties, and franchiſes—*tam per diverſas literas patentes diverſorum progenitorum et anteceſſorum noſtrorum, nuper Regum et Reginarum Angliæ, quam ratione diverſarum præſcriptionum et conſuetudinum in eodem burgo uſitat. et habit.* By which the mayor and capital burgeſſes have power to make as many of the inhabitants of the ſaid borough, or the pariſhes of the borough, burgeſſes, as they ſhall judge neceſſary for the profit of the borough; *Dummodo burgenſes, inhabitantes extra burgum prædictum, non excedant aliquo uno tempore, numerum trium perſonarum.* They alſo produced the returns 15 and 16 *Car.* I. and 13 *Car.* II. wherein it is ſaid, that the perſons names *cum omnibus cæteris inhabitantibus burgi prædicti* elected the burgeſſes thereby returned.

They alſo produced ſeveral copies of freedoms, ſome in Charles the firſt's time, which run in this form—That the mayor and capital burgeſſes, *ratione libertat. et privileg.* granted by King James, made free: other copies in King Charles the ſecond's time, that the mayor and aldermen, *virtute libertat. et privileg.* granted by King Charles the ſecond, made free: others in King William the third's time, that the mayor and aldermen *virtute libertat. et privileg.* by divers Kings to them granted, made free: others in 1699 and 1700, generally admitting to freedom, without any authority.

See the former reports.

That for Mr. Goulſton; his counſel produced ſeveral books of the corporation, to prove, perſons living out of the borough had been made free; by which it appeared, about 12, between 1592 and 1668, living out of the borough, had been ſo made, to carry on particular trades, and others by redemption.

They alſo produced a return in 1678, and offered to prove it had been ſubſcribed by ſeveral foreigners ſo made free: but this was admitted, and alſo that other returns had been ſo ſigned, by freemen living out of the borough.

And at laſt they produced the reſolution upon the election between Mr. Monſon and Mr. Goulſton, 13 William III. That the right of electing members to ſerve in parliament for this borough, is in all the freemen; and alſo in the inhabitants, being houſholders, and not receiving alms. Whereupon the committee reſolved,

1. That the right of electing burgeſſes, to ſerve in parliament for this borough, is in the inhabitants not receiving alms; and in ſuch freemen only, as, at the time of their being made free, were inhabitants of the ſaid borough, or the pariſhes thereof; the number of the freemen, living out of the borough, not exceeding three perſons.

The right being thus ſettled; it was inſiſted for the petitioner, that by adding ſeveral to his poll, and diſqualifying others, who voted for Mr. Goulſton, they ſhould make a majority: and called

Iſrael Kenton, and others, who gave evidence againſt four perſons, as inmates, and 162 as not inhabiting in the borough when made free; but it appeared, four of theſe voted for the petitioner, as well as for Mr. Goulſton: and then proceeded to add eight perſons, viz. ſeven houſholders, and one freeman, to their poll.

In anſwer, it was inſiſted, and proved by the town-clerk, that 33 of the 162 excepted to, ſerved their time within the borough: 5 others lived in Cullen's rents, which they alledged was within the borough: 6 were attornies of the mayor's court: 2 were aldermen: and 4 aldermens ſons: and 6 others had ſhops in the town, on market-days.

As to Culling's rents; the petitioner's counſel alledged, they were part of the old caſtle: and Newton and Crouch ſaid, it was never reputed part of the borough.

But Mr. Goulſton's witneſſes ſaid, thoſe who lived in thoſe rents, always voted, ever ſince King James' time; except once, when they were excepted againſt by Sir William Cowper, they being againſt him.

Mr. Goulſton's counſel then proceeded to juſtify 4 votes, viz. Ceeny and his 3 apprentices.—The fact was, Ceeny formerly lived near this borough; was made free; and is ſince gone to Fulham or Putney; but enrolls his apprentices in this borough.

The counſel for Mr. Goulſton then gave evidence, to diſqualify 2, of the 8, added to the petitioners poll; as having been relieved in ſickneſs, ſome time before the election, and another for his rent being paid by the overſeers; but this was ſince the election; alſo 12, as not being inhabitants when made free; ſome, in the town-books being writ of other places, and others made free by redemption; and 12 others were admitted not to be qualified, by the petitioner's counſel.

Beele and Saunders alſo proved, 6 of the petitioner's voters to be certificate-men; and 4 others were admitted to be ſo; and one lived in an alms-houſe. Alſo Saunders proved 4 to be inmates. Upon the whole the committee reſolved,

2. That Richard Goulſton, eſquire, is not duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

3. That Thomas Clark, eſquire, is duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

The three ſeveral reſolutions, being twice read, were agreed unto by the houſe.

Nov. 24, 1708. A petition of Charles Cæſar, eſquire, was read; ſhewing, that the petitioner was a candidate at the laſt election of burgeſſes to ſerve in this parliament for this borough: that the agents for William Monſon, eſquire, another of the candidates, did, by undue practices, endeavour to procure Mr. Monſon to be elected: that a greater number of qualified perſons did offer to poll for the petitioner, than for Mr. Monſon; yet Mr. Samuel Kent, mayor of the ſaid borough, hath returned Mr. Monſon, in prejudice of the petitioner: and praying &c.

Ordered, that the merits of the ſaid petition be heard at the bar on the 5th of February next.

Feb. 9. Ordered, that Mr. Cæſar have leave to withdraw his petition.

June 12, 1711. Ordered a warrant for a new writ for electing a burgeſs for this borough, in the room of Charles Cæſar, eſquire, made treaſurer of the navy.

March 26, 1715. A petition of Sir Thomas Clarke, knight, and John Boteler, eſquire, was read; ſhewing, that at the election for this borough, the petitioners were candidates againſt Charles Cæſar and Robert Gulſton, eſquires, ſitting-members: that Joſeph Calton, mayor of the ſaid borough, arbitrarily polled many perſons for the ſitting-members, that had no right, and refuſed others, who had right for the petitioners; and ſo declared the election for the ſitting-members, and returned them accordingly; notwithſtanding the petitioners were duly elected by a legal majority, and ought to have been returned: and praying &c.

A petition of James Gatward, Samuel Randall, Philip Rielly, William Barfoot, Andrew Smart, Harriſon Green, and Harmer Offley, freemen and inhabitants of this antient borough, was read; ſhewing, that at the election of members for the ſaid borough, Sir Thomas Clarke, knight, and John Boteler, eſquire, were candidates, againſt Charles Cæſar and Richard Gulſton, eſquires, ſitting-members: that Joſeph Calton, mayor of the ſaid borough, illegally polled a great number of perſons for the ſitting-members who had no right, and rejected many others who had a right, and offered to poll for the ſaid Sir Thomas Clarke and Mr. Boteler; but the ſaid Sir Thomas Clarke and Mr. Boteler were duly elected; notwithſtanding which, the ſaid mayor, in violation of the rights and privileges of the ſaid borough, returned the ſaid Mr. Cæſar and Mr. Gulſton, although they were not duly elected: and praying &c.

Ordered the merits of the ſaid petition be heard at the bar of the houſe on the 28th day of April next.

April 28. Ordered to be heard on this day ſevennight.

May 5. Ordered, that it be heard on Tueſday next, at twelve o'clock.

10th. Ordered, that it be heard on Saturday morning next.

14th. The houſe proceeded to the hearing the ſaid merits, and the counſel were called in, and the petitions read; and the petitioners counſel examined ſeveral witneſſes as to partial proceedings of the mayor, and alſo to diſqualify ſeveral perſons who voted for the ſitting-members.

Ordered to be heard on Tueſday next.

17th. The houſe proceeded; and the counſel were called in, and proceeded to examine witneſſes, for the diſqualifying other voters for the ſitting-members; and alſo for adding perſons to the petitioners poll, who offered to vote for them, but were refuſed; and alſo touching a witneſs, who was ſummoned to attend, but was prevailed upon by one John Brand to keep away, in contempt of the order he was ſerved with; and alſo, touching bribery by the agents of the ſitting-members; after which, the petitioners counſel ſummed up their evidence.

Ordered to be heard again on Thurſday next.

Ordered, that John Brand do then attend.

19th. The houſe proceeded to the hearing of the ſaid petitions, and the counſel were called in;

And the counſel for the ſitting-members examined ſeveral witneſſes, to qualify the voters the petitioners had objected to, and to diſqualify ſeveral voters for the petitioners.

Ordered, that the matter be again heard on Saturday next.

21ſt. The houſe proceeded in the hearing of the ſaid election, and the counſel were called in; and the counſel for the ſitting-members examined ſeveral other witneſſes, to diſqualify voters for the petitioners, and as to threatnings and bribery:

After which it was inſiſted on by the counſel for the ſitting-members,

That Mr. Boteler, one of the petitioners, was not qualified, according to the act of the 9th year of her Majeſty, intitled, An act for the ſecuring the freedom of parliaments, by the farther qualifying the members to ſit in the houſe of commons; and the particulars of the ſaid Mr. Boteler's qualification, delivered to the clerk of the houſe, purſuant to an order of the 23d of March laſt, was read; and alſo the will of Philip Boteler, eſquire.

And the ſitting-members counſel examined ſeveral witneſſes, touching the matter of the ſaid Mr. Boteler's qualification.

Ordered the matter to be heard again on Tueſday next, and that John Brand do then attend.

24th. The houſe proceeded in the ſaid hearing, and the counſel were called in;

And the petitioner's counſel examined witneſſes, to juſtify ſeveral voters which the ſitting-members counſel had objected againſt; and one Thomas Webb being offered to be examined as a witneſs, the counſel for the ſitting-members objected againſt his being examined; for that he was charged by the ſitting-members evidence to have endeavoured to procure a vote for the petitioners by corruption at the laſt election, and had reflected on the juſtice of the houſe. The counſel were heard in relation to that matter.

Reſolved, that the petitioners counſel be admitted to examine Thomas Webb, in relation to John Bowles being an inhabitant of the borough of Hertford, at the time of his being made free.

Mr. Speaker acquainted the counſel with the ſaid reſolution; and the ſaid Mr. Webb, and other witneſſes, were examined; and then the petitioners counſel proceeded to juſtify the petitioner, Mr. Boteler's qualification, and then ſummed up their evidence: and the ſitting-members counſel replied, as to the matter of the qualification, and the new evidence which had been given;

And Mr. Cæſar was heard in his place, and withdrew.

Reſolved, that Charles Cæſar, eſquire, is not duly elected a burgeſs to ſerve in this preſent parliament for this borough.

Then Mr. Goulſton was heard in his place, and withdrew.

Reſolved, that Richard Goulſton, eſquire, is not duly elected a burgeſs to ſerve in this preſent parliament for this borough.

Reſolved, that Sir Thomas Clarke, knight, is duly elected a burgeſs to ſerve in this parliament for this borough.

Reſolved, that John Boteler, eſquire, is duly elected a burgeſs to ſerve in this parliament for this borough.

And the return was ordered to be amended.

A motion was made to adjourn, but diſagreed to.

Reſolved, that Joſeph Calton, mayor of this borough, is guilty of acting in an illegal and arbitrary manner, in the late election of burgeſſes to ſerve in this parliament for this borough, in contempt of the act to prevent falſe and double returns of members to ſerve in parliament, and in breach of the privilege of the houſe.

Ordered, that the ſaid Joſeph Calton be, for his ſaid breach of privilege, taken into the cuſtody of the ſerjeant at arms attending this houſe.

Oct. 18, 1722. A petition of Sir Thomas Clarke, knight, was read; ſhewing, that at the election of members to ſerve in parliament for this borough, the petitioner, Edward Harriſon, and Charles Cæſar, eſquires, were candidates: that Joſeph Calton, mayor of the ſaid borough, arbitrarily received many votes for the ſaid Mr. Cæſar, and diſallowed many others, that ought to have been received for the petitioner; and declared the ſaid election in favour of the ſaid Mr. Cæſar, and returned him accordingly, contrary to the laſt determination of the houſe of commons, although the mayor was ſhewed the reſolution of the houſe; and the ſaid Mr. Cæſar, by bribery and other illegal practices, procured himſelf to be returned for the ſaid borough, in prejudice of the petitioner: and praying &c.

Ordered to be referred to the committee of privileges and elections, to examine and report the matter thereof, with their opinion.

A petition of James Gatward, James Shepard, Thomas Smithſon, Harriſon Green, Thomas Marſon, Ralph Say, Joſeph Barfoot, and John Barfoot, freemen and inhabitants of this antient borough, was read; ſhewing, that at the election of members to ſerve in parliament for this borough, a copy of the laſt determination of the houſe of commons, of the right of election of the ſaid borough, and the act of parliament that requires the return of members to be made according to the ſaid determination, were ſeverally ſhewn and read to the mayor, in open court; but the mayor, contrary to the ſaid act of parliament and reſolution, arbitrarily allowed great numbers of perſons to vote for Charles Cæſar, eſquire, who had no right to poll, and unjuſtly rejected many others, who had a right to poll, and offered themſelves for Sir Thomas Clarke: and the mayor, in violation of the antient rights and privileges of the ſaid borough, and in defiance of the ſaid reſolution and act of parliament, returned the ſaid Mr. Cæſar, although the ſaid Sir Thomas Clarke had a majority of legal votes: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter thereof, and to report the ſame, with their opinion.

Jan. 16. Ordered the report to be received on Tueſday morning next.

22d. Mr. Gybbon, according to order, reported the matter of the ſaid election, That the committee have examined the merits of the ſaid election:

That the right of election was agreed to be in the inhabitants not receiving alms; and in ſuch freemen only, as, at the time of their being made free, were inhabitants of the borough, or the pariſhes thereof; the number of freemen living out of the borough not exceeding three perſons.

The poll was, for Mr. Cæſar —— 291,
the petitioner —— 254.

For the petitioner, the counſel produced evidence to diſqualify 125 votes for Mr. Cæſar, and to add 16 to the petitioner's poll, as follows; 83, who voted as freemen, were objected to, as having no right to vote; and Jonathan Smart, John Archer, John Lawford, Joſhua Gilman, and five others, gave evidence, that 39 of theſe were never inhabitants within the borough: that three others were neither freemen nor inhabitants at the time of the election: and that the other 41 were not inhabitants, when they were made free.

This evidence, as to 34, was contradicted by Mr. Willymot, the town-clerk, and others; who averred the qualification of theſe 34 as good votes, contrary to the evidence given againſt them. 12 others, who voted for Mr. Cæſar as inhabitants, were objected to; and Gilman and others ſaid, theſe 12 were not inhabitants, but lodgers within the borough, at the time of the election: which evidence, as to 9 of theſe 12, was anſwered by Robert Dew and others; who ſaid, thoſe 9 were inhabitants within the borough at the time of the election.

Thirty were objected to, as certificate-men, and the certificates were produced, and proved by Gilman: but,

Etheridge, and others, proved, ſix of theſe 30 gained ſettlements ſince their certificates, or lived by certificate from one pariſh to another within the borough.

To add 16 to the poll for the petitioner, who voted as inhabitants at the time of the election, but were refuſed by the mayor;

Smart, and others, ſaid, that three of thoſe 16 lived in the Caſtle, and the other 13 were inhabitants in the borough at the election.

In anſwer to this was produced a ſurvey of the boundaries of this borough, taken in 1621; by which it appeared, that the boundaries go but to the Caſtle-ditch.

Mr. Yonge and Mr. Dunſdale ſaid, for forty years paſt the Caſtle was always eſteemed to be without the borough.

As to the other 13; Woolmer and others ſaid, on behalf of Mr. Cæſar, that three of them came into the borough, only on account of the election, and went away again as ſoon as it was over: that another was a pauper; and another, who claimed as a freeman, was refuſed his freedom by the mayor, becauſe he only ſerved ſix years of his apprenticeſhip, and then left his maſter; though his maſter went with him to deſire his freedom, and declared himſelf ſatisfied with his ſervice: the other eight were only lodgers at the time of the election, and paid no rates.

As to the miſbehaviour, and the contempt of the act of parliament, and determination of the houſe of commons;

John Gilman ſaid, the laſt determination of the houſe, and ſeveral clauſes in the act of parliament, requiring obſervation thereof, were read to the mayor at the time of the election; and he was intreated to conſider what he was doing: and the petitioner deſired the mayor to aſk the freemen, as they came to poll, where they lived, and when they were made free; but he aſked no ſuch queſtions, but ſaid, if they were freemen, he would poll them. The witneſs ſaid, he looked over the poll; that he is ſure, that above 50 polled for Mr. Cæſar, and the like number for the petitioner, who were determined to have no right by the laſt reſolution of the houſe, and were objected to at the former poll; and the ſame perſon, who made that, made alſo this return.

The counſel for Mr. Cæſar produced evidence to diſqualify 106 of the petitioners voters, and to add to Mr. Cæſar's poll 67, who voted as freemen, but were excepted to, as not having right to vote.

Mr. Willymott, and others, ſaid, one of theſe 67 was not a houſekeeper at the time of the election: that 29, who had ſerved apprenticeſhips in the borough, were not houſekeepers in the borough when made free, but lived there at that time: that one ſerved but part of his time in the borough; that five were never inhabitants; and that 31 were not inhabitants, when made free.

This evidence, as to 3 of the 29, was anſwered by John Smith, and others; who ſaid, that 15 others were inhabitants within the borough, when made free.

Ten others were objected to, who voted for the petitioner as inhabitants: one of them was proved to be an alms-man; another an inhabitant, and no houſekeeper; another was proved to be an inhabitant, and an houſekeeper: and as to the other eight, Willymott, and others, ſaid, they were no houſekeepers, but only inmates or lodgers, at the time of the election: but

Sic origin.

Gilman, and others, ſaid, theſe eight were inhabitants, and houſekeepers within the borough, at that time; and two of them paid the rates.

Twenty-nine of the petitioner's voters were objected to as certificate-men: it appeared by the certificate and town-books, proved by Mr. Willymott, that ten of them were under double diſqualifications; viz. five were not inhabitants within the borough, when made free; and five more were made, after they were certificate-men; but one of them had ſerved the office of conſtable within the borough ſince his certificate: eighteen others were admitted, and one proved to be a certificate-man.

To add one to Mr. Cæſar's poll, they called,

Mr. Willymott; who ſaid, James Millington offered his vote for Mr. Cæſar, and was refuſed by the mayor; and Younge proved him an inhabitant at the time of the election.

That, on the head of menaces and corrupt practices, William Skegg ſaid, his maſter gave him a guinea to vote for the petitioner; and threatned to turn him out of town, if he did not.

Charles Dameron ſaid, Mr. Smart, who appeared for the petitioner, gave him three guineas and a half to vote for the petitioner.

Upon the whole, the committee reſolved,

That Charles Cæſar, eſquire, is not duly elected a burgeſs to ſerve in this preſent parliament for this borough.

That Sir Thomas Clarke, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for this borough.

The ſaid reſolution, being twice read, was agreed unto by the houſe, and ordered the return to be amended.

Jan. 17, 1726. Ordered a warrant for a new writ, to elect a burgeſs for this borough, in the room of Edward Harriſon, eſquire, made poſt-maſter-general.

HEYDON.

THIS borough is in the county of York. It firſt ſent members to parliament in the 23d of Edward the firſt, as Dr. Willis writes: but Mr. Prynn has taken no notice thereof in his Regiſter; and, in his *Brevia Parliamentaria Rediviva*, writes, that, in the 50th of Edward the third, there was a ſummons by the ſheriff to the bailiff, but no return; one precept, but no election. It was never after ſummoned, until the firſt of Edward the ſixth, from which time it has returned to this. I do not find any memoirs of its elections until very lately, of which are theſe.

Willis. Notitia, p. 68

B. P. R. p. 159.

Nov. 18, 1707. Ordered a warrant for a new writ, for electing a burgeſs for this borough, in the room of Anthony Duncombe, eſquire, made a commiſſioner of prizes.

Dec. 5, 1710. A petition of William Wickham, eſquire, was read; ſhewing, that at the late election of members, to ſerve in this parliament for this borough, William Pultney, Hugh Cholmley, eſquires, and the petitioner, were candidates; and the petitioner was duly elected, and ought to have been returned: but Mr. Pultney, by bribery and indirect practices, procured votes, and himſelf to be returned, to the manifeſt prejudice of the petitioner: and praying &c.

Ordered, that the ſaid petition be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Oct. 25, 1721. Ordered a warrant for a new writ, for electing a burgeſs for this borough, in the room of Hugh Cholmley, eſquire, made a commiſſioner for victualling the navy.

March 27, 1723. Ordered a warrant for a new writ, for chuſing a burgeſs for this borough, in the room of the right honourable William Pultney, eſquire, made a cofferer of the houſhold.

HEYTESBURY.

THIS borough is in the county of Wilts. It never ſent members to parliament until the 28th of Henry the ſixth; and from thence to this time. The memoirs I have met with, relating to its elections, are theſe.

4th Reg. 1003.

May 17, 1661. Serjeant Charleton reported from the committee of privileges and elections, touching the return for this borough; That Sir Charles Berkley, and Henry Coker, eſquire, are returned by one indenture; and Sir Joſeph Aſh, and John Jollyffe, eſq; by another; and the opinion of the committee, That neither of the returns were good; and that a new writ do iſſue: whereto the houſe agreed.

June 11, 1720. Ordered a warrant for a new writ, for electing a burgeſs, in the room of Edward Aſhe, eſquire, made a commiſſioner of trade and plantations.

HIGHAM FERRERS.

THIS borough is ſituate in the county of Northampton, and was not a borough in the 38th of Henry VI. but was then the King's manor: and, in the ſecond and third of Philip and Mary, it was incorporated and made a borough; conſiſting of a mayor, ſeven aldermen, and thirteen burgeſſes; who were to have power to elect one bur-

Willis. 1749. 37.

Brady, in Suppl. 91.

geſs to parliament; from which time to this preſent year, it has elected and returned ſuch burgeſs: and concerning the election I have met with theſe memoirs.

May 16, 1660. Mr. Turner reported from the committee of privileges and elections, the caſe upon the double return for this borough. The queſtion appearing to be, whether a ſelect number of burgeſſes, or the burgeſſes at large ought to elect? the committee were of opinion, the burgeſſes at large ought to elect; and Sir Thomas Dacres was duly elected by them, and ought to ſit: whereto the houſe agreed, and ordered the return to be amended.

March 19, 1678. A petition of Sir Lewis Palmer, baronet; complaining of an undue return of Sir Rice Rudd, baronet, to ſerve in this preſent parliament for this borough; in injury of the petitioner, who was duly elected, and ought to have been returned, was read.

Reſolved, that the ſaid petition be referred to the committee of privileges and elections, to examine the matter, and report it with their opinion. But there doth not appear any report was made.

May 23, 1685. A petition of Sir Matthew Dudley, baronet; complaining of the undue return of Sir Lewis Palmer, to ſerve in this preſent parliament, as burgeſs for this borough; in injury of the petitioner, who was duly elected, and ought to have been returned, was read.

Ordered, to be referred to the committee of privileges and elections, to examine and report the matter, with their opinion. No report appears.

Feb. 26, 1700. A petition of Thomas Andrews, eſquire, was read; ſhewing, the petitioner was duly choſen a burgeſs, to ſerve in this preſent parliament for this borough, and ought to have been returned; but the mayor of the ſaid borough hath unduly returned Thomas Ekins, eſquire.

Ordered, to be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

October 24, 1702. A petition of the honourable Thomas Wentworth, eſquire, was read; ſhewing, that the petitioner was duly elected, by a majority of legal voters, a burgeſs, to ſerve in this preſent parliament for this borough; but Daniel Dilly, the mayor of the ſaid borough, admitted ſeveral perſons to poll for Thomas Pemberton, eſquire, who had no right to poll; and refuſed others to poll for the petitioner, that had a right ſo to do; and the petitioner doubts not to prove, that the ſaid Mr. Pemberton by bribery, threatenings, and other indirect practices, both by himſelf, the mayor, and other agents, obtained ſeveral votes, and procured himſelf to be returned, to the prejudice of the petitioner: and praying &c.

Jan. 20th. Ordered, all ſuch reports from the committee of privileges and elections, as ſhall be then ready, be made on Tueſday.

26th. Ordered, they ſhall be made on Thurſday.

28th. Mr. Bromley reported from the ſaid committee, the matter touching the laſt election for this borough.

That upon the poll the numbers were

For the petitioner, 43.
For the ſitting-member, 51.

The petitioner's counſel opened the right of election to be in the mayor, aldermen, and burgeſſes at large, and in the freemen reſiding within the borough: and the ſitting-member's counſel inſiſted, that the freemen ought to be houſholders; and there were called

John Hoſcot, and ſeveral others; who ſaid, they had known the borough 20, 30, 50, and 60 years; that they had known freemen vote, who were not freeholders; and ſome had voted as freemen, who were not houſholders.

That the counſel for the ſitting-member anſwered this by inſiſting, the uſage was otherwiſe; as alſo a reſolution of the houſe of commons in May 1660; when the houſe reſolved, that the burgeſſes at large ought to elect; and Sir Thomas Dacres was duly elected.

As to uſage, they called John Bridgeman, and others; who ſaid, they had known this borough 11, 40, 50, and 60 years; and the right of election was in the houſholders paying ſcot and lot; and no freeman had been permitted to vote, though they had ſometimes claimed: they had known them ſometimes refuſed, and ſometimes rejected, on ſcrutinies.

They then read the charter of the ſecond and third of Philip and Mary; wherein they are ſtiled the mayor, burgeſſes, and commonalty of Higham Ferrers; and the corporation is thereby to conſiſt of a mayor, ſeven aldermen, and thirteen burgeſſes; and the privilege of ſending a member to parliament is thereby granted them. Upon which the committee reſolved,

That the right of electing a burgeſs to ſerve in parliament for this borough, is in the mayor, aldermen, burgeſſes, and freemen, being houſholders not receiving alms.

The right being thus ſettled; the petitioner's counſel gave evidence of ſuch as had a right to vote, and offered for the petitioner, and were refuſed; and ſet aſide others, who voted for the ſitting-member.

The liſts were offered, and they were anſwered by the counſel and witneſſes on the other ſide.

Then evidence was given of undue practices.

John and William Underwood proved, that Saunder promiſed Mr. Wentworth his vote; but a little before the election he told him, Mr. Pemberton had promiſed to pay him a debt of above 30 l. if he would vote for him; and that elſe he would not: to which it was anſwered, it was only paying a debt; and that Saunders was formerly in Mr. Pemberton's intereſt, and voted for Mr. Pemberton at the former election.

John Underwood ſaid, that Jackſon had promiſed to vote for Mr. Wentworth; but Mr. Pemberton had done buſineſs in the law for him, and had promiſed to come to account, if he would vote for him: but Willis ſaid, that Mr. Saunders promiſed to be for Mr. Pemberton; though he declared, Mr. Pemberton had dealt hardly, and that he had not money to pay him, of which he acquainted Mr. Pemberton; who ſaid, he would account with him, whether he voted for him or not.

Underwood alſo ſaid, William Male had promiſed to vote for Mr. Wentworth; but Mr. Pemberton threatened at his houſe, that he would ſtick him, if he would not be for him; and promiſed to raiſe his wages, from 12 to 14 d. *per* day: but Willis and Freeman ſaid, they were preſent, and there were no threats; and as to the wages, Freeman ſaid, it was promiſed in this manner; Male complaining he had twelve-pence a day, when others had fourteen, Mr. Pemberton ſaid, if he would work as others did, who had 14 d. he ſhould have the ſame wages.

Edward Freeman ſaid, Small told him, he would have been for Mr. Wentworth, but Mr. Pemberton owed him ſome money; and Willis told him, he would paſs his word for it, if he would vote for Mr. Pemberton: but it was proved, Small had always been in Mr. Pemberton's intereſt, and his friends.

The great ſtreſs was laid upon the diſtribution of hay, the caſe of which was thus:

There is a meadow at this borough, called the Craftſman meadow, of about 24 acres; there is a meadow reeve, who has always the hay of four acres, and he diſtributes the hay that grows upon the other twenty acres to the craftſmen and innkeepers of the town, and their widows; and when any one has a ſhare allotted, he afterwards had it, and it has not been uſual to take it away: but it was inſiſted on, that Mr. Pemberton (who was at the election (and is now) meadow-reeve) had acted partially in diſtributing it to make voices for himſelf, and that ſuch voices ought not to be allowed; and to prove this, were called,

May, who ſaid, Samuel Goodſon, who voted for Mr. Pemberton, told him, he was of the right ſide; for Mr. Pemberton told him, he ſhould have half an acre of graſs: and Freeman ſaid, Goodſon had a rood of hay laſt year, but never before.

Hoſkot, aged about ſixty years, ſaid, the freemen and innkeepers, who had received the hay, have looked upon it as their inheritance; and their widows have received it after them; and his father and mother and he received it all along.

Stratton alſo teſtified, as to the cuſtom of hay being continued to the ſame perſons, and being diſtributed to their widows; and he had it for thirty years together, but none laſt year: and believes it was, becauſe he was not for Mr. Pemberton, and ten others fared ſo alſo.

Weſton ſaid, Mr. Pemberton deſired his vote, and promiſed him his friendſhip in the Craftſmen's meadow; and a week before the election, ſpeaking of the hay, Mr. Pemberton told him, they were not of the ſame ſide; which he thought the reaſon he had no hay.

Freeman and others ſaid, ſeveral, who voted for Mr. Pemberton, had more than before; and thoſe, who were againſt him, had leſs, or taken away.

Edy ſaid, the mayor aſked his vote for Mr. Pemberton, and threatened to turn him out of his houſe, if he did not vote for him; and he, voting for Mr. Wentworth, was turned out.

That, as to the diſtribution of the hay, it was anſwered, the hay was not given away till ſince the election; that Mr. Pemberton, as reeve, had the diſtribution of it, in ſuch proportion, and to ſuch perſons, as he pleaſed.

Bridgeman ſaid, he had the hay twenty years ſince, and loſt it one year upon a quarrel with the reeve's ſervant; and about the ſame time it was taken from another.

Freeman ſaid, the reeve always diſpoſed of it, as he liked; and ſome, who voted againſt Mr. Pemberton, had it laſt year: that thoſe, whoſe allowance were increaſed, were Mr. Pemberton's tenants, and therefore were favoured.

Mr. Pemberton's counſel alledged, they could take off from Mr. Wentworth's poll; but the majority was clearly with them, therefore waved it, and only called witneſſes as to indirect practices.

Freeman and Richards ſaid, the Lord Rockingham, about thirteen or fourteen years ſince, promiſed to give 50 l. towards renewing the leaſe of the poor eſtate, which was after taken over their heads; that, about a month or ſix weeks before the election, Mr. Neviſon, Lord Rockingham's ſteward, brought the 50 l. to buy a piece of land, to be ſettled for the uſe of the poor; that he ſent for ſeveral perſons to his inn, ſhewed the money, and ſaid, what it was deſigned for; but being told he could not purchaſe any ſuch piece of land, he carried the money back again. It was owned, that Mr. Ekins ſaid ſeveral times, he would engage for it; and Mr. Neviſon ſaid, when he brought it, it was not on account of the election; and he carried it to Mr. Pemberton's houſe, and enquired if he would ſell him a piece of land for that purpoſe.

Anne Jervoiſe, and ... Draper, ſaid, Mr. Wentworth's bailiff gave 2 ſhillings and 6 d. to each of them, to engage them to get their huſband's votes for Mr. Wentworth; and Woodly, Underwood, and Freeman, were there: but theſe denied the matter; but owned, Mr. Wentworth had given 20 s. to the poor, who were not voters, to be diſtributed by twelve-pence and ſix-pence to each.

Upon the whole, the committee reſolved,

That Thomas Pemberton, eſquire, is duly elected a burgeſs, to ſerve in this preſent parliament for this borough: and it being read twice, was agreed to by the houſe.

Feb. 2, 1726. Ordered a warrant for a new writ for electing a burgeſs for this borough, in the room of the honourable John Finch, eſquire, made one of the King's counſel learned in the law.

HINDON.

THIS borough is ſituate in the county of Wilts. It never returned members to parliament, until the 27th year of Henry VI. ſince which, I apprehend, it has conſtantly returned. The memoirs I have met with concerning its elections, and repreſentatives in that reſpect, are theſe. Mr. Pryn. 4th Regiſt. 1003.

March 27, 1621. Sir Henry Poole moveth, where, three returned for this borough, a courſe to be taken with it.

Sir John Davys:—That no queſtion, but the election of the firſt two good, and of Sir ..... Ludlow, who was laſt choſen, void:—That he hath elected another place, therefore a new writ ſhall go for him.

Mr. Recorder: That clearly void, if three choſen at a time:—If two firſt, and then a third, then the firſt election of the two, good; of the third, void.

Mr. Brook:—To give them a day to interplead; and, if they come not, then a new writ for a new election of both.

Ordered, that they come at the firſt ſitting of the committee for privilege; or elſe the houſe will proceed to take ſome final courſe.

April 18. Sir George Moore:—reported for this borough:—The ſheriff of ..... directed his precept to the burgeſſes, not to the bailiff: upon this Sir John Davys and Mr. Antyll elected.

And ſecond precept to the bailiff of * Dounton: thereupon all, but one, elected the former. *Sic orig.

Then Sir Edmond Ludlow, with ſome others, out-dwellers, and that one, elected Sir Edmond Ludlow; ſo three choſen by three ſeveral indentures, and returned. Sir John Davis hath elected another place, being double returned; Mr. Antyl ſequeſtered, till farther order taken. The opinion of the committee, that the election of Mr. Antyll good, and a new writ in Sir John Davys's room.

Reſolved: — The election of Mr. Antyll good, and a new writ in Sir John Davys's place.

May 3, 1660. Mr. Turner reported from the committee of privileges and elections, touching the double return for this borough, that it is the opinion of the committee, that Edmond Ludlow is returned by the proper officer, and ought to ſit, until the merits of the caſe upon the double return be determined: whereto the houſe agreed; and reſolved the ſame.

18th. Mr. Turner reported from the ſame committee, touching the ſaid return; that, upon the examination of the fact, the queſtion being, whether the freemen in general ought to elect, or ſuch only of them, as pay ſcot and lot of the ſaid borough? the committee were of opinion, that the freemen in general ought to elect; and that Sir Thomas Thynn, knight, who is returned in one of the indentures, together with George Grobham Howe, eſquire, is duly elected, and ought to ſit; and that the other indenture, whereby Edmond Ludlow, eſquire, is returned, together with the ſaid Mr. Grobham Howe, be withdrawn: and the houſe reſolved the ſame.

Jan. 4, 1697. A petition of Reynolds Calthorp, eſquire, was read; ſhewing, that a writ being directed to the bailiff of this borough, to chooſe a parliament man for that place; one Sir James How pretended to ſtand, and ſpent a great deal of money in treats; but at the time of the election ſet up Colonel Lee, whom the ſaid bailiff hath returned, though the petitioner had the majority of legal votes: and praying &c.

Ordered to be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

Feb. 1. Ordered, that Mr. Calthorp have leave to withdraw his ſaid petition.

Dec. 12, 1698. A petition of Robert Hyde and George Morley, eſquires, was read; ſhewing, that the petitioners, Sir James How, Reynolds Calthorp, eſquire, and others, were candidates, at the election of burgeſſes to ſerve in this parliament for this borough; and the ſaid Sir James How, and Mr. Calthorp, by ſeveral indirect and unlawful practices, at and before the election, procured many voices, in prejudice of the petitioners right; who otherwiſe would have been choſen, and ought to have been returned: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report it, with their opinion. No report appears.

Feb. 13, 1700. A petition of Francis Piſtell, Richard Strett, and others, inhabitants paying ſcot and lot within this borough, was read; ſhewing, that at the late election of members to ſerve in parliament for this borough, Sir James How, George Morley, and Reynolds Calthorp, eſquires, were candidates; and Mr. Morley had a greater majority of legal voters than Mr. Calthorp, and ought to have been returned; but Cantelo Hughes, the bailiff, polled ſeveral for Mr. Calthorp, who had no right, and refuſed to poll ſeveral for Mr. Morley, who had a right: that the petitioners refuſed to ſign the indenture for Mr. Calthorp, but the ſaid bailiff hath arbitrarily returned him with Sir James How, in violation of the rights and privileges of the petitioners: and deſiring &c.

Ordered, that it be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

17th. A petition of George Morley, eſquire, was read; ſhewing, that at the election of burgeſſes to ſerve in this preſent parliament for this borough, Sir James How, baronet, Reynolds Calthorp, and the petitioner, were candidates; where Mr. Calthorp, by ſeveral indirect means, procured ſeveral perſons to be polled for him, that had no right in the election; and thereby, and by the arbitrary proceedings of Cantelo Hughes, the bailiff of this borough, who refuſed a ſcrutiny of the poll, Mr. Calthorp was declared choſen; though the petitioner had the majority of legal votes, and ought to have been returned: and praying &c.

Ordered to be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

March 25, 1701. Ordered the report upon the ſaid petition be made on Friday.

27th. Ordered to be made on Thurſday.

April 3. Sir Rowland Gwyn reported the matter touching the ſaid election, That the candidates, at the ſaid election, were, Sir James How, Mr. Calthorp, and the petitioner; and the election of the former was not queſtioned; and upon the poll there were,

For Mr. Calthorp 70,
Mr. Morley 62.

That the petitioner inſiſted, that the right of election was in the bailiff, burgeſſes, and ſuch inhabitants only, who paid ſcot and lot.

The ſitting-member, that the right was in the bailiff, burgeſſes, and inhabitants, not receiving alms.

The petitioner's counſel inſiſted, the law did exclude ſuch from voting in elections, who were not contributary to the common charge of the borough: and called,

Edward Lamb: who ſaid, himſelf, his father, and grandfather, were born in this borough; and he had heard them ſay, that parliament men were to be choſen by ſcot and lot men; but owned, during his time, inhabitants at large had voted.

Read three returns—2 and 3 Phil. and Mar. 1 Eliz.—43 Eliz. which mention, the bailiff and burgeſſes had elected.

For the ſitting-member, it was inſiſted, That Hindon was a borough by preſcription; and that the burgeſſes and inhabitants are ſynonymous terms; and all the inhabitants had a natural right, unleſs uſage could be ſhewed to the contrary: and called,

Garrat: who ſaid, he had known the election for this borough forty years; and all inhabitants, who did not receive alms, were voters. Whereupon the committee reſolved,

1. That the right of election of burgeſſes to ſerve in parliament for this borough, is in the bailiff, burgeſſes, and ſuch inhabitants only, who pay ſcot and lot.

The poors rate was produced, it appeared the petitioner had the majority of the voters who paid ſcot and lot.

The ſitting-members counſel inſiſted, that ſeveral perſons, who voted for him, had been formerly rated, and deſired, ſuch might be allowed; and offered to call evidence of this fact.

But the committee being of opinion, they were excluded by the former vote, therefore refuſed to hear ſuch evidence; and reſolved,

2. That Reynolds Calthorp, eſquire, is not duly elected a burgeſs to ſerve in this preſent parliament for this borough.

3. That George Morley, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for this borough.

The firſt reſolution was read twice, and diſagreed to by the houſe. The ſecond reſolution was alſo twice read, diſagreed to, and recommitted.

Ordered the matter upon the recommitment be heard on this day three weeks.

24th. Ordered, that it be an inſtruction to the committee of privileges and elections, that they do hear and determine the right of election for this borough, and how the numbers appear to be.

25th. Ordered, the ſaid committee do hear the whole matter upon both petitions, touching the election for this borough, except touching the right of election, which this houſe hath determined.

May 6. Ordered the report to be made on Saturday next.

10th. Ordered to receive the report on Monday next.

12th. Ordered to be made to-morrow morning.

13th. Sir Rowland Gwyn reported the matter as it appeared upon the recommitment, That the counſel inſiſted they had a majority of votes upon every ſtate of the election, however they alledged the right to be in the burgators who hold of Sir Matthew Andrews, who holds by a leaſe from the biſhop of Wincheſter; and read ſeveral indentures, which gave names of burgators to the electors, viz.
Sic origin. 3 *Car.* 1660. 13 and 29 *Car.* II.

For the ſitting-member, it was inſiſted, that the right was in the bailiff, burgeſſes and inhabitants, not receiving alms; and alledged, that burgators, burgeſſes and inhabitants, of a borough were ſynonymous terms; and inſiſted on the returns before read; viz. 2 and 3 Philip and Mary, 1 and 43 Eliz. which were by bailiffs and burgeſſes.

Beſides theſe returns, ſeveral witneſſes were produced on both ſides, viz. for the petitioners,

Field and Gould; who ſaid, they had heard that former elections had been by the burgators; but they could not deny but the practice for their times had been, that the inhabitants not receiving alms had voted: and,

Garrat, Giles, and Hicks, ſaid (they being called by Mr. Calthorp) that they had been acquainted with many elections, which were by the inhabitants paying ſcot and lot: Whereupon the committee reſolved,

That the right of election of members to ſerve in parliament for this borough, is in the inhabitants not receiving alms.

Then the petitioner's counſel proceeded to make out a majority, and firſt to add four to the poll: and called

Piſtell; who ſaid, Forward, who keeps a ſhop in town, and has two or three apprentices and journeymen, would have voted for Sir James How, and Mr. Morley; but owned he boarded with his father, who voted: that Joſeph Lambe, who owns two burgages, and doth all duties, but owned he was a boarder, would have voted in like manner.

Piſtell and Gould ſaid, that Powell keeps an houſe of entertainment in town; that his ſon lived in part thereof, yet it had been divided three years; and there had been two votes for the houſe, before he came thither.

Street ſaid, Gatehouſe would have voted for Mr. Morley; was a joiner; and had lived in an houſe by himſelf for a year.

Then went to take off from Mr. Calthorp's poll.

Piſtell ſaid, John Hughes lived with his ſon, and was maintained by him; that Harbin rents part of an houſe of Andrews, who was refuſed.

Robert Pittman lives with his father-in-law, as an hoſtler.

That Edwards has had a family in town, for ſeven or eight years; but is commonly abroad, as tapſter.

James Field ſaid, the two Stevens live in one houſe, ſo but one vote ought to be allowed; that Smith went out of town by certificate; that Richard Stephens lives with his brother, and came down juſt at the election; that Shirlock came but two or three days before the election, and is not an houſekeeper; that William Stephens and Roger Waterman are in the poors-book, for alms.

Then they went upon the article of bribery.

Henry Hill ſaid, Mr. Burlington, Mr. Hicks, and Mr. Stevens, were agents for Mr. Calthorp; and that the ſaid Hill, Richard Hill, William Chiverill, Nicholas Dowly, Benjamin Chelſey, John Wyer, James Stevens, Anthony Lambe, Edward Hazard, Francis Ranger, and John Chiverell, were aſked to vote for Mr. Calthorp, and had twenty ſhillings each; but ſeveral of them voted alſo for Mr. Morley.

Sherringham ſaid, he had twenty ſhillings of Mr. Burlington; who then deſired him to give Mr. Calthorp a good word at the croſs, being the place of election.

Sherringham junior, ſaid, Freke and Burlington came to him, and told him, Mr. Calthorp ſent him twenty ſhillings; and deſired his good word at the croſs; and he voted for him and Mr. Morley.

Roger Farthing, John Lawrence, and Wolſton Hellyar, owned the ſame; as did Keeble; he voted for Mr. Calthorp and Mr. Morley, and received the like ſum of twenty ſhillings of Mr. Freke; and Mr. Burlington aſking him why he did not ſee Mr. Calthorp, Keeble told him, he had drawn a hogſhead of beer, which Mr. Calthorp promiſed to pay for, and had not; whereupon Burlington promiſed payment in ſome time, but could not then, for he ſaid he had laid out ſeventy pounds.

Huddon ſaid, he had twenty ſhillings of Mr. Calthorp's money. Gould ſaid, Tyley owned the ſame: and Field ſaid, Bolls voted for Mr. Calthorp, and owned he had twenty ſhillings of Mr. Calthorp's money, a little before the election, and five pounds before; and was to have forty ſhillings a year, as long as he voted for Mr. Calthorp.

Andrews owned, he had twenty ſhillings.

Richard Street ſaid, Harding voted for Sir James How, and Mr. Calthorp, and owned he had twenty ſhillings from George Stevens; and Walter Hicks was a manager for Mr. Calthorp.

Wogar ſaid, Burlington made an intereſt for Mr. Calthorp, and told him, he had brought ſeventy pounds in gold to be diſtributed amongſt Mr. Calthorp's voters.

Then, as to the partiality of the bailiff, they called Hill, Powell, &c. who ſaid, Mr. Morley demanded a ſcrutiny, which the bailiff refuſed; and Mr. Calthorp deſired the bailiff to declare for him, and pulled him by the arm, and perſuaded him to go within from the croſs.

Francis Piſtoll ſaid, Mr. Calthorp aſked his vote, and told him, if he had a place of profit, if it were five hundred pounds, more or leſs, he would give it the borough.

Oban ſaid, Mr. Morley was invited by ſeveral of the town to be a candidate, and he was ſent to him for that purpoſe.

In anſwer, Mr. Calthorp's counſel called firſt, as to thoſe to be added, Gilbert; who ſaid, Forward and Lamb lived with their fathers, who voted: and Tobias Powell with his ſon, who voted.

Stevens ſaid, that Gatehouſe pretended to live in an houſe, a day or two before the election, and would have let it a week before the election; and it was not glazed, nor had a bed in it.

And he ſaid, it was agreed, the right of the voters ſhould be decided, as they came to poll.

As to the ten they attempted to take from Mr. Calthorp's poll, his counſel called,

Randolph Hews; who ſaid, John Hughes was and had been an houſekeeper for forty years; that Harbin is an inhabitant, and exciſeman; but it was owned, Andrews lived in one part of the houſe; that Robert Pitman lived in a divided houſe, but two had voted for the ſame houſe for ſeveral years..

Walter Hicks ſaid, that Robert Pitman lived in an houſe divided for thirty years; but there have been two votes for the houſe always.

Young ſaid, Edwards had been an houſekeeper in Hindon ten years, though he was at Mere as a drawer, at the time of the election; that Francis Smill is an huſband-man, and lives in his own houſe; that Richard Stevens is a diſtinct family, and there uſed to be two votes for the houſe he lives in: and the ſame evidence was given by Norton; that Shirlock is an inhabitant, and has an eſtate in the borough, after the death of his mother: and Young ſaid, Sherlock paid him the land-tax for this laſt year.

Then Mr. Calthorp's counſel endeavoured to add two to their poll, and called,

George Stevens and Robert Gerard: who ſaid, John Gilbert would have voted for Mr. Calthorp, was denied as an inmate; and that he had an apartment and a family; and has born an office.

John Young ſaid, that Matt. Lovell would have alſo voted; but was a minor.

They then excepted to Anthony Purchaſe and William Gillam, as having had alms, which appeared by the overſeer's book.

As to the demanding a ſcrutiny, they called Mr. Slade and others, who ſaid, that they were preſent at the election, and it was agreed that the right of the voters ſhould be determined before they were wrote down, and it was ſo done: and though they were near Mr. Morley, they did not hear him demand a ſcrutiny, till the bailiff was gone from the croſs: and Mr. Hughes ſaid, all the queries, except two, were determined as they voted.

And the petitioner was charged with ill practices: and, to prove them,

John Tyley ſaid, that Samuel Powell did endeavour to get voices for the petitioner; and on the election day gave him a guinea and nineteen ſhillings, out of which he returned ſix-pence, to vote for Mr. Morley, or he ſhould not have voted for him; and Mrs. Street, who made voices for Mr. Morley, offered him a gold ring, which was in pawn, if he would ſo vote; and had liquors and did not pay.

William Wyer ſaid, two days before the election, farmer Harbin and Sangon, aſked his vote for Mr. Morley; and told him, if Mr. Morley carried it, he ſhould have forty ſhillings; and, if he did not, twenty ſhillings; that after it was over, Sangon gave him five ſhillings, and told him, when all was over, he ſhould have the remainder; and Sangon told him, if he would not go to London, he would give him two ſhillings and ſix-pence, and bear his charges whilſt he was out of the way; and he eat and drank at Edwards's and Oban paid for it.

Burket ſaid, that Henry Hill told her, ſince the election, that, though Sir James How, and Mr. Calthorp had carried it, he hoped, Mr. Calthorp would not continue in the houſe; that he was for him who gave moſt money, and Mr. Morley was very liberal.

Giles ſaid, he had forty ſhillings of Samuel Powell to vote for Mr. Morley, or would have voted for Sir James How, and Mr. Calthorp; and that he had gooſeberry wine on the election-day, without paying for it.

Hughes ſaid, he was preſent, when Harding aſked John Becket his vote for Mr. Morley, and promiſed him forty ſhillings if he carried it, and twenty if not.

Lawton owned, he received a guinea, and voted for Mr. Morley, or ſhould not ſo have voted; and had drank that week before the election, and did not pay for it; and on the 13th of April, Mrs. Street ſaid, if he would keep counſel, he might have a new coat.

John Young ſaid, that James Morley declared, that Mr. Morley offered him a treat to be for him, or ſhould have been for Mr. Calthorp.

Marſham and another ſaid, that Harding offered him forty ſhillings, if he would vote for Mr. Morley, and Mr. Morley carried it; if not, he ſhould have twenty ſhillings; but had received no money.

The next charge, was treating by the petitioner: and called,

Waterman, Frith, &c. who ſaid, Mr. Morley lodged, and kept a table at Mr. Macrow's, and had five or ſix diſhes every day for dinner; and after he had dined on Saturday and Sunday before the election, and on the election-day, the voters came and eat and drank there; and Frith was a ſervant in the houſe. And ſaid, Margaret Waterman was a ſervant at the Lamb inn, where Mr. Morley's ſervants and horſes were; and ſeveral voters came and drank there, and Mr. Morley paid the reckoning; and about twenty-ſeven of the voters were thus treated at both places.

Robert Edwards ſaid, William Oban ordered him to draw beer, to the amount of near three pounds, which was drunk by Mr. Morley's voters; ſix of whom he named: but ſaid, he was not paid; and Oban bid him carry half of it to Mr. Calthorp, for it was hard Mr. Morley ſhould pay all.

Mr. Pitman ſaid, that Mr. Calthorp came to Saliſbury about a week before the election; and Mr. Calthorp and Mr. Burlington being at his houſe, Mr. Burlington told Mr. Calthorp, he had given money, at which Mr. Calthorp was angry; and Mr. Burlington ſaid, he did it without Mr. Calthorp's direction.

Mr. Woodford and Mr. Tous gave account of Mr. Calthorp's charities, at his own pariſh, and elſewhere, for ten years paſt.

In reply,

Mr. Piſtell ſaid, Tyley owned (as he was coming to London) he had a coat and money, to be a witneſs againſt Mr. Morley.

Field ſaid, that Tyley owned to him, he had no money of Mr. Morley, nor could he do him any hurt.

Mrs. Street ſaid, Tyley came to borrow forty ſhillings of her, which ſhe did not lend; and on the election-day he went to Samuel Powell, who lent it him of his own money, and ſhe was a witneſs of it.

Field and Samuel Powell ſaid, that Wyer declared, he never received a farthing of money of any one to vote for Mr. Morley; but, right or wrong, he would do Mr. Morley's buſineſs, becauſe he endeavoured to take away his vote.

Gould ſaid, Gyles owned, he never received any money of Mr. Morley; and would not ſay it for all the world.

Street ſaid, Gyles declared, he could not live at peace for George Stevens; for he would have him Sic orig. go and teſtify money, when he had none.

Field ſaid, he never had any money.

Upon the whole, the committee reſolved,

That Reynolds Calthorp, eſquire, is not duly elected a burgeſs to ſerve in this preſent parliament for this borough.

That George Morley, eſquire, is not duly elected a burgeſs to ſerve in this preſent parliament for this borough.

The reſolutions concerning the right of election, and relating to Mr. Calthorp, were twice read, and agreed to.

The reſolution, touching the election of Mr. Morley, was, on the ſecond reading, diſagreed to: and the clerk of the Crown ordered to attend, to amend the return, by razing out the name of Mr. Calthorp, and inſerting Morley's name inſtead thereof.

Oct. 24, 1702. The houſe being informed, that George Morley, eſquire, a member of this houſe, hath been guilty of bribery, in relation to his election for this borough; and he not being in the houſe,

Ordered, that the ſaid Mr. Morley do attend in his place upon Thurſday next.

27th. Mr. Morley attended, and the charge opened againſt him by Mr. Jervois; and Mr. Morley inſiſting upon his innocence,

Ordered, that the matter of the ſaid charge be heard on the 26th of November.

Ordered, that the ſaid charge be delivered in writing, and that Mr. Morley have a copy thereof.

And Mr. Jervois gave in the ſame; viz.

That George Morley, eſquire, and his agents, Mr. William Piſtell, Richard Street ſenior, Samuel Bracher, John Symſon, bailiff, William Oban, Farmer Langar, and John Hudden, did, by bribes, and corrupt or illegal practices, procure the ſaid Mr. Morley to be returned, in the preſent parliament, a burgeſs for this borough.

Ordered the ſaid parties be heard by their counſel, if they think fit.

Nov. 4. A petition of Tho. James and John Anderſon, in behalf of themſelves, and others, the unbribed burgeſſes of this borough, was read; ſhewing, that at the late election for a burgeſs to ſerve in this preſent parliament for this borough, Henry Killegrew, Thomas Jervois, George Morley, eſquires, and Sir James How, were candidates: that Mr. Morley, and his agents, did, not only by bribes, treats, and illegal practices, procure ſeveral votes, but did alſo procure the bailiff to be very partial at the election, in admitting ſeveral illegal voters for the ſaid Morley, and refuſing ſeveral good votes for Mr. Jervois and Mr. Killegrew; and that, although they had a majority, yet the bailiff hath returned Mr. Morley: and praying &c.

Ordered, that the matter of the ſaid petition be heard at the bar of this houſe on the 26th of November, when the charge againſt Mr. Morley is appointed to be heard.

26th. The order of the day being read, for hearing the matter of the charge of Mr. Jervois againſt Mr. Morley, and the petition concerning the election for this borough;

Ordered it to be heard on the morrow morning, and be proceeded on at eleven o'clock.

27th. The houſe proceeded in the hearing the matter of the ſaid charge, and alſo the ſaid petition: and the counſel on both ſides were called in, and heard, and divers witneſſes examined on both ſides; and the counſel and witneſſes withdrew: and were called in again, and heard, and examined more witneſſes; and then withdrew.

A motion was made, and the queſtion was put, That George Morley, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for this borough: which was diſagreed to.

Ordered, that leave be given to bring in a bill, for the diſfranchiſing this borough, from electing members to ſerve in parliament; and that Mr. Harley, the Lord Mordaunt, and Mr. Scobell, do prepare, and bring in the bill.

Dec. 4. Mr. Harley preſented the bill, and it was read a firſt time.

Reſolved, it be read a ſecond time.

8th. Ordered, that the bill, for diſfranchiſing this borough, be read a ſecond time on the morrow morning.

9th. Ordered, the ſaid bill be read a ſecond time on Friday morning next.

11th. The ſaid bill was read a ſecond time, and committed to a committee of the whole houſe.

Reſolved, the houſe will, on Tueſday next, reſolve itſelf into a committee of the whole houſe upon the ſaid bill.

14th. A petition of ſome of the inhabitants of this borough, was read; ſhewing, that the petitioners are highly ſenſible of the diſgrace they now lie under, being juſtly threatned by a vote of this houſe to be diſfranchiſed; which misfortune hath been owing to the corruption and poverty of ſuch as, they conceive, have no right of voting, they never paying taxes, or to the poors-rates: and praying that the ſaid borough may not be diſfranchiſed, they ſubmitting to ſuch regulations, as ſhall be thought neceſſary.

Ordered, that the conſideration of the ſaid petition be referred to the committee of the whole houſe, to whom the bill, for diſfranchiſing the ſaid borough, is committed.

Ordered, that it be an inſtruction to the ſaid committee, that they do provide, that all the freeholders of the hundred, within which the ſaid borough is, be admitted to vote for the election of burgeſſes to ſerve in parliament for this borough.

17th. Reſolved, this houſe will, upon Wedneſday morning next, reſolve itſelf into a committee of the whole houſe, upon the bill for diſfranchiſing this borough.

23d. Reſolved, this houſe will reſolve itſelf into the ſaid committee on this day fortnight.

Jan. 8. Reſolved, this houſe will reſolve itſelf into the ſaid committee on Wedneſday morning next.

13th. Reſolved, the houſe will reſolve itſelf into the ſaid committee on Tueſday morning next.

19th. The houſe (according to order) reſolved itſelf into the ſaid committee; and Mr. Speaker left the chair.—Mr. Harley took the chair.—Mr. Speaker reſumed the chair.

Mr. Harley reported from the ſaid committee, That they had gone through the bill, and made ſeveral amendments, which they directed him to report, when the houſe will be pleaſed to receive the ſame.

Ordered the report be received on Thurſday morning next.

23d. Mr. Harley (according to order) reported the amendments made by the committee to the bill, which they had directed him to report; which he read in his place, and afterwards delivered in at the clerk's table, where the ſame were read throughout; and then a ſecond time, one by one; and, upon the queſtion, ſeverally agreed to by the houſe.

A clauſe was offered to be added to the bill, That all the freeholders, within the hundred of Downton, in the county of Wiltſhire, ſhall have a right to vote for parliament-men to ſerve for this borough, together with the preſent electors: and the ſame was read twice, and, upon the queſtion, agreed unto by the houſe to be made part of the bill.

Another clauſe was offered to be added to the bill, That no perſon, who, by virtue of any burgage or freehold lands, has a right to vote for a burgeſs for the borough of Downton, ſhall, by virtue of ſuch burgage or freehold, be intitled to vote for a burgeſs for Hindon:

And the ſame was read with blanks, and the blanks were filled up; and, upon the queſtion being put thereupon, agreed by the houſe to be made a part of the bill.

Ordered, that the bill, with the amendments, be engroſſed.

Feb. 8. An engroſſed bill, for disfranchiſing this borough, was read the third time.

Reſolved, the bill do paſs; and that the title be, An act for preventing bribery and corruption, in the election of members to ſerve in parliament for the borough of Hindon, in the county of Wilts.

Ordered, that Mr. Harley do carry the bill to the Lords, and deſire their concurrence thereunto.

Mr. Harley carried the bill to the Lords the ſame day; where it dropt.

Nov. 24, 1708. A petition of Reynolds Calthorp, eſquire, was read; ſhewing, that Sir James How, baronet, Edmund Lambert, eſquire, and the petitioner, were candidates, at the laſt election of burgeſſes to ſerve in parliament for this borough: that by bribery, and other corrupt practices of Sir James How, Mr. Lambert, and their agents, they had a majority of votes, and are returned; but the petitioner had a majority of the fair and unbribed votes, and ought to be returned, and ſit, to repreſent the ſaid borough: and praying &c.

Ordered, that the ſaid petition be heard at the bar on the 27th of January next.—But it was not heard until,

Feb. 12. The houſe proceeded to hear the merits of the ſaid election, and the counſel on both ſides were called in, and the ſaid petition was read; and then the counſel were heard, and ſeveral witneſſes examined on both ſides; and the counſel and witneſſes being withdrawn, it was reſolved,

That Sir James How, baronet, is not duly elected a burgeſs to ſerve in this preſent parliament for this borough.

That Edmund Lambert, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for this borough.

That Reynolds Calthorp, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for this borough: and the returns ordered to be amended.

Dec. 3, 1710. A petition of Reynolds Calthorp, eſquire; and alſo, a petition of George Morley, eſquire, were read; complaining of an undue election and return for this borough.—Whereupon,

This petition &c. are not in the printed Journals.

Ordered, that Mr. Calthorp and Mr. Morley have leave to withdraw their ſaid petitions. And the houſe being informed from the ſaid Mr. Calthorp, that he waved his return for this borough;

Ordered, that the clerk of the Crown do attend on Monday next, with the double return for this borough, to amend the ſame, by taking off the indenture, whereby Mr. Calthorp is returned.

March 4, 1713. A petition of Edmund Lambert, eſquire, was read; ſhewing, that at the election for this borough, Richard Lockwood, eſquire, Reynolds Calthorp, junior, eſquire, Richard Jones, eſquire, and the petitioner, were candidates: that the ſaid Richard Lockwood and Reynolds Calthorp, by bribery and other illegal practices, by themſelves and agents, have procured themſelves to be returned, in wrong of the petitioner, who had a majority, and ought to have been returned: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame with their opinion.

March 26, 1715. A petition of George Wilcocks, eſquire, was read; ſhewing, that at the laſt election for the borough of Hindon, in Com' Wilts, major-general Wade, Reynold Calthorpe, eſquire, and the petitioner, were candidates; that James Field, bailiff of the ſaid borough, was very partial, on behalf of the ſaid major-general Wade and Mr. Calthorpe, in refuſing ſeveral perſons to poll for the petitioner, who had a right; and admitting others to poll for the ſaid major-general Wade and Mr. Calthorpe, who had no right: beſides ſeveral other illegal practices were uſed in procuring the ſaid major-general Wade and Mr. Calthorpe to be elected for the ſaid borough, in prejudice to the petitioner, who was duly elected, and ought to have been returned: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and to report the ſame, with their opinion.

20th. Ordered, leave be given to withdraw the ſaid petition.

HONITON.

THIS borough is in the county of Devon. It returned members to parliament in the 28th of Edward I. 4th of Edward II. 12th, 17th, 19th, 22d, and 26th of Edward III. according to the *Brevia Parliamentaria Rediviva*; but in the Regiſter Mr. Prynn takes notice only of the 28th Edw. I. and 4th Edw. II. It afterward ceaſed until the year 1640, when it was reſtored; and from that time to this, it has been repreſented. I ſhall begin my memoirs with the manner of its reſtoration, and add thereunto ſuch as have happened ſince.

Br. Parl Red. 19 4th Reg p. 100

Nov. 26th, 1640. Mr. Maynard reported from the committee for privileges: It did appear to the committee, 28th Edw. I. the town of Honiton did ſend two burgeſſes to parliament; for it appears by a writ at this time, that they ſhould ſend thoſe to that parliament, that ſerved the parliament before. It farther appeared as a concurrent proof, that this town, being ſtill a borough, did pay the charge of borough-towns, tenths and not fifteenths.——Opinion of the committee, that this town ought to be reſtored.

Upon Mr. Maynard's report,

Reſolved upon the queſtion, That the town of Hunnington in the county of Devon, ſhould be reſtored to its ancient right and privilege of ſending burgeſſes to parliament; and that a warrant iſſue forth under Mr. Speaker's hand, directed to the clerk of the Crown, for a new writ accordingly.

Nov. 1, 1680. A petition of Edmund Walrond, eſquire, touching the election for this borough, was read.

Ordered to be referred to the committee of privileges and elections, to examine and report the matter, with their opinion. No report appears.

June 15th, 1685. Mr. Speaker acquainted the houſe, that he had received a letter from Sir Thomas Putt, deſiring that a new writ might iſſue for the election of a burgeſs for this borough.

Ordered, that Mr. Speaker do iſſue out his warrant to the clerk of the Crown, to make out a new writ, for the election of a burgeſs for this borough in the room of the ſaid Sir Thomas Putt, who was * mayor of the ſaid borough at the time of the election; and was the proper officer to whom the precept was directed; and who returned himſelf.

*N. B. It is ſaid mayor, but ſhould be portreve.

Feb. 14, 1700. A petition of William Courtney, eſquire, was read; ſhewing, the petitioner was duly choſen a burgeſs, to ſerve in this preſent parliament for this borough; but by treating, bribery, and promiſes of preferment, and ſeveral other undue practices, uſed by Sir Walter Yonge and his agents, he, the ſaid Sir Walter Yonge, is returned, in prejudice of the petitioner: and praying &c.

Ordered, that the ſaid petition be referred to the committee of privileges and elections, to examine and report the matter to the houſe, with their opinion.

May 24th, 1701. Ordered the report be received on Wedneſday morning.

28th. Sir Rowland Gwyn reported the matter upon the ſaid election as follows; That the right of election was agreed to be in the pot-wallers not receiving alms.

The poll was		
The poll was	For the petitioner,	18.
	For Sir Walter Yonge,	191.

For the petitioner it was inſiſted, that Sir Walter Yonge, by ſeveral practices, was rendered incapable of ſitting upon the election.—And called

George Blagdon, the portreve; who delivered in the poll; and ſaid, Mr. Ravenhill did take a poll, as he ſuppoſed for Sir Walter Yonge; and that Mr. Ravenhill, Mr. Walters, Mr. Saunders, and others, in Sir Walter Yonge's intereſt, went from houſe to houſe; but for what purpoſe could not ſay.—But ſaid, Sir Walter Yonge had ſerved for this borough during his memory; and two or three times without oppoſition.

Dr. James Orchard, an inhabitant of this borough, ſaid, that Knight and Clark, two voters, kept alehouſes oppoſite to him; and ſix or ſeven days before the election, he ſaw Abraham Thomas, and W. Abbot give money to the ſaid Knight and Clark, to be laid out in drink for Sir Walter Yonge's voters; ſeveral of whom (and alſo thoſe for Mr. Sanford) appeared drunk in the ſtreet; and he heard them ſay, they paid nothing for it. He ſaid, that Knight and Clark went from houſe to houſe; but did not hear them aſk votes: nor doth he know they were related to Sir Walter Yonge.

Serle ſaid, that, two or three days before the election, Ravenhill came to him and ſaid, he admired how he could be againſt his intereſt and not vote for Sir Walter Yonge; and that there was a place in the Cuſtom-houſe which his brother might have had, if it were not for him; and he ſhould have a place of 80 l. *per annum*: and he ſaid, there was great drinking, and 14 or 16 houſes for entertaining Sir Walter Yonge's voters; and they ſaid, Mr. Ravenhill and Mr. Glanvill would ſee them paid: that he voted for Sir William Drake and Mr. Sandford.

Hunter ſaid, he kept a public houſe; and Ravenhill and Glanvill came to him a week before the election; and he received 8 s. of one, and 7 s. of the other, for drink for Sir Walter Yonge's voters; ſeveral of whom carried it home to their houſes.

That the names of ſeveral, who were to drink of the 8 s. were ſet down on a paper and left with him; and Captain Chaplin, and others, told him, if he would be for Sir Walter Yonge, they would bring thirty men to dine at his houſe. He ſaid, Mr. Glanvill was a laceman in London, and came thither ten days before the election.

Barron ſaid, he voted for Sir Walter Yonge, and had 6 s. to draw ſix dozen of beer to ſix of his neighbours; and Mr. Saunders and Mr. Ravenhill were by; and the names of the men were wrote down; five of whom voted for Sir William Drake and Sir Walter Yonge, and one for Mr. Sandford; and next day Abbot and Thomas ſaid, they came from Mr. Glanvill, and delivered him 3 s. to draw out in beer to ſix men, and 6 d. for himſelf; and they had twelve-pence each in money; and the day before the election he had 7 s. more for drink of Abbot and Thomas; who alſo the ſame day, ordered him to provide meat for ſix men; and had in all between 30 and 40 s; that there were a great company the day before, and on the election-day, at Lockyer's, who voted for Sir Walter Yonge and Sir William Drake; but could not tell who paid for it; that he believed there were twenty houſes who drew drink, and entertained Sir Walter Yonge's voters; and he believed there might be in all, 200 l. ſpent; but did not know who employed thoſe who went about; but Glanvill, Thomas, and Abbot, ſaid, it was their own money they expended.

Mr. Wendover ſaid, Thomas aſked his vote for Sir Walter Yonge, and gave him 1 s. and ſaid, Mr. Glanville ſent it him. He ſaid the ſame as Barron, as to the eating and drinking at Lockyer's on the election-day, and at other times, and places; and believed there were 2 or 300 l. ſpent; and Ceſs, Sir Walter Yonge's ſervant, told him on the election-day, let it coſt what it would, Sir Walter Yonge would not loſe the election: that Shackley told him, the Saturday before the election, he had laid out 8 or 9 l. that day; and it had coſt him 40 l. and would ſpend 100 l. rather than Sir Walter Yonge ſhould loſe it: and one Tucker being aſked, what he had got? he anſwered, ſix Chancery ſuits: that Pulman, a ſervant of Sir Walter Yonge, ſaid, he was weary of drinking; but could not ſay, Pulman or Ceſs paid any money: and the reckoning was placed to Mr. Glanvill's account.

Blackmore ſaid, Mr. Saunders and Mr. Clark gave Martin 1 s. and bid him take it to his wife; and would have had him take 1 s. and told him they had put his name on the roll; and he, Blackmore, refuſing to vote for Sir Walter Yonge, Clark ſaid, he ſhould get nothing by it; and Wendover and Blackmore ſaid, about fifty horſe came to Honiton the night before the election, ſeveral of whom were officers in the militia.

Mr Chard ſaid, Mr. Ravenhill, Mr. Glanville, and Mr. Martin, came to his houſe the New-years day at night; and Ravenhill left him 5s. to be drunk by Sir Walter's voters; and wrote their names in chalk on the table; and ſome had money, and ſome drink: and Serle, who belongs to the cuſtomhouſe at Dartmouth, and whoſe wife keeps a public houſe at Honiton, came and voted for Sir Walter Yonge, and ſaid, it was becauſe Sir Walter had got him a place: that ſeveral of Sir Walter's voters drank at Serle's, but cannot ſay, who paid for it.

The counſel for Sir Walter Yonge ſaid, Sir Walter had ſerved in ſeven parliaments for this borough, (and had an undoubted intereſt there) and moſtly choſe without oppoſition; that a little after Sir Walter came, the taps were opened by Mr. Sandford; that Mr. Glanvill came accidentally from London, being a laceman, upon his own occaſions; and what money was ſpent, was out of imprudent zeal, and was in reſpect of the ſervices done the town by their old burgeſſes, with relation to the lace-act: and called

Mr. Saunders; who ſaid, about ten days before the election, 140, or 150 voters met Sir Walter Yonge out of town; and after it was ſaid he would be oppoſed, he, Saunders, went about the town to know, who would vote for Sir Walter; and he made a liſt of nine ſcore: and the morning the voters met at the election on the Corn-hill; and it ſnowing, they went into houſes, and he went into Lockyer's; but neither eat nor drank there.

Water ſaid, he, and others, went about the town before the election, to enquire, who would vote for Sir Walter? and in the lower part of the town, 60 declared for Sir Walter Yonge.

Aſhton ſaid, Mr. Courtney aſked his vote for Mr. Sandford; and he refuſing, Mr. Courtney was in great paſſion, and threatened to complain to his father.

Matthews ſaid, he was raiſed in the rent of his ſtanding 4d. *per* week, for voting for Sir Walter Yonge, and loſt ſeveral perſons cuſtom for it; that ſeveral of Mr. Courtney's voters eat and drank at Elmes' to the amount of 30 l. as he believed; and afterwards told Elmes ſo; who ſaid, he gave it freely, and Elmes was the principal man for Mr. Courtney.

Crout ſaid, Scourſe, who belonged to major Drew, a juſtice of peace, gave him a pint of wine the night before the election; and told him, if he did not vote for Mr. Sandford, it would diſoblige his maſter; and if he came before him, there ſhould be no juſtice: and Wendover, about a fortnight after the election declared, he could witneſs nothing againſt Sir Walter; and no man was ſworn before the committee; and it was no more than telling a lie.

Viney ſaid, major Drew's clerk aſked, if he had money to vote for Sir Walter; and though he had none, yet the clerk would have had him to ſign a paper owning he had.

Martin, a ſadler, ſaid, Sir John Pole and others aſked his vote, which he not complying with, they paid him off, and he loſt their cuſtom.

Lowman ſaid, major Drew ſent for him, and aſked, if he had any money for voting for Sir Walter Yonge, and he ſaid, he had not; however, the major's clerk would have had him ſigned a paper that he had 2 s.

It appeared, that the petitioner never declared himſelf a candidate before the election.

Upon the whole, the committee reſolved,

That Sir Walter Yonge, baronet, is duly elected a burgeſs, to ſerve in this preſent parliament for this borough: which being read twice, was agreed to by the houſe.

Dec. 2, 1710. A petition of James Sheppard, eſquire, was read; ſhewing, that at the late election of burgeſſes for this borough, Sir William Drake, baronet, the petitioner, and Sir Walter Yonge, baronet, were candidates; and divers illegal practices were uſed by Sir Walter and his agents, ſo procure votes againſt the petitioner: and the portreve polled divers illegal votes for Sir Walter, and refuſed divers legal votes for the petitioner; and, yet he and Sir William Drake had the majority of Sir Walter Yonge, and they only ought to have been returned; but the portreve hath made a double return of the petitioner and Sir Walter Yonge, with Sir William Drake, to the petitioner's prejudice: and praying &c.

A petition of the potwallers, inhabitants of the ſaid borough, was read; ſhewing, that the right of electing members to ſerve in parliament for this borough, hath ever been in all the houſholders inhabiting within the ſaid borough, not receiving alms, who are commonly called potwallers: that at the laſt election to parliament, the portreve polled all ſuch potwallers, without making any diſtinction in the poll book, who paid ſcot and lot, and who not: nor was any objection then made to the potwallers right; and many of them voted for James Sheppard, eſquire, (one of the candidates) who declared, they had as good votes as any: and by ſuch electors, Sir William Drake and Sir Walter Yonge were choſen by a great majority, but the portreve (contrary to all returns before made) hath returned Sir William Drake and Mr. Sheppard, as choſen by thoſe paying ſcot and lot; and Sir William Drake and Sir Walter Yonge, as choſen by the populace; thereby endeavouring to ſubvert the antient and uninterrupted rights of the ſaid borough, and many of the petitioners; and thereby debarring Sir Walter Yonge from ſitting in the houſe: and praying &c. Alſo

A petition of Sir Walter Yonge, baronet, was read; ſhewing, that at the laſt election of burgeſſes for this borough, the petitioner and Sir William Drake, were choſen by an undoubted majority of legal voters, to repreſent them in parliament, and ought to have been returned; but John Walker, the portreve, hath been prevailed upon to make a double return of the petitioner and James Sheppard, eſquire, with Sir William Drake, by which means, the petitioner is hindered from doing his duty in the houſe: and praying &c.

Ordered, that the ſaid petitions be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Jan. 31. Ordered, that it be reported on Saturday next.

Feb. 3. Mr. Freeman reported the matter of the ſaid election and returns.—That the committee have inſpected the record of the returns, and examined the matter of the election.

If the right of election be, in the inhabitants, houſholders, paying ſcot and lot, Mr. Sheppard is returned, duly elected.

If the right of election be, as well in the populace, as in the inhabitants, paying ſcot and lot, only, Sir Walter Yonge is returned, duly elected.

To prove the right in thoſe paying ſcot and lot, only, were called Mr. Putt, Moſes Abbot, and three others; who ſaid, they had known the borough 30, 40, and 50 years: that at an election 40 years ſince, the potwallers were refuſed, and none but ſcot and lot voted then: that, at all elections ſince, the potwallers have claimed a right to vote, and at an election in 1679, upon a report being ſpread, that they would be refuſed, they pulled down the place, built to take the poll in, and the balcony of the houſe the poll was adjourned to: that, ſince that time, they have been admitted for peace ſake; but the returns were made by the ſcot and lot men only: that they have been told by ſeveral antient men of the borough, who are now dead, that the right of election was in the ſcot and lot men only; and they take it to be ſo: that there are three or four potwallers in an houſe.

Walters and Hughs ſaid, they had heard Sir Walter Yonge ſay, he thought the right was in the ſcot and lot men; and that, in caſe of a conteſt, he ſhould think himſelf ſafe, if he had a majority of them: that, on this election, both ſides ſolicited the potwallers, and they polled for both ſides, without exception; but Mr. Sheppard excepted to them at the ſcrutiny: that ſince 1660, all, who did not receive alms, were always polled; and the majority of both have been of the ſame ſide, as far as the polls can be found.

Matthews ſaid, at this election, Sir Walter deſired Mr. Sheppard to agree, who had the right of voting; but he refuſed, and ſaid, ſuch agreement could not determine the right; and upon the ſcrutiny excepted againſt the potwallers.

Humfry ſaid, three months before the election, Mr. Sheppard directed him to copy the poor rates for this year; and marked the ſcot and lot men living in the borough.

To prove the right in the potwallers, the returns of 1661, 1679, 1680, 1688, and 1705, were read: and Mr. Bere, Aſh, and ſeveral others, ſaid, ſeveral of thoſe, who ſigned the returns, were potwallers: that the potwallers voted in 1661, and in all elections ſince; and were not excepted to, if they did not receive alms; and they did watch and ward, and ſerve the town-offices.

Mr. Cholwich ſaid, at this election, Mr. Sheppard affirmed, his coachman had as good a right to vote as any, and did vote as a potwaller; and inſiſted on the potwallers right; nor did he except againſt them upon the poll: and when he demanded the ſcrutiny, he ſaid, it was only to ſee if any of them had alms.

The Journal of 1701 was read; whereby it appears, it was agreed that the potwallers had right to vote.

The committee reſolved,

1. That the right of election of members, to ſerve in parliament for this borough, is in the inhabitants of the ſaid borough paying ſcot and lot, and in the potwallers, not receiving alms.

Mr. Sheppard's counſel then admitted a majority for Sir Walter Yonge, if the potwallers had right to vote: whereupon the committee reſolved,

2. That Sir Walter Yonge, baronet, is duly elected a burgeſs to ſerve in this preſent parliament for this borough.

The firſt reſolution being read a ſecond time, an amendment was propoſed to be made therein; viz. to leave out the words, "and in the potwallers not receiving alms;" which was agreed to. Then another amendment was propoſed, to add the words "only": which was alſo agreed to.

Reſolved, the houſe do agree with the committee in the ſaid reſolution ſo amended:

That the right of electing members, to ſerve in parliament for this borough, is in the inhabitants of the ſaid borough paying ſcot and lot, only.

The ſecond reſolution, upon the ſecond reading, was recommitted, as to the matter of the poll.

15th. Ordered, that the report be made on Saturday next.

17th. Mr. Freeman reported, from the committee, the matter upon the ſaid recommitment; That the poll of the inhabitants, paying ſcot and lot, was, for Mr. Sheppard 43, for Sir Walter Yonge 34.

That Sir Walter Yonge's counſel excepted to 14 of Mr. Sheppard's voters; viz. Robert Collins, George Aſh, Henry Tooſe, John Smith, Henry Hue, William Viney, Samuel Clap, William Richards, Samuel Whitemore, Joſeph Tooſe, Edward Saunders junior, Thomas Searl, Bickerſtaff Williams, and Philip Prince.

To juſtify theſe, Mr. Sheppard's counſel called

Matthews and Clap; who ſaid, the premiſes Collins and Aſh voted for, are an undivided eſtate, between Collins, his brother, and two ſiſters: that Collins' brother ſold his ſhare (which is the greateſt part) to one Salter: that Salter's name is only in the rate; but Collins and Aſh pay ſcot and lot for their parts.

Hughs and Matthews ſaid, that Tooſe lives in an houſe worth 8 l. *per annum*; pays three pounds a year to the poor; pays ſcot and lot; and is rated in the book an occupier of Darke's, the former owner.

Clap ſaid, Smith paid ſcot and lot for an eſtate he has in the borough, which is rated with another he has out of the borough in the pariſh:—that Henry Hue voted for an houſe he owns, and pays ſcot and lot for it: the houſe is mortgaged, but in Hue's poſſeſſion:—that Viney and Clap pay ſcot and lot, in the borough, for lands they purchaſed: the names of the former owners are in the rates, and they rated as occupiers:—that Richards and Whitmore pay ſcot and lot for lands in the pariſh out of the borough:—that Joſeph Tooſe, and Edward Saunders junior, pay ſcot and lot: the eſtates are their own, but they are rated as occupiers in the former owners names:—that Serle and Williams pay ſcot and lot:—that Prince pays ſcot and lot for lands; part of which are in the borough, and part in the pariſh.

That there is but one rate for the pariſh, and the borough.

To add one to Mr. Sheppard's poll,

Clapp ſaid, William Bovett is an inhabitant, pays ſcot and lot, and offered his vote for Mr. Sheppard; but was rejected, becauſe he had been abſent three or four months, though his family were in the town all the time.

To diſqualify four of Sir Walter Yonge's voters; viz. Brown, J. Clap, Blackaller, and Ravenhill,

Humfry and Matthews ſaid, Brown received a charity of 6 d. a quarter: that Clap owned, he did not pay ſcot and lot at the time of the election, nor for a year and an half before: that Blackaller is only a boarder; and Ravenhill ſold his goods at Michaelmas, and was not an houſekeeper at the election.

For Sir Walter Yonge.——To diſqualify the voters of Mr. Sheppard excepted to, were called

Samuel Aſh, and Francis Aſh; who ſaid, Samuel Aſh has collected the poors-rates eight years, was overſeer the laſt year, and never knew Collins pay:—that Henry Tooſe is not in the rate; and they never knew him pay:—that Smith, Clap, Whitemore, and Richards, pay for eſtates not in the borough:—that the others are not in the rate; viz. Hue Viney, George Aſh, Saunders, and Williams.

That Joſeph Tooſe never paid to the highways: that Serle's taxes are paid by his landlord: that Bovet is not an inhabitant, lives out of town, and was a beggar at the election.

As to the votes excepted to, Samuel Aſh ſaid, the ſixpence *per* quarter, is not paid Brown as charity, but as a door-keeper: that Clap, Blackaller, and Ravenhill, always paid ſcot and lot, and are rated.

Then to add ſix to Sir Walter Yonge's poll, they called

Francis Aſh; who ſaid, that Skinner, Stocker, Newton, Abbot, Far, and Pippett, tendered their votes, pay ſcot and lot; and three of them for lands in the pariſh, out of the borough.

To anſwer this, Samuel Clapp ſaid, he never heard they paid ſcot and lot: that Skinner's and Newton's eſtates are under 40 ſhillings yearly, and not rateable: that the mortgage of Far's . . . . . is in poſſeſſion.

That Peppitt lives a mile out of town, is rated in the pariſh, but not in the borough.

Humfrys ſaid, three of the ſix are put down in the rate-book, not to pay: that he made a copy of the rate this year, as ſigned by the juſtices: that Stocker was then excuſed, and marked, not to pay; but the excuſe is ſince ſtruck out, and he is charged in the rate.

Aſh ſaid, this alteration was made with the privity of the juſtices, who ſigned the rate.

That, upon the whole, the committee reſolved,

That James Sheppard, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for this borough: whereto, upon its being twice read, the houſe agreed; and ordered Sir Walter Yonge's return to be taken off the file.

March 4, 1713. A petition of Sir William Courtenay and Sir William Pole, baronets, was read; ſhewing, that the petitioners, Sir William Drake, and James Sheppard, eſquire, were candidates for this borough: that John Shaplegh, eſquire, high-ſheriff of the county, ſent his precept to Richard Gill, who was not lawful portreve of the ſaid borough, nor did act as ſuch; George Blagdon, gentleman, being lawful portreve: that the ſaid Richard Gill proceeded to an election; when Sir William Drake, and Mr. Sheppard, by threats, bribery, &c. prevailed upon ſeveral of the electors to vote for them; and Mr. Gill polled for them divers paupers, and others, who had no right to vote; and rejected many, who had a right, and did vote for the ſaid petitioners; ſo the ſaid petitioners had a majority: that the ſaid Mr. Gill returned the ſaid Sir William Drake and Mr. Sheppard; and the ſaid Mr. Blagdon returned the petitioners, to the ſheriff; who hath not returned the petitioners, but the ſaid Sir William Drake and Mr. Sheppard: and that Sir William Drake and Mr. Sheppard, by undue practices, did procure a poors-rate to be ſet for the ſaid borough; and, by the means aforeſaid, ſeveral therein were prevailed upon to vote for them; and a great number unduly left out, who would have voted for the petitioners: and, at the ſaid election, Mr. Gill refuſed the votes of all who were not upon the rate, though ſubſtantial inhabitants, paying ſcot and lot: and praying &c. Alſo,

A petition of Samuel Skinner, William Windiver, and Henry Clark, inhabitants, ſubject to pay ſcot and lot within this borough, was read; ſhewing, that the right of election is in the inhabitants paying ſcot and lot: that at the election for the ſaid borough, Sir William Courtney, Sir William Pole, Sir William Drake, baronets, and James Sheppard, eſquire, were candidates: that Sir William Drake, and Mr. Sheppard, in order to be elected, by undue means, got a poors-rate made for the ſaid borough, whereon the petitioners, and other inhabitants, paying ſcot and lot, were not rated or named; although an order, from the general quarter-ſeſſions, was obtained for that purpoſe, and purſuant to that order required the ſame of the overſeer: that Richard Gill, who had the precept, was not lawful portreve, nor did he proceed legally thereon; but called over the poors-rate, which was ſet with a majority for Sir William Drake, and Mr. Sheppard; and refuſed to poll the petitioners, or any not on the rates; and thereupon returned Sir William Drake, and Mr. Sheppard; in wrong of the petitioners, who are like to be deprived of the choice of their repreſentatives: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

March 29, 1715. A petition of James Sheppard, eſquire, was read; ſhewing, that the petitioner, with Sir William Drake, Sir William Courtenay, baronet, and William Young, eſquire, were candidates at the laſt election for this borough: That the ſaid petitioner was duly elected, by a majority of legal voters; and that he, with Sir William Drake, ought to have been returned; but George Blagdon, to whom the precept was directed, and who executed the ſame as portreve; but he by illegal practices, hath taken upon him to return the ſaid Sir William Courtnay, and Mr. Young, in prejudice of the petitioner: and praying &c.

Sic origin.

A petition of Sir William Drake, knight and baronet, was read; ſhewing, that Sir William Courtnay, baronet, the petitioner, and William Younge and James Sheppard, eſquires, were candidates at the laſt election for this borough, That the petitioner, together with the ſaid James Sheppard, eſquire, had likewiſe a majority, and ought to have been returned; but George Blagdon, gentleman, portreve, did, by illegal practices, take upon him to return the ſaid Sir William Courtnay, and Mr. Young, in prejudice of the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter thereof, and to report the ſame, with their opinion.

May 3. The houſe being acquainted that Sir William Courtenay, and William Yonge, eſquire, ſitting-members for this borough, did, on the 29th day of March laſt, purſuant to the reſolution of the houſe of the 23d of the ſame month, leave with the clerk of the houſe, their demand of the qualification of James Sheppard, eſquire; who petitioned, complaining of an undue election and return for this borough; and that he had not delivered in to the clerk any paper of his qualification.

The demand of the ſaid qualification was read: and the clerk being called upon, acquainted the houſe, he had not received any paper of Mr. Sheppard's qualification.

Ordered, that the committee of privileges and elections be diſcharged from proceeding on the petition of the ſaid James Sheppard, eſquire, he having neglected to comply with the ſaid reſolution, in not delivering in his qualification within fifteen days after the demand thereof.

Feb. 20. Ordered Sir William Drake to be at liberty to withdraw his ſaid petition.

Feb. 23, 1716. A petition of John Elwill, eſquire, was read; ſhewing, that at the . . . . . . for this borough, in the room of Sir Wil. Courtney, bart. who being likewiſe choſen a knight of the ſhire for the ſaid county, made his election to ſerve for the county, the petitioner, and Sir William Pole, baronet, were candidates; that by ſeveral corrupt and indirect practices, made uſe of on behalf of the ſaid Sir William Pole, and in particular by William Gill, portreve of the ſaid borough, by admitting perſons to vote who had no right, and refuſing others who had a right, and who would have voted for the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter thereof, and to report the ſame, with their opinion.

Mar. 23. Ordered leave be given to withdraw the ſaid petition.

Oct. 19, 1722. A petition of James Sheppard, eſquire, was read; ſhewing, that at the election of members to ſerve in parliament for this borough, Sir William Pole, baronet, William Yonge, eſquire, and the petitioner, were candidates; that George Blagdon, portreve of the ſaid borough, to ſurpriſe the petitioner, and to favour the other candidates, proceeded to the ſaid election without giving notice as required by law; and he did admit divers perſons to vote for the ſaid Mr. Yonge, who had no right, and refuſed to take the votes of divers perſons who offered to vote for the petitioner, and had a right to vote; and the ſaid Mr. Yonge was guilty of illegal practices, and hath procured himſelf to be returned for the ſaid borough, in wrong to the petitioner: and praying &c.

A petition of James Sheppard, was read; ſhewing, that at the election of members to ſerve in parliament for this borough, Sir William Pole, baronet, William Yonge, eſquire, and the petitioner, were candidates; that George Blagdon, portreve of the ſaid borough, to ſurpriſe the petitioner and favour the other candidates, proceeded to the ſaid election without giving notice thereof, according to law; and he did, at the ſaid election, admit divers perſons to vote for the ſaid Sir William Pole, who had no right, and refuſed to take the votes of divers perſons who offered to poll for the petitioner, and had a right to vote; that the ſaid Sir William Pole was guilty of illegal practices, and hath procured himſelf to be returned, in wrong to the petitioner: and praying &c.

And it appearing one of the petitions was againſt one of the ſitting-members; and that the other petition was againſt the other ſitting-member; and that both of the ſaid petitions were delivered to the clerk at the ſame time;

Reſolved, that the ſaid petitions be rejected.

April 2, 1724. Ordered a warrant for a new writ for electing a burgeſs for this borough, in the room of William Yonge, eſquire, made a commiſſioner of the Treaſury.

Nov. 23. A petition of ſeveral of the inhabitants, houſekeepers within this borough, not paying ſcot and lot, in behalf of themſelves and many others, was read; ſhewing, that the petitioners have an undoubted right to vote for members of parliament for the ſaid borough; and have conſtantly enjoyed the ſame ever ſince the reſtoring the ſaid borough, which is upwards of eighty years ſince, without the leaſt oppoſition, till 1711, when the houſe did determine the right of election to be in the inhabitants of the ſaid borough, paying ſcot and lot only: that at the ſeveral elections ſince the ſaid reſolution, the return hath been made according to the majority of the payers of ſcot and lot only, though the petitioners made a conſtant demand of their right, and have deſired to ſign the returns; which the returning-officers have refuſed, alledging it was contrary to the laſt reſolution: that at the late election on the 10th inſtant, the petitioners would have voted for the preſent ſitting-member, the honourable William Yonge, eſquire, had there been any poll; and did deſire to ſign the return, but were refuſed as formerly: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter thereof, and to report the ſame, with their opinion.

Dec. 16. Ordered to be reported on Tueſday morning next.

18th. Mr. Gybbon reported, according to order, the matter upon the ſaid petition.

That the ſaid committee have examined the matter of the petition; and alſo heard counſel for and againſt the ſame, on behalf of the inhabitants of the ſaid borough, paying ſcot and lot.

It was agreed on both ſides, this was a borough by preſcription, and has, time out of mind, ſent members to parliament.

The petitioners counſel inſiſted that all the inhabitants, potwallers; that is, every inhabitant in the borough who had a family, and boiled a pot there, had a right of voting in elections to parliament.

This was denied by the counſel for the other ſide, who inſiſted, that thoſe only had a right to vote who paid ſcot and lot within the borough.

To prove that potwallers have a right of voting, the petitioners counſel called

Mr. William Gill and Mr. Hare, who both pay ſcot and lot: the firſt ſpoke for twenty-four years, the other for forty; during which time, they ſaid, that at all elections they were conſtantly admitted to vote untill 1711, and they were not objected to neither on the poll, nor on the ſcrutiny, if they did not receive alms; and that it had been always underſtood in the borough, that the potwallers had a right to vote equal with the reſt of the inhabitants, whether they paid or did not pay ſcot and lot, and uſed to ſign the returns; and particularly as to the return in 1705, that ſeveral of thoſe who ſigned that return, did not then pay ſcot and lot.

That at all elections ſince 1711, the potwallers attended, and demanded their right to vote and ſign the returns.

Sir Walter Yonge, baronet, who has ſerved in many parliaments for this borough, ſaid that the potwallers were always allowed to be good voters on all ſides, in all elections; and were never objected to on any ſide; nor were they objected to in the country, either on the poll or on the ſcrutiny in 1711; but were by every body admitted to be as good votes as any, if they did not receive alms.

The Journal of the 28th of May 1701, was produced and read, when it was agreed in the then controverted election between William Courtney, eſquire, and Sir Walter Yonge; that the right of election was in the potwallers not receiving alms:

Againſt which the Journal of the 3d of February, 1710, was produced, when upon the double return, and the petitions of James Sheppard, eſquire, and Sir Walter Yonge, and the potwallers, complaining of that return; in which election Mr. Sheppard had the majority of the ſcot and lot men, and Sir Walter Yonge had the majority of the populace; the houſe differing from the opinion of the committee, as to the potwallers voting, determined the right of election to be in the inhabitants paying ſcot and lot only:

Upon which laſt determination, and the evidence then given, the counſel for the inhabitants paying ſcot and lot did now rely; and did not think it neceſſary to produce any other evidence to ſupport the reſolution.

The committee reſolved,

That the right of election of burgeſſes to ſerve in parliament for this borough, is in the inhabitants, houſekeepers, within the ſaid borough, commonly called potwallers, not receiving alms: to which the houſe agreed.

HORSHAM.

4 Regiſt. 1003. THIS borough is ſituate in the county of Suſſex, and has been ſummoned to ſend burgeſſes to parliament from the 28th of Edward the firſt. Bohun's col. 159. Mr. Bohun writes—"The borough of Horſham is held of the Duke of Norfolk as lord thereof. The houſe or land that pays twelve-pence a year to the Duke, is called a whole burgeſhip; but theſe tenancies have been ſplitted into ſuch ſmall parts, that he who has only ſo much land, or part of a houſe, as pays two-pence a year, is now by cuſtom entitled to vote for members to ſerve in parliament. But it is the tenant of the freehold, though not reſident in the place, or occupier of the houſe or land, that has the right to vote.

Note. Two bailiffs are choſen annually at Michaelmas in the court-leet, held by the Duke's ſteward there, and they are the principal officers that return the members to ſerve in parliament; and all alienations, or alternations of tenure, muſt be preſented at the ſaid court-leet; for tho' at other places in that county, as at Midhurſt (held of the Viſcount Montague) and Eaſt Grinſtead (held of the Lord Dorſet) they are admitted to vote from their deeds and evidences they produce at the election; yet here none are admitted to poll but thoſe whoſe right to be a burgeſs is found by the homage; nor will they admit tenants, *pur auter vie*, to be freeholders, or to have a vote in electing members to parliament for the ſaid borough." The memoirs I have met with in the Journal, relating to its elections, are theſe.

D'Ewe's Journal, p. 424. Feb. 7, 1588. Ordered a new writ be iſſued for electing a burgeſs for this borough, in the room of Mr. Nicholas Hare, who being ſick, deſired to be diſcharged.

Jan. 3, 1701. A petition of Henry Cowper, eſquire, was read; ſhewing, that Henry Yates, eſquire, the petitioner, and John Wicker, eſquire, were candidates at the election of burgeſſes to ſerve in this preſent parliament for this borough; where Mr. Wicker and his agents, by bribes, treats, menaces, and other illegal practices, procured divers of the electors to vote for him; and John Rolf, his brother-in-law took upon him to act as one of the bailiffs of this borough, and voted, though he was not qualified to act in the ſaid capacities; and other unqualified perſons, were admitted to vote for Mr. Wicker; but the petitioner had the majority of legal voters, and ought to have been returned; tho' the ſaid John Rolf and Nathanael Treadcroft, who acted as bailiffs, have returned the ſaid Mr. Wicker, to the great prejudice of the petitioner: and praying &c.

Ordered to be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

Nov. 2, 1705. A petition of John Wicker, eſquire, was read; ſhewing, that at the election for this borough, Charles Everſfield, Henry Cowper, and the petitioner, were candidates; and the petitioner had a greater number of legal votes, than Mr. Cowper, and ought to have been returned . . . Mr. Everſfield: that ſeveral indirect practices were uſed by Mr. Cowper, and his agents, to procure himſelf to be elected, and returned: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Dec. 4, 1706. The petition of the ſaid John Wicker, the ſame in ſubſtance, was read again, and referred in like manner.

March 3, 1713. A petition of Richard Ingram, eſquire, was read; ſhewing, the petitioner . . . . . . at the election for this borough: that ſeveral were refuſed for the petitioner, who had a right to vote; and others, who had no right, were admitted for Charles Everſfield and John Middleton, eſquires, the two other candidates for the ſaid borough: by which undue practices, bribery, &c. of the ſaid Mr. Everſfield and Mr. Middleton, and their friends and agents, have procured themſelves to be returned, in wrong of the petitioner: and praying &c.

Ordered, that the ſaid petition be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

March 26, 1715. A petition of the honourable Arthur Ingram, eſquire, was read; ſhewing, that at the laſt election for this borough, the petitioner, Arthur Ingram, eſquire, Sir Harry Goreing, baronet, and Charles Everſfield, eſquire, were candidates: that Richard Vincent and John Bridger, bailiffs of the ſaid borough, were very partial in polling perſons, who had no right to vote, for the ſitting-members; and refuſed others, who had a right of polling, for the petitioner: and the ſaid Mr. Everſfield, and one Mr. Mitchell, Sir Harry Goreing, and bailiffs, with one Mr. John Linfeild, an attorney, agent for the ſitting-members, were all guilty of other illegal practices, in obtaining votes for the ſitting-members, and deterred others from voting for the petitioner: but notwithſtanding theſe practices, the petitioner had an equal number of votes with Sir Harry Goreing, and therefore had an equal right to be returned; but if the bailiffs had polled all the undoubted votes for the petitioner, he had had a majority of both the ſitting-members, and ought to have been returned with Arthur Ingram, eſquire: and praying &c.

Ordered, that it be referred to the committee of privileges and elections to examine the matter thereof, and to report the ſame, with their opinion.

A petition of Arthur Ingram, eſquire, was read; ſhewing, that at the laſt election for this borough, the petitioner Arthur Ingram, eſquire, Sir Harry Goreing, baronet, and Charles Everſfield, eſquire, were candidates: that Richard Vincent and John Bridger,

Bridger, bailiffs of the ſaid borough, were very partial, in polling perſons, who had no right to poll, for the ſitting-members; and refuſing others, who had a right, to vote for the petitioner: and the ſaid Mr. Everſfield, and one Mr. Mitchell, Sir Harry Goreing, and bailiffs, with one Mr. John Linfeild, an attorney, agent for the ſitting-members, were all guilty of other illegal practices, in obtaining votes for the ſitting-members, and deterring others from voting for the petitioner; but notwithſtanding theſe practices, the petitioner had a legal majority, and ought to have been returned: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter thereof, and to report the ſame, with their opinion.

June 11. Ordered the report to be received on Tueſday morning next.

16th. Mr. Hampden, according to order, reported the matter of the ſaid election on the ſaid petitions:

That it was agreed, this borough is a borough by preſcription; and that only burgage-tenants in fee, or for life, have a right of voting: but the ſitting-members counſel inſiſted, that it was eſſentially neceſſary, they ſhould be preſented by the homage-jury; which was denied by the petitioner's counſel.

John Wicker ſenior, eſquire, ſaid, he was bailiff here, thirty-five years ago: that the burgage-tenants had a right to be of the homage; and none were ever refuſed until within theſe ſix or ſeven years, during which time, one of the ſitting-members has been foreman of the jury (who preſent) and the other ſteward of the borough (who admits) the burgage-tenants; and they have altered the antient uſage of preſenting and admitting all burgage-tenants, and taken ſuch as would be for them, though they had no right; and refuſed others who were againſt them, though they had a right.

But ſaid, that at all elections the burgeſſes were called over by the burgage-roll, and none others were, or could be polled; becauſe, till of late years, none who had right, were ever refuſed to be preſented by the homage; but he thought all burgage-tenants in fee, or for life, had a right of voting, whether admitted by the ſteward or not; and inſtanced a perſon allowed to vote in the laſt election but one, who had been refuſed by the homage; and ſaid, the two bailiffs of the borough are appointed by the ſteward, out of four perſons nominated by the homage.

For the ſitting-members were called,

Mr. Pike, and others; who ſpoke for twenty five and thirty years, and upwards; and ſaid, that only burgage-tenants in fee, or for life, had a right to vote; and that it had always been uſual juſt before electing, to ſummon all burgage-tenants to a court-baron, where the homage preſent all new titles; and they never knew any refuſed to be of the homage, who had a right, except in ſome few inſtances of late when a great number have appeared: that at all elections, the voters were called over by the burgage-roll; and none others voted, or pretended to vote, except in a ſingle inſtance or two, to the contrary.

They thought a preſentment by the homage neceſſary, and without it a perſon had no right to vote; but they never knew the point conteſted: they gave inſtances of candidates at ſeveral elections, who were of this opinion; and a former ſteward, an antient man, was of the ſame opinion.

The committee reſolved,

That the right of election of members to ſerve in parliament for this borough, is in all ſuch perſons as have an eſtate of inheritance, or for life, in burgage-houſes, or burgage-lands, lying within the ſaid borough.

On the poll the numbers were

For Sir Harry Goreing,	33
Mr. Everſfield, —	36
The Hon. Ar. Ingram,	33
Arthur Ingram, eſquire,	28

The petitioner's counſel inſiſted, as the numbers for Sir Harry Goreing and the honourable Mr. Ingram were equal, Mr. Ingram had an equal right to be returned; and took notice of the not returning him, as an inſtance of partiality in the bailiffs.

They excepted againſt nine of the ſitting-members voters, and alledged they ſhould add 15 to the petitioner's poll;

To take off Ralph Linfield from the ſitting-members poll, and add Theobald Mitchel, clerk, to the petitioner's poll, they produced a conveyance, dated 1697, by leaſe and releaſe, from doctor Robert Coe to John Linfield, and his heirs, of a tenement, yard, and orchard, gates, and a croft belonging; and afterwards in the ſame deed, the ſame gates are excepted out of the grant, and reſerved to the granter doctor Coe, and his heirs; in 1702 Linfield conveyed in the ſame manner to Harvey; and Jan. 15, 1714, Harvey conveyed to Michell.

In 1698, The homage preſented Coe to one entire burgage, after his conveyance to Linfield. It was proved, that Mr. Harvey had left the croft, and voted in the years 1702, 1705, 1707, 1708.

That Ralph Linfield, who was objected to, was in April 1705, preſented by the homage to the aforeſaid gates, being burgage-ground, as a purchaſer thereof from John Linfield, who purchaſed the ſame in 1702, of doctor Robert Coe; and the homage apportioned Ralph Linfield's rent at two-pence: the whole rent twelve-pence.

That receipts were produced of Mr. Harvey's payment of a burgage-rent, of one ſhilling *per annum*, for ſeven years laſt paſt, for his borough-houſe and croft.

That on the ſitting-members ſide it was inſiſted, that the right of voting is for theſe gates, which was a timber yard; and that they were expreſly excepted out of the conveyances on the petitioner's ſide. And to juſtify Linfield's vote for the ſitting-members, they produced conveyances in fee of theſe gates; viz. from doctor Coe to John Linfield in 1702; and from John Linfield to Ralph Linfield, in the year 1705. And George Bridger ſaid, that doctor Coe voted for the gates, after he had ſold his houſe to John Linfield.

It appeared by the returns 1705, 1707, and 1708, Ralph Linfield and Mr. Harvey both voted.

To this the petitioners counſel replied, that the gates paſſed on their ſide, by doctor Coe's firſt conveyance, in the year 1697; for that the exception in that deed of theſe gates being ſubſequent to the grant thereof by the ſame deed, is a void exception.

To take off John Waller from the ſitting-members poll, and add George Booker for the petitioner,

Dated 27th and 28th January 1714, was produced a conveyance of an entire burgage, called Polland's croft, from Arthur Rowland to Booker for his life.

Samuel Chambers ſaid, he was only tenant to Rowland; and Waller is in poſſeſſion.

For the ſitting-members it was objected, the conveyance to Booker was, after the teſte of the writs; and they produced a prior title in Waller, by preſentment 1702, as a purchaſer for life from Arthur Rowland, who was then upon the homage.

Michael Waller and John Clark ſaid, Waller has voted 10 years for this burgage, and no one elſe had been preſented, or voted for it; and that he had ſerved bailiff: to which the petitioner's counſel objected, for want of producing a conveyance to Waller.

To take Robert Hall, junior, from the ſitting-members poll, and add Robert Hall, ſenior, to the petitioners.

In October 1714, the petitioner's counſel produced a preſentment, that Henry Scut died ſeiſed in fee; that Mary, his widow, who was intitled to her thirds (ſurviving her daughter Ann, the wife of Robert Hall, ſenior) the homage were of opinion, the premiſſes ought to have deſcended to Robert, junior, upon his grandmother's death; and that Robert, ſenior, ought not to hold by the courteſy, his wife not having been ſole ſeized.

That the petitioner's counſel denied this to be law.

Mr. Wicker ſaid, that Hall, ſenior, is in poſſeſſion, and has been ſo for above thirty years; and has all along voted: and that he did not know Scutt's widow ever was in poſſeſſion; but hath heard that Hall, ſenior, did pay her ſomething for her thirds.

That the ſitting-members counſel alledged, this to be the inheritance of the grandmother, who out-lived her daughter, the wife of Robert Hall, ſenior; wherefore he could not be tenant by the courteſy.

And it appeared by the copies of the regiſter, that Hall's wife was buried in 1682. And her mother in 1684.

George Bridger was excepted to, as a ſplit vote made under Sturt.

To which it was anſwered, the diviſion was made before the ſtatute.

Mr. Wicker ſaid, on the petitioner's ſide, Bridger deſired Sturt to make him a vote, only to ſave him from being conſtable; and promiſed to re-convey; and believed Bridger paid nothing.

Being croſs-examined, he ſaid, Bridger had voted, and had been bailiff of the town.

To take John Reynolds from the ſitting-members poll, and add Arthur Ingram, eſquire, to the petitioner's poll,

Reynolds was objected to, as voting by a title from his maſter Mr. Eversfield, who had only a mortgage from John Hargrave, deceaſed, dated 11 and 12 January, 1714.

The petitioner's counſel produced an abſolute conveyance in fee, by leaſe and releaſe, from the heirs of Hargrave, to Mr. Ingram of Berriby, the petitioner.

And it was proved, that upon this conveyance, he had offered to pay off Mr. Eversfield, who had given him a note under his hand, to reconvey, upon payment of principal and intereſt, in ſix months.

It was proved, that old Hargrave was upon the homage in October laſt; to which he had no other title but this eſtate; and from thence it was inferred, that Mr. Eversfield had not poſſeſſion; and conſequently could not make a vote.

That the ſitting-members counſel produced an abſolute conveyance from Mr. Eversfield to Reynolds for his life, dated 24 January laſt; but the witneſſes to the deed ſaid, they did not ſee any money paid.

To take Richard Vincent from the ſitting-members vote, and add John Aylward to the petitioners, was produced a preſentment by the homage of John Aylward, by purchaſe from Nathanael Sturt and his wife in 1702. That it appeared by the returns, Aylward voted that year, and in 1705, 1707, and 1708.

John Hall ſaid, that Vincent is one of the bailiffs, and voted for this burgage in the laſt election but one.

That the counſel for the ſitting-members objected to Aylward, for want of his title deeds; and alledged, he had not voted ſince 1708; and produced a preſentment of Vincent as purchaſer in the year 1713, from John Bridger, who purchaſed of Sturt; reciting that the deeds formerly made to Aylward had been delivered up, and the conveyance from Bridger to Vincent was produced.

George Arnold ſaid, that Sturt making the former title to Aylward, was only to give him a vote; and that ſecurity was taken for delivering up Sturt's title; which was done upon giving back that ſecurity.

Joſeph Lee was excepted to, as having no title: the tenant ſaid, he paid his rent to Mr. King.

The ſitting-members counſel produced a conveyance in 1712, from King to Lee, for King's life; and a preſentment of King thereupon.

John Middleton, eſquire, was objected to, as a ſplit vote; and his title appeared to be part of an houſe purchaſed in 1710.

John Parſons ſaid, the former owner of this part of the houſe never voted.

John Warden was objected to for bribery: It was proved he was preſſed for an old debt, and the ſitting-members gave their bond for it in January laſt.

But it was anſwered, that Warden owed them a greater ſum, for the ſake of which they advanced this, and took ſecurity for the whole debt: and a copy of judgment was produced in Hilary term laſt, defeaſanced on payment of 330l. with intereſt.

To add Mr. Paſh to the petitioner's poll,

A conveyance to him was produced, dated the 5th and 6th of January laſt; which was objected to, becauſe executed after the teſte of the writ.

To add Arthur Rowland, ſenior, to the petitioner's poll,

A preſentment of the homage, in the year 1699, of him, as a purchaſer in fee, was produced; and he was proved to be in poſſeſſion of ſix burgages; and Mr. Eversfield, in November laſt, made him conſiderable offers for their votes.

The ſitting-members counſel objected, for want of a conveyance, to Rowland.

To add Thomas Sheppard to the petitioner's poll,

Curtis ſaid, that Sheppard's father and grandfather had formerly a plot of land; but could not ſay, they, or any one elſe, had voted for it.

A rent-roll, in the year 1674, was produced; wherein Sheppard's grandfather's name is inſerted amongſt the burgage-tenants.—In anſwer,

George Bridger ſaid, he knew Sheppard's father had a burgage-houſe, for which he voted, and had no other burgage; and Mr. Wicker junior voted for it now, as his houſe.

To add Richard Curtis junior to the petitioner's poll, A conveyance, in Auguſt 1713, of the George mead, from Mr. Yates to Curtis for his life, was produced; and it appeared, Yates was admitted to ſeveral burgages, two of which are called the George.

Richard Luckin ſaid, he had paid rent for the George mead within a year paſt; but owned, he had known this mead 50 years, and never heard it was voted for; but believed it to be burgage-tenure. It was anſwered, there was no proof of any money paid by Curtis; and the witneſs did not remember any paid.

To add John Napper to the petitioner's poll,

A conveyance from Sarah Somerſet, in November laſt, to him for his life, if ſhe ſo long lived, was produced; alſo, a former conveyance, in 1713, from her to him, for his own life abſolutely: and Hall ſaid, the homage rejected the former conveyance, becauſe not limited to the life of Sarah. In anſwer, it was inſiſted, ſhe had diveſted herſelf by her firſt conveyance, which was nought; and nothing paſſed by the ſecond.

To add Thomas Huſſey, Edward Standford, Thomas Swayne, John Hall, and Thomas Pope, who claimed by titles from Richard Lintot;

They produced a copy of a ſurvey of the manor, taken in the year 1650; whereby, John Lintot is found to hold five burgages and a half.

In 1683, a preſentment of Richard Lintot, as heir to his father John, to three meſſuages, and certain lands, called Goals' lands; rent 5. 6; and ſeveral conveyances for life, dated the 11th and 12th of Auguſt 1713, by leaſe and releaſe, from Richard Lintot, from whom thoſe voters claimed.

To which it was obſerved, by way of anſwer, that all theſe conveyances were made the ſame day; and objected to, as ſplit votes, and fraudulent: and called

Robert Lord, and others; who ſaid, they are tenants to Mr. Lintot of ſeveral parts of theſe lands, and conſtantly pay their rent to him.

It was proved, all the perſons, who the petitioners would add to their poll, had been rejected by the homage; and had tendered their votes for the petitioners.

On the head of ill-practices, they called

George Booker; who ſaid, that Mr. Vincent, one of the bailiffs, ſaid, they would return the ſitting-members, though the petitioners ſhould have a majority.

It was proved, that Mr. Linfeild, an agent for the ſitting-members, the night before the election, took John Burſtow in execution, upon a dormant judgment of the 11th of *Annæ*; and that, upon the election-day, he had cauſed Mr. Wickers ſenior to be arreſted on ſeveral actions, and held him to bail: and Mr. Rowland, the plaintiff, in one of theſe actions, denies any privity to the arreſt of Mr. Wicker, in his name.

John Pilford ſaid, Sir Harry Goring ſolicited his brother's vote; and when he found he could not depend upon it, they were ſerved with a declaration in ejectment, upon the demiſe of Sir Harry, to turn them out of the ſhop; and ſaid, he paid but 12 l. yearly: that his landlord had told him, Sir Harry Goring would give him 15 l. and offered him it at that rent; which he declining, his landlord acquainted him, ſome time after that, he had let the ſhop to Sir Harry for twenty-one years, at 15 l. rent: he owned, the ſhop had no vote; and that he had not been turned out: proceedings are ſtaid by agreement, till Lady-day 1716; and the matter is in a way of accommodation.

In relation to Burſtow, and arreſting Mr. Wicker; it was proved, that Burſtow was immediately diſcharged; and that the former proceſs had ſeveral times been taken out againſt Mr. Wicker, by ſome of the ſaid plaintiffs, and others; and that he was not then to be met with:

It was alſo proved, that Mr. Linfeild had directions from the plaintiffs, for whom he was concerned; and others were concerned in other cauſes:

The petitioners counſel admitted the debts, for which Mr. Wicker was arreſted, were juſt; but complained of the arreſts, for being at the time of the election; though it appeared, neither Wicker or Burſtow were hindred from voting.

John Day, the bailiff, ſaid, he was ſent down with orders to follow Mr. Linfeild's directions, which he did; and, purſuant thereto, he took Burſtow on Friday night before the election; and could have alſo taken Mr. Wicker, but Linfeild bid him not to take him then: on the election-day, he was bid by Linfeild to take him; which he did.

That the counſel for the ſitting-members objected to ſeventeen of the petitioners voters; and alledged, they ſhould add four to their own poll.

They alledged, that the honourable Harry Ingram had not a good title; for that he claimed under Robert Eade, whoſe eſtate deſcended to his two daughters.

They produced a preſentment in October laſt of Mr. Ingram, by a conveyance from Sarah the widow of Richard Eade, to whom he had deviſed his burgage to be ſold; and objected, that if the will was produced, it would appear, the daughters had the right.

They excepted againſt Robert Lintot, that he had divided his burgage into ſplit votes; and having no diſtinct burgage left, had no vote for himſelf.

William Briggs was objected to, as voting for the George; for which Curtis alſo voted. It appeared, the George was two burgages, and was ſeparated in 1702, and the rent apportioned.

Samuel Caffin, Henry Howes, and Richard Pilfold, were objected to, as voters under a truſt; but none appeared.

It appeared, that Pilfold and Burſtow had owned promiſes from Lord Irwin, of places for their votes; and Burſtow ſaid, his Lordſhip had paid 50 l. for him.

Abraham Newnham's title appeared to be a moiety of a burgage, to which he was admitted in 1680; and the rent was then apportioned.

Waller ſaid, that Benjamin Borer voted for part of an orchard, to which he had no title: the witneſs had been in poſſeſſion twelve years; and he, and the former owner, have voted.

It was proved, that John Gratwick junior had only a coloured title to vote, and had given bond to reconvey upon requeſt; and he voted for Mr. Eversfield, and the honourable Mr. Ingram.

William Griffeth ſaid, he heard John Smith declare, above a year ago, that Lord Irwin gave him a quarter-maſter's place; but did not ſay upon what conſideration it was given.

Robert Hedger was excepted to, on account of the uncertainty of his burgage:

In 1702, the homage preſentment of him is, as heir of his father to a certain burgage-tenure, which they cannot deſcribe.

John Clarke ſaid, Henry Grombridge voted for part of Lintot's mead.

William Kempſter ſaid, Joſhua Guildford voted for part of Catharine Lotter's houſe.

Richard Sayres was excepted to, as voting for Mr. Goodyer's houſe. It was proved by the tenants, they paid their rents always to Goodyer. And

Mr. Goodyer ſaid, he has ſecurity from Sayres, to reconvey; and that he made him only a colourable title to vote, upon the two Mr. Wicker's ſolicitations; and promiſed he ſhould have 30 l. for it.

John Wicker junior, eſquire, was excepted to, as claiming under Mrs. Sheppard, who had no title: It appeared, that in 1699, Thomas Sheppard was preſented by the homage to a burgage, as heir to his father. Sturt and Blunt averred, that the houſe, for which John Wicker ſenior, eſquire, voted, was ſettled on his ſon at his marriage three years ago; and the ſon is now in poſſeſſion.

To add four to the ſitting-members poll, viz. Philip Lutman, John Tingler, Thomas Bryan, and John Blake, who were to have tendered their votes, and were refuſed, becauſe they were not admitted by the homage;

Their title-deeds were produced; viz.

Lutman's, in fee, dated 19 and 20 January laſt.

Tingler's, for life, dated the 26th of January laſt.

Bryan's, for life of a third perſon, dated 15th of Auguſt 1713.

Blake's, in fee, dated 10th and 11th of April 1713.

On the head of bribery and ill practices,

It was proved, Mr. Thomas Harvey owned, he had ſold his houſe to Lord Irwin for 350 l. very near three times as much as it coſt him.

Longhurſt and Luxford ſpoke of offers to them by Mr. Wickers ſenior, and Lord Irwin, to vote for the petitioners; but they voted for the ſitting-members.

The counſel for the ſitting-members objected to Mr. Arthur Ingram's qualification, amounting to 371 l. 4s. *per annum*, and charged to be 330 l. *per annum*, above reprizes and incumbrances.

One part thereof is the palace of York, leaſed to the petitioner from that ſee for his own, and two other lives; and mentioned, in the particular, to be let out in ſeveral tenements at 115 l. 1 s. *per annum*:

Excepting an apartment, long-gallery, garden, and appurtenances in hand; which being charged at 20 l. *per annum*;

The counſel objected to this laſt article, as an overcharge; and urged, that the rent, reſerved to the ſee of York, ought alſo to be conſidered, by way of deduction.

The reſt of the qualification is an eſtate for life, conveyed from the other petitioner by leaſe and releaſe, dated 23d and 24th of December laſt, for 2000 l; to which the counſel objected, for want of actual payment of the conſideration-money: and called

Mr. Hand, a witneſs to the conveyance; who ſaid, no part of the conſideration-money was paid, but a bond given for the whole, payable in ſix months, as he remembered the time.

The petitioner's counſel obſerved, that no part of the qualification had been falſified; and it was of ſufficient value, above 20 l. *per annum*, in hand.

The committee reſolved,

That Sir Harry Goreing, baronet, is not duly elected a burgeſs to ſerve in this preſent parliament for this borough.

That Charles Everſfield, eſquire, is not duly elected a burgeſs to ſerve in this preſent parliament for this borough.

That the honourable Arthur Ingram, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for this borough.

That Arthur Ingram, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for this borough.

The ſaid ſeveral reſolutions were twice read, and agreed to by the houſe.

Reſolved, that John Linfeild, attorney at law, has been guilty of divers illegal and unjuſtifiable practices, in relation to the late election of members to ſerve in parliament for this borough.

Ordered, that the ſaid John Linfeild be, for his ſaid offence, committed to the cuſtody of the ſerjeant at arms attending this houſe.

May 27, 1721. Ordered a warrant for a new writ, for electing a burgeſs for this borough, in the room of the honourable Arthur Ingram, eſquire, now a peer of Great Britain.

May 10, 1727. Ordered a warrant for a new writ, for electing a burgeſs to ſerve in this preſent parliament for this borough, in the room of the honourable Henry Ingram, eſquire, made commiſſary of the ſtores of Gibraltar.

HUNTINGTONSHIRE.

THIS county hath been repreſented in parliament from the firſt ſummons of Edward the firſt. It was joined in the ſame writ with Cambridgſhire, and one ſheriff held the courts for both counties. In treating of its elections, I ſhall begin with the firſt conteſted one, in the 29th of Henry the ſixth.

The ſheriff returned the following indenture.

Br. Parl. Red. 156 157.

Hæc indentura ibid. fact. in plen. com. ibidem tent. in die Sabbati prox. ante feſtum S. Lucæ evangeliſtæ, anno regni Hen. VI. poſt Conqueſtum 29°. teſtatur, quod virtute cujuſdem brevis Domini Regis, vic. Cant. et Hunt. direct. et huic indent. conſut. Nicholas Stynecle, miles, Richardus Bevylle, Willielmus Walker, armigeri, Johannes Collan, Richardus Sprey, et alii notabiles armigeri, generoſi, et homines liberi tenentes, qui expendare poſſunt quadragint. ſollidos per annum ultra repriſ. (prout patet in quadam certificatione huic indenturæ conſut. et Domino Regi direct.) &c. eligerunt Robertum Stoneham et Johannem Stynecle, notabiles armigeros infra eundem comit. commorantes et reſidentes concordanter ad ſtatut. Domini Regis inde edit. et proviſ. ad eſſend. milites pro com. præd. in prox. parliamento apud Weſtm. in feſto Sancti Leonardi prox. futur. tenend. et ulterius faciend. et conſentiend. pro communitate com. præd. omnia et ſingula. In dicto brevi ſpecificat. In cujus rei teſtimonium tam dictus vic. quam præd. Nicholas, Richardus, Willielmus, Johannes Collan, Nicholas Sprey, ſupranominati præſentibus indenturis ſigilla ſua alternatim appoſuerunt. Dat. die et loco ſupradict.

To this indenture follows this memorable declaration, in another parchment ſchedule.

"To the King our gracious ſovereign Lord."

"Pleaſe it your Highneſſe,

"For many divers urgent cauſes, be the aſſents of "your Lords ſpiritual and temporal, have aſſigned "your parliament to be holden at Weſtminſter, in the "feaſt of St. Leonard now next comming; that is, to "wit, in the year of your moſt gracious reign the 29th; "and thereupon to ſend your writs for elections of "knights, citizens, and burgeſſes, to all the ſheriffs of "your noble land; and, among other, to your "ſheriff of Cantabrig. and Huntington: and at "Huntington, on the Saturday next before St.

"Luke's day the evangeliſt, now laſt paſſed, the under-ſheriff of your ſaid ſhire of Huntington, there, in the pleyn ſhire, did your ſaid writ of elections to be proclaimed for the two knights of the ſaid ſhire, as in your ſaid writ is more plainly conteined, for your ſaid parlement; and in the ſame writ is reherſed diverſe ſtatutes and ordinanſes; and, amongſt other, that the two knights, that ſhould be choſen, ſhall be notable knights and eſquires of gentel worth, and to be choſen by the freeholders dwelling in your ſaid ſhire: and we Nicholas Stynecle, knight, Robert Stoneham, John Stinecle (with one hundred and twenty-one freeholders, more particularly named therein) freeholders, and dwelling within the ſame ſhire of Huntington, having freehold to the value, clearly, and all charges, yearly forty ſhillings, with a three hundred mooe good cominers of the ſaid ſhire. Your true humble ſuggets obeying, and wilfully intending (the tenor) of your ſaid writs, conſidering the great needful ayde, that it is behooful, for your moſt royal eſtate, and concerning the ſafeguard of your moſt gracious perſone, intending the judicial peaſe of yowe, our erthly ſovereigne Lord, of this your noble realm, concerning theſe premiſes: that your men of your honourable houſhold, named in your Cheaker-Roll, ſhould be moſt like the expedition, and to execute, and aſſent to the ſaid aids for yowe, our ſovereign Lord, your realme, and us, your trew ſuggets and ligemen; and that upon the ſaid conſiderations, wee named, and choſen for knights, at this time, Robert Stoneham and John Stynecle, eſquires, of your ſaid honourable houſhold.—— Notwithſtanding theſe premiſes, there appeared be labour of diverſe gentilmen of onher ſhires, and of your ſaid ſhire of Huntington, the nombre of a 70 freeholders, commoners, naming Henry Gimber to be one of the ſaid knights, which is not of gentill birth, according to your ſaid writ; and thereupon the under-ſheriff went to examination, according to the ſtatutes rehearſed in your ſaid writ, and have 47 examined, of forreners and receants, without interruption of us, and few of them contributors to the knights expenſes; and whene wee, the freeholders before named, ſhould be examined in likewiſe, though on the ſaid Henry Gimber's part, would not ſuffer us, of our part, to be examined, and give voys; thoue he might clearly yarly expend twenty mark; without that, wee ſhould have offended the peace of yowe, our moſt doubty ſovereign Lord, and ſoe wee departed, for dread of the ſaid inconveniences that was likely to be done, of manſlaughter; and what that the ſheriff will return, in this behalf, wee can have no notice: for which cauſes wee, your trewe humble ſuggetz and leigemen, in our moſt lowly wiſe, beſeeching yowe, our moſt doubty ſovereign Lord and King, theſe premiſes may be conſidered, for your moſt ayde and our freedome, that the ſaid ſheriff may be, by your great Highneſs, ſtreyhtly charged to return the ſaid Robert Stoneham and John Stynecle, as for knights at this time for your ſaid parlement, as our election was, as our endleſſe Lord God knoweth; and that was, and is our will and deed, wee, the ſaid freeholders, to the nombre of 124, have put to our ſeals ſeverally, and as appear it, and as your law will to do, and abide thereby, to our lives end."

The words ille- ble.

This was the petition preſented to the King, who at that time appears to be the judge of elections; and neither the commons, Lords, or Lord Chancellor. The proceedings thereupon do not appear: but from it appear,—who was the judge;——the matter of complaint againſt the ſheriff, for giving an oath and poll for one, and denying it to the other; alſo, though refuſing to take the oath of their freeholds, yet he received their certificate, and returned it with the indenture; and admitted their election of two knights; returning them both, and not Henry Gimber, who had but ſeventy freeholders voices, and was not of gentle birth;——alſo the caſe of reſiency and ſwearing the freeholders;—alſo the miſdemeanors of tumults and riots, and how the freeholders ſhould conduct themſelves thereupon, by going away;——alſo the quality of perſons to be elected. Theſe, and other matters are ſet out, as meet to be conſidered of; wherefore, I thought it deſerved a place here.

D'Ewe's Journal. p. 337. Dec. 8, 1584. After this, I find no other memoirs, until Queen Elizabeth's time; when, upon a motion made by Mr. Speaker, for the opinion touching the validity of ſome knights returned for ſome ſhires of this realm, not being (as is ſuppoſed) choſen the next county ..... after the date of the writ of ſummons of this parliament, and after ſome ſpeech alſo therein offered by Mr. Bevill, by which he ſeemed to ſuſpect, that the matter of the motion tended to, and concerned himſelf and Mr. Darrington, returned knights for this county, it was referred to Mr. Treaſurer and others, who were to meet on the Saturday following in the Exchequer chamber.

Ib. 338. 12th. Mr. Recorder of London and Mr. Sollicitor were appointed to examine the record of the return of Mr. Bevill and Mr. Darrington, the two knights choſen for the ſhire of Huntington, and the circumſtances thereof. Mr. Bevill, one of the knights of this ſhire, declared he was charged by a member of this houſe, that he had lied in his former ſpeech to this houſe, touching the declaration of the manner of chooſing himſelf and Mr. Darrington, knights of this ſhire; wherein as he taketh himſelf to be very much abuſed, being a member of this houſe; ſo appealing himſelf to the ſame, he prayed remedy and order to be given therein by this honourable houſe, upon hearing of the cauſe.

Ib. 344. 21ſt. Mr. Sollicitor, touching the returns of ſome knights returned into this preſent parliament, and for ſome doubts and queſtions ariſing in this houſe upon the ſame, afterwards by this houſe referred to him and Mr. Recorder of London, for making ſearch of the returns of the writs and indentures thereof; ſhewed, that they can only find the cauſe of this queſtion to ariſe upon the election of Mr. Beval and Mr. Darrington to be knights for this county; which they are the rather confideut of, becauſe none others attended them, or came to them in this matter; but only the ſaid knights, who, as alſo thoſe who oppoſed them, brought their counſel on both ſides, and were fully heard what they could ſay: after which, Mr. Recorder and himſelf, deſiring fully to enquire into the matter, had conferred and deviſed therein with the clerk of the Crown-office in the Chancery; and comparing thoſe records, together with ſome of the ſtatutes ordained in theſe caſes, they do find ſuch difference in them touching the matter of effect, and to be anſwered by the ſheriff if their be cauſe, and not for any matter in their opinion for this houſe to deal with, whereby to caſſate or make void the ſaid election, as they take it; and yet becauſe that reſteth now chiefly upon matter of precedents, to ſee farther how this houſe may decide the cauſe, he declared that Mr. Recorder and he will make farther ſearch of the precedents in the like caſes, with the clerk of the higher houſe for that purpoſe; and then farther to advertiſe this houſe, as cauſe ſhall require. No other proceedings.

Jan. 7, 1673. A petition of Sir John Bernard, was read; complaining of undue return, made by the high-ſheriff of this county, of Robert Appreece, eſquire, to ſerve for this county in wrong of the petitioner, who was duly elected.

Ordered, it be referred to the committee of privileges and elections, to examine the matter of the ſaid petition, and to report the ſtate of the caſe, with their opinion therein; and appoint a ſhort day for the hearing, and ſpeed their report as ſoon as they can.

Feb. 12. Colonel Birch reported &c. the ſtate of the caſe, and the vote of the committee, That Mr. Appreece the ſitting-member is duly elected: whereto the houſe, upon a diviſion, agreed.

Nov. 27, 1710. A petition of Sir John Cotton, baronet, was left with the clerk; complaining of an undue election and return for this county.

Dec. 1. Ordered, that Sir John Cotton have leave to withdraw his ſaid petition.

HUNTINGTON.

Willis, 1749. 27. THIS is the ſhire town of the county. It was made a borough by King John 1206; and King Charles I. conſtituted a mayor thereof in 1630. The repreſentation of it in parliament hath been from the 26th of Edward I. In the 7th of Henry VI. the indenture is between the ſheriff and eight perſons ſtiled burgeſſes (which ſee in the Appendix.) The memoirs of elections, and perſons elected in that reſpect, taken notice of in the journals, are theſe. 4th Regiſt. 1007.

March 22, 1678. A petition of Sir Lionel Walden, was read; complaining of an undue return of Mr. Sydney Wortley, to ſerve in this preſent parliament as one of the burgeſſes for this borough, in injury of the petitioner, who was duly elected, and ought to have been returned.

Reſolved, it be referred to the committee of privileges and elections, to examine and report the matter, with their opinion. No report appears.

Feb. 15, 1700. A petition of John Pedley, eſquire, was read; ſhewing, that, at the election for burgeſſes to ſerve in this preſent parliament for this borough, the petitioner, Francis Wortley and Charles Boyle, eſquires, were candidates; at which election, a peer of this realm, with the aſſiſtance of others, with ſwords and clubs, did menace, aſſault, and ſtrike the recorder of this borough, and the petitioner's voters; ſome being wounded, others durſt not appear, and ſome were carried under a ſtrong guard to give their votes for Mr. Boyle, but were not permitted to give their ſecond vote, which they would have done for the petitioner; and were carried back by the ſame guard and locked up, ſo that the petitioner, nor his friends, could ſpeak with them; by which undue practices, contrary to the liberty of the ſubject, the majority fell on Mr. Boyle, which otherwiſe would have been for the petitioner: and praying &c.

Ordered, the matter of this election be heard at the bar of this houſe on Thurſday the 13th day of March next.

Reſolved (*nemine contradicente*) that for any peer of this kingdom, or lord lieutenant of any county, to concern themſelves in the election of members to ſerve for the commons in parliament, is an high infringement of the liberties and privileges of the commons of England.

March 13. Ordered, the hearing of the merits of the election for this borough be adjourned till Saturday next.

15th. The order of the day for the hearing the ſaid matter, being read; it was put off till the 10th day of April next.

April 7, 1701. Ordered to be heard on this day three weeks.

25th. Ordered, Mr. Pedley have leave to withdraw his ſaid petition.

Nov. 2, 1705. A petition of John Pedley, eſquire, was read; ſhewing, that at the late election of burgeſſes to ſerve in this preſent parliament for this borough. Sir John Cotton, baronet, Edward Wortley, eſquire, and the petitioner, were candidates: that the petitioner had a majority of legal votes of Sir John Cotton, and ought to have been returned; but Sir John having little intereſt in the ſaid borough, and finding he could not otherwiſe be choſen, gave ſums of money to many of the burgeſſes to vote for him; by which, and ſeveral other indirect practices, he procured himſelf to be returned; in prejudice to the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

13th. A petition of John Negus, late mayor, and ſeveral others, in behalf of themſelves and others, aldermen and burgeſſes of this borough, was read; ſhewing, that at the laſt election of members to ſerve in parliament for this borough; the candidates were Sir John Cotton, baronet, Edward Wortley, and John Pedley, eſquires; that Mr. Wortley by his friends and agents, and by bribery and other corrupt practices, before, and at the election, procured himſelf to be elected and returned one of the burgeſſes for the ſaid borough, to the injury of the petitioners: and praying: &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Dec. 21. Ordered, that the cauſe, touching the election for this borough, be put off from the 7th of January, to this day three weeks.

Jan. 19. Ordered, that the report be made on Tueſday.

22d. Mr. Compton reported the matter of this election, on the aforeſaid petition, as follows. ——

That the right of election was agreed to be in the mayor, aldermen, and burgeſſes: and on the poll the numbers were

For Sir John Cotton,		73.
For Mr. Wortley,	—	73.
For Mr. Pedley,	—	64.

The points inſiſted on by the petitioner's counſel were bribery and treating; and by the firſt they alledged they ſhould diſqualify ſo many of Sir John Cotton's voters, as would leave Mr. Pedley a great majority; and called

Sexton, who ſaid, the latter end of April, or beginning of May laſt, Mr. Bray told Mr. Wheatley (in his hearing) that he, and the reſt, who ſhould vote for Sir John Cotton, ſhould have a guinea each; and farther, he was preſent, when Sir John Cotton deſired Hodd's vote, who denied him, whereupon Sir John Cotton gave him a guinea, and then Hodd promiſed him.

Sexton, Beard, and Taylor, proved, that 26 of the ſingle votes, for Sir John Cotton, owned they had a guinea each: and Beard and Taylor ſaid, they had one guinea of Mr. Bray to drink Sir John Cotton's health: and Taylor ſaid, he believed, he had ſeen above 20 have a guinea each, of different perſons, for the ſame purpoſe.

The witneſſes alſo ſpoke to other facts.

Vincent ſaid, a very poor man had ten pounds lent him on his bond, Mr. Darlow and Mr. Bray being preſent, and the bond given to Bray; and Henry Watſon offered him ſeven guineas to ſign the petition againſt Mr. Wortley.

Dorothy Taylor ſaid, ſhe had 40 s. for her huſband's vote for Sir John Cotton, and he had a guinea beſides; and alſo ſix guineas offered him three days before the election to give his ſecond vote for Sir John Cotton.

Joel Taylor, her huſband, denied he had more than one guinea: but ſaid, Mr. Bray promiſed him ſix guineas, if he would give his laſt vote for Sir John Cotton, and this was three weeks before the election; and Vincent ſaid, the burgeſſes were treated on the election day with drink and tobacco.

In anſwer, Sir John Cotton's counſel inſiſted, he was a gentleman of fortune and eſtate in the country, and invited to be elected by ſeveral of the burgeſſes. They owned, Sir John had given ſeveral guineas in charity to ſeveral of the burgeſſes, of which ſeveral women had a ſhare as well as men, and ſome who voted againſt, as well as thoſe who voted for, him: and called Mackworth and Watſon; who ſaid, there was a meeting to propoſe a candidate for the borough, and about forty burgeſſes were preſent: that Mr. Carteret was firſt propoſed; but having no opportunity to write to him, they agreed on Sir John Cotton; and deſired Mr. Vincent to go to him, and deſire him to accept of being their repreſentative in parliament: that Sir John Cotton at firſt declined; but the next day Mr. Vincent went to him again at the Crown Inn, and then he accepted of it. But Mr. Vincent, being examined, ſaid, Mr. Carteret was only agreed upon; but owned, he went to Sir John Cotton to invite him, but it was only from himſelf.

They then called witneſſes to prove bribery on Mr. Wortley and Mr. Pedley.

Mary Johnſon ſaid, her huſband (who is dead) ſaid, he had 15 l. to vote for Mr. Wortley and Mr. Pedley; and that ſhe was threatened by Mr. Dowſe, the receiver, if ſhe gave evidence againſt Mr. Wortley and Mr. Pedley.

Edward Nicholls ſaid, that John Corbett, three days after Sir John Cotton had declared he would ſtand, was ſtanding at his door; and Sir John aſking him, who he would be for; Corbett anſwered, he could not tell, for there was a debt of 10 l. or 15 l. due from Mr. Wortley, for drink at a former election: that afterwards Corbett told Nicholls, Mr. Turkington had promiſed him, he ſhould be paid; and that Corbett voted for Mr. Wortley and Mr. Pedley.

Woodward ſaid, he borrowed, four or five years ago, of Mr. Andrews, forty pounds, and was to pay no intereſt for it, if he would vote for Mr. Wortley, deceaſed, and Mr. Pedley; and has paid no intereſt for it ſince.

Clark ſaid, he borrowed ſix pounds of Mr. Palmer, who promiſed to lend him four pounds more, if he would vote for Mr. Wortley and Mr. Pedley: but he voted for Sir John Cotton.

Elizabeth Griffith ſaid, ſhe went to Hinchinbroke, where the gardener gave her 2 s. 6 d. for a razor, and alſo three guineas to perſuade her huſband to vote for Mr. Wortley and Mr. Pedley: that ſhe told the gardener at the ſame time, ſhe could not do any ſuch thing: the next day ſhe carried a bill of 8 s. 6 d. and had 10 s. Griffith voted for Sir John Cotton.

Upon this evidence, the committee reſolved,

That Sir John Cotton is not duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

That Edward Wortley, alias Montague, eſquire, is duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

That John Pedley, eſquire, is duly elected a burgeſs, to ſerve in this preſent parliament for this borough. — Whereto the houſe (upon their being read twice) agreed: and ordered the return to be amended.

Reſolved, that Chriſtopher Bray is guilty of corrupt practices, in diſtributing money, in order to the electing Sir John Cotton, baronet, a burgeſs, to ſerve in this parliament for this borough.

Ordered, that the ſaid Chriſtopher Bray be taken into cuſtody of the ſerjeant at arms attending this houſe.

Dec. 5, 1710. A petition of Henry Watſon, Joſhua Nunn, John Corbet, Thomas Nunn, and Griffin Johnſon, free-burgeſſes of, and who have a right of voting for burgeſſes to ſerve in parliament for this borough, was read; ſhewing, that Edward Wortley, Francis Page, and Thomas Cotton, eſquires, were candidates at the laſt election for this borough: that Mr. Cotton had the promiſes of voters enough to gain his election; but Sidney Wortley, *alias* Montague, eſquire, (father of the ſaid Edward, who managed for him) and Mr. Page, by bribery, threats, and other undue practices, gained over ſeveral burgeſſes, who had promiſed to vote for Mr. Cotton, which diſcouraged him from ſtanding the poll; by means whereof the petitioners were deprived of voting in the ſaid election, as they ought to do: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

HYTHE.

THIS town is ſituate in the county of Kent, 4 Inſt. 222.
and (according to Lord Coke) was made one of the cinque-ports by William the Conqueror; and hath enjoyed the privileges thereof: firſt, by the name of the barons, of the town and port of Hythe; and incorporated, firſt by the name of Jeake's Charters, 109.
the jurats and commonalty of the town and port of Hythe: but Queen Elizabeth hath ſince, by her particular charter, (which ſee in Appendix) incorporated them by the name of mayor, jurats, and See Appendix.
commonalty. As to its return of barons to parliament, I have treated of them under Dover. The memoirs relating to its elections, are theſe.

Feb. 22, 1672. A petition of Edward Hales, eſquire, complaining of an undue return made by the mayor of Hythe of a baron to ſerve for this port, in the room of Sir Henry Wood, deceaſed; whereas the petitioner was duly elected to ſerve.

Reſolved it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

March 22. Reſolved, that as to all matters of elections and privileges, the committee be diſcharged from ſitting till after the receſs, except as to the matters between Sir Leoline Jenkins and Mr. Hales for the port of Hythe; and between Mr. Herne and Mr. Childe for the borough of Dartmouth: but they were not heard this ſeſſion.

Jan. 7, 1673. Mr. Hales preſented his petition again, complaining of ſeveral undue practices of Robinſon Blanelace, mayor of Hythe, in excluding ſeveral freemen of the ſaid port, who had declared for the petitioner, from giving any voices at the election; and in returning Sir Leoline Jenkins to ſerve as a baron for the ſaid port; in wrong of the petitioner, who was duly elected for this port, and ought to have been returned.

Ordered to be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Feb. 6th. A petition of the mayor, jurats and counſel, of this port, was read. A certificate under the names of certain perſons, as electors, againſt the petition.

Ordered, that the hearing of the matter of the election of this port be put off for ſix weeks, from the time already appointed. The parliament ſoon after was prorogued; and did not meet to do buſineſs, till 13 April, 1675, when the petition was again lodged; but no notice taken of it until

April 28. Sir Thomas Meers reported from the committee of privileges and elections, the evidence and ſtate of the caſe, touching the election of members to ſerve in parliament for this port; and a vote of the committee thereupon; viz.

That Sir Leoline Jenkins is duly elected a member to ſerve in this preſent parliament for the port of Hythe: which report being read, was then agreed and reſolved by the houſe.

June 3, 1685. The houſe being informed, that Mr. Julius Deeds, mayor of the borough and port of Hythe, hath returned himſelf a baron to ſerve in parliament for the ſaid borough and port:

Ordered, that the ſaid Mr. Deeds have notice to attend in his place to-morrow at ten o'clock.

Ordered the clerk of the Crown do attend the houſe to-morrow morning at ten o'clock, with the return for the port of Hythe in the county of Kent.

4th. The clerk of the Crown, being called, produced the return for this town and port.

And Mr. Deeds attending in his place; and giving the houſe ſome account of the election; and it appearing to the houſe, that Mr. Julius Deeds was mayor of the town and port of Hythe, in the county of Kent; and the precept was directed to the mayor, jurats, and commonalty of Hythe; and that Mr. Julius Deeds is returned by indenture from the mayor, jurats, and commonalty; reſolved (*nemine contradicente*)

That Mr. Julius Deeds is not duly elected a baron to ſerve in this preſent parliament, for this town and port: and a new writ was ordered &c.

Nov. 27, 1708. A petition of Sir Philip Boteler, baronet, was read; ſhewing, that at the election of barons to ſerve in parliament for this port, the petitioner, John Boteler, the honourable John Fane, and William Brochman, eſquires, were candidates; and the petitioner had the majority of Mr. Fane on the mayor's poll, and ought to have been returned with Mr. John Boteler; yet Henry Deeds, eſquire, hath returned the ſaid Mr. Fane with Mr. Boteler, in wrong to the petitioner: and praying &c.

Ordered, that it be heard at the bar on the 30th of April next.

Nov. 18, 1709. A petition of the ſaid Sir Philip Boteler, the ſame in ſubſtance, was read: and referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Dec. 21. Ordered, that Sir Philip Boteler have leave to withdraw his ſaid petition.

23d. Ordered, that Mr. Speaker do iſſue a warrant for a new writ, for electing a com-baron to ſerve in this parliament for this port, in the room of the honourable John Fane, eſquire, who accepted of an employment under her Majeſty.

Dec. 1, 1710. A petition of John Boteler and William Berners, eſquires, was read; ſhewing, that the petitioners were duly choſen, and ought to have been returned, burgeſſes for this town and port: that the mayor refuſed to poll ſeveral qualified perſons for the petitioners; and polled divers unqualified perſons for the Lord Shannon, and John Fane, eſquire; who, by treating, and other undue practices, procured ſeveral votes, and are returned in wrong of the petitioners: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Jan. 22. Ordered, that it be reported on Thurſday next.

25th. Ordered, that it be reported on Saturday next.

27th. Mr. Freeman reported, from the ſaid committee, the matter, as it appeared to them:

That the queſtion was, whether the right of election is in the mayor, jurats, common-council, and freemen; or in ſuch of them only, as inhabit in the ſaid port, who paid ſcot and lot.

Gibſon, and others, ſaid, they had known the port ſeveral years, and never knew it neceſſary for a freeman to inhabit there.

Hatton, and others, ſaid, all the voters in this election pay ſcot and lot; and ſome on each ſide live out of town.—The committee reſolved,

That the right of election of barons to ſerve in parliament for this town and port is in the mayor, jurats, common-council, and freemen.

The poll was—for Lord Shannon 20, Mr. Fane 19, Mr. Boteler 15, Mr. Berners 14.

The petitioner's counſel inſiſted to add to their poll, Thomas Stokes and Thomas Mokes, who demanded their freedom, and were refuſed.

The counſel for Lord Shannon, and Mr. Fane, anſwered, Stokes is not capable of paying ſcot and lot; and Mokes, who claims in right of his wife, did not demand it during her life.

But it was proved, it was demanded in her life time; and when Thomas Stokes was refuſed, his younger brother, Henry, was admitted, on a pretence of a partnerſhip with his father, though Henry is not rated.

That the petitioners excepted to four of the ſitting-members, as not having received the bleſſed ſacrament: But it appeared, two had received, and the other two are churchmen.

They then went on to diſqualify ſeveral other of their votes, for treating and bribery: and called Carter; who ſaid, the mayor went from houſe to houſe, with his ſtaff, to ſolicit votes; and treated the whole corporation on the 28th of September laſt, at Kennet's houſe; and he then ſolicited votes for Lord Shannon, and Mr. Fane: the invitation was four or five days before; and the mayor paid above

40 l. for the dinner: and the petitioner and Mr. Boteler were there.

Boughton ſaid, there were ſeveral treats after the writs were out; and votes were ſolicited for the ſitting-members: that the three Tournays, Read, Baſſet, Barnes, Sparkes, Rand, and Hatton, were there: that Mr. Clare made one treat at Henry Read's, four days before the election, who otherwiſe declared, he would have voted for the petitioners.

Pudman ſaid, the treating was from the 28th of September to the day of the election, and Colonel Marſh was generally there, and ſolicited votes for Lord Shannon and Mr. Boteler; and ſtaid on the ſtairs, when the votes went up to poll.

The ſitting-members called Clare and Kennet; who ſaid, the mayor's feaſt was for his friends and neighbours, and that he made ſuch a treat on the day the union commenced.

Godden ſaid, Mr. Bagnal, a miniſter, promiſed to lend him 20 or 30 pounds for two or three years, without intereſt, if he would vote for Sir Philip Boteler's intereſt.

Sparkes ſaid, Mr. Bagnall offered him one of the beſt bullocks in Romney-marſh, to vote for Mr. Boteler: and that Mr. Bagnall was one of his beſt cuſtomers, and he loſt him for voting for the ſitting-members: that Boughton (who is agent for the petitioners) and their ſervants, paid two reckonings for him, when he was drinking in company; and told him, he ought to vote for his own intereſt. The committee reſolved,

2. That the Lord Shannon is duly elected a baron, to ſerve in this parliament for this town and port.

3. That John Fane, eſquire, is duly elected a baron, to ſerve in this parliament for this town and port.

The firſt reſolution, in regard to the right of election, was, upon being twice read, agreed to by the houſe. The other two reſolutions, being read twice, were diſagreed to.

Reſolved, that John Boteler, eſquire, is duly elected a baron, to ſerve in this preſent parliament for this town and port.

That William Berners, eſquire, is duly elected a baron, to ſerve in this preſent parliament for this town and port. And

Ordered the return to be amended.

IPSWICH.

THIS is the principal, or ſhire town of the county of Suffolk. It was a borough at the time of the general ſurvey, and had therein 538 burgeſſes, as appears by the entry in Little Doomſday-book * (which ſee in Appendix). They had a charter
*Fol. 290.
of free markets of William the Conqueror; and
2. Cart, W. I.
King John granted it greater privileges in the firſt year of his reign. It has had ſeventeen charters ſince that time: one from Henry the third, one from Edward the firſt, one from Edward the ſecond, one from Henry the ſeventh, two from Henry the
B. P. R.
eighth, one from Edward the ſixth, one from Queen Elizabeth, and one from King James the firſt; which were all confirmed by King Charles the firſt. It is now a town corporate, by charter granted by King Charles the ſecond, conſiſting of two bailiffs, a recorder, ten portmen and twenty-four common-council men; and has returned burgeſſes to parliament from the twenty-ſixth of Edward the firſt: and in the ſecond of Edward the third, I find this memorable certificate filed to the writ of ſummons.
Willis. 1749. 51. Prynn's 4 Regiſt. 991.

Br. Parl. Rediviva 271.
As ſages et honourables gardeins del grant ſeal, noſtre ſeign. le Roi d'Angleterre les leurs en quantyils poont bailiffs et communaltie de la ville de Gippewic. honors & rendences. Pour ceo ſeign. que noſtre dit ſeign. le Roi nad guares manda brief al Vieſcounte de Norſs. & de Suffs. a fair venir Chivalers Citevis & burgois des Contez avanditz a ſoun parlement a Northampton que as trois ſememes de paſch. & nos al maundement que nos unit del dit vieſcont lui certefiaſmes duement des nouns de cels quelleuz avoins deſtre al dite parlement noſtre ville ſuſdite, ſelonc la forme del brief avant dete; & coment que le dit vieſconte eit certefie la court de noſtre reſpouns. ou noun. Nous que preſts ſuſmes en taunt que nous poovis ſuffiire a obeyr as maundementz de noſtre ſeign. liege euſi que de droit ſuſmes tentz vous certifioms ſeres, que de noſtre comun aſſent avois eluz nous comburgois Geffrei Stare, & Chriſtophre deſtre par noſtre dite ville al parlement avaundite; a fair & a conſentir a quant ques buſoignes ſuſdites per le comun counſell del Roialme a vendra deſtre order, a ſuppliaunt humblement a vous treſcher ſeign. que nous ditz comburgios pur noſtre ville ſuſdite en la fourme avant dite et ceſte noſtre breve per noſtre comun reſpons. vous pleſe recevoir; ſires Dieu vous doint grant honoura et bone vie.

And in the 28th of Henry the ſixth, the bailiffs return *eligi fecimus in præſentia Johannis Caldewell (et tredecem aliorum nominatorum.)* (See the return in the Appendix) *et aliorum multorum burgenſium et reſidentium villæ prædictæ juxta formam ſtatuti nuper inde edit. et provis. Thomam Bonton et Johannem Smith.* The memoirs ſubſequent I have met with, are theſe.

Dec. 1, 1710. A petition of William Thompſon, of the Middle Temple, eſquire, was read; ſhewing, that the petitioner was a candidate at the laſt election for this borough, and duly elected: yet Sir William Barker, by indirect practices, to procure himſelf elected, hath prevailed on Mr. Francis Coleman, bailiff of the ſaid borough, to return him, contrary to juſtice: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Jan. 31. Ordered, that it be reported on Monday morning next.

Feb. 3. Mr. Freeman reported the matter, as it appeared to the committee, as follows,

The poll was—for Sir William Barker 258, for the petitioner 235.

That the petitioner's counſel alledged, this borough is a corporation by preſcription: and to prove it, read a charter of confirmation of their privileges, granted by King John to the burgeſſes of this borough.

For Sir William Barker it was alledged, it was a borough by preſcription.

The petitioner's counſel admitted the right to be in the bailiffs and freemen: but queſtioned, whether the out-freemen by redemption, who were not reſident at the time of being made free, had right to vote.

By the town-book it appears, that out-freemen have always been made: that the portmen, commonalty and freemen at large, have voted in elections, without diſtinction, among the freemen; and the contrary doth not appear; and it appears, they voted for the petitioner to be recorder of the borough.

And Sir Charles Bloys, and others, ſaid, they had known the borough 40 and 30 years; and there never was any diſtinction amongſt the freemen:

men: they were all choſe at the great court, and pay ſcot and lot: that the out-freemen bear offices, and always voted in all elections, as well of the town offices, as for members to parliament; and were never excepted to.

The committee reſolved,

That the right of election of burgeſſes to ſerve in parliament for this borough is in the bailiffs, portmen, commonalty, and freemen at large, not receiving alms.

That the petitioner's counſel admitted a majority for Sir William Barker.

And Sir William Barker's counſel called witneſſes, who proved ſeveral indirect practices in favour of the petitioner, by Mr. Gravenor, one of the bailiffs.

That the petitioner's counſel proved ſome offers made by the friends of Sir William Barker, in order to gain votes, but without ſucceſs; except Robert Scot, who was made maſter of a veſſel; and Miller was promiſed to be kept from being arreſted, but was not.

The committee reſolved, that Sir William Barker, baronet, is duly elected a burgeſs to ſerve in this preſent parliament for this borough.

That the petition of William Thompſon, eſquire, is frivolous and vexatious.

The firſt reſolution being read a ſecond time, it was propoſed to be amended, by leaving out the word "commonalty," and inſerting "common-"council" inſtead thereof: whereto the houſe agreed; and reſolved to agree with the committee in the ſaid reſolution ſo amended, viz.

That the right of election of burgeſſes to ſerve in parliament for this borough, is in the bailiffs, portmen, common-council, and freemen at large, not receiving alms.

The other reſolutions, being twice read, were agreed unto by the houſe.—And

Reſolved, that William Thompſon, eſquire, do make ſatisfaction to Sir William Barker, for the coſts and expences he has been put to, by reaſon of the ſaid petition.

March 3, 1713. A petition of Richard Richardſon, ſerjeant at law, and Orlando Bridgeman, eſquire, was read.

Ordered, that the matter of the ſaid petition be heard at the bar, to-morrow three weeks.

15th. Ordered, that the hearing the matter of the ſaid petition be on the 31ſt inſtant.

31ſt. The houſe proceeded to the hearing the merits of the ſaid election; and the council were called in:

And the petition of Richard Richardſon, ſerjeant at law, and Orlando Bridgman, eſquire, was read.

And ſeveral witneſſes were examined on the petitioners part, touching the undue making of ſeveral freemen, at ſeveral great courts held for this borough 15th June, 7th Auguſt, 25th and 28th September, 1711; which were inſiſted not to be duly conſtituted for want of one or more portmen preſent; and alſo at ſeveral petty-courts.

And the petitioners counſel deſiring, that before they proceeded to give evidence as to other matters, the ſitting-members counſel might proceed to give evidence, and be heard as to theſe matters: the counſel on both ſides were heard: and it was

Reſolved, that the counſel for the ſitting-members do now proceed to give evidence concerning the conſtitution of the great courts of this borough; and what are the eſſential parts thereof.

Mr. Speaker acquainted the counſel with the ſaid reſolution.

And ſeveral witneſſes were examined, touching theſe matters:

And Mr. Nathanael Burridge, the town-clerk of the ſaid borough, being called to be examined, and the petitioners counſel objecting againſt his teſtimony, and deſiring that they might produce evidence, why he could not be admitted as a witneſs:

Reſolved, the petitioners counſel be admitted to give evidence, why Mr. Burridge ſhould not be examined as a witneſs.

And Mr. Speaker acquainted the counſel with the ſaid reſolution.

Whereupon a witneſs was examined; after which Mr. Burridge was examined, and other witneſſes were examined:

And the charter of the 1ſt of King John read, and other evidence given.

Reſolved, that portmen are an eſſential conſtituent part of the great court at Ipſwich; without which portmen being preſent, the ſaid court cannot be held.

Reſolved, to proceed to-morrow.

April 1, 1714. The houſe proceeded in the hearing of the ſaid petition, and the counſel being called in, Mr. Speaker acquainted them with the reſolution of the houſe, paſt yeſterday; and ſeveral witneſſes were examined, and the court-books read, touching the perſons who were alledged to be made free, at the great courts held for this borough, without any portmen preſent; and alſo, at the petty courts, without having firſt manifeſted their rights at the great courts.

Reſolved, that the perſons voted freemen, at the pretended great courts held in the corporation of Ipſwich, the 15th of June, the 7th of Auguſt, the 25th and 28th September 1711, without any portman preſent, have not right to vote for members to ſerve in parliament for this borough.

After which Mr. Thompſon, one of the ſitting-members, was heard in his place, and ſaid, he would not give the houſe any farther trouble; for ſince the freedom of thoſe perſons had been diſallowed, he admitted the petitioners had a majority of votes, and he withdrew.

Reſolved, that William Thompſon is not duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

After which Mr. Churchill was heard in his place, and withdrew.

Reſolved, that William Churchill, eſquire, is not duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

Reſolved, that Richard Richardſon, eſquire, ſerjeant at law, is duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

Reſolved, that Orlando Bridgeman, eſquire, is duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

And the return was ordered to be amended.

Feb. 21, 1716. Ordered a warrant for a new writ for the electing a burgeſs, to ſerve in this preſent parliament for this borough, in the room of Sir William Thompſon, knight, made ſollicitor general.

May 24, 1726. Ordered a warrant for a new writ for the electing a burgeſs, to ſerve in this preſent parliament for this borough, in the room of Sir William Thompſon, knight, made curſitor-baron of his Majeſty's court of Exchequer.

IVELCHESTER.

THIS is the ſhire town of the county of Somerſet, whoſe right of returning members of parliament, commenced in the 26th of Edward I. and continued to the 34th of Edward III. and then ceaſed, as Mr. Prynne writes, until the 12th of Edward IV. After which it intermitted until 1621, when it was reſtored; from whence I ſhall ſet down ſuch memoirs as I find authoriſed. 4th Reg. p. 1013.

March 26, 1621. Sir Robert Phillippes tendereth a petition from the borough of Ilcheſter, within the county of Somerſet, for ſending burgeſſes.

Mr. Chancellor of the duchy:—Againſt meddling with this.—Sir George Moor:—To refer this to the committee of privileges.——Mr. Pymm:—That the commonwealth hath an intereſt in this, and therefore fit to examine it.

Ordered to be referred to the committee of privileges in the Exchequer-chamber, this afternoon.

27th. Sir George Moor reporteth from the committee for privileges, for Ilcheſter:—Till Henry V. ſent burgeſſes. Upon queſtion, Ilcheſter to ſend burgeſſes.—And a writ for it.

Feb. 15, 1640. Upon Mr. Maynard's report from the committee for privileges; it was reſolved upon the queſtion, 1. That the election of Sir Henry Berkeley and Mr. Hunt for the town of Ilcheſter, in the county of Somerſet, is void; in regard that due notice was not given to the electors: and that a warrant do iſſue forth under Mr. Speaker's hand, directed to the clerk of the Crown in Chancery, for electing two burgeſſes to ſerve for this borough, in the preſent parliament.

Feb. 5, 1661. Serjeant Charleton reported from the committee of privileges and elections, That Mr. Robert Hunt, having preferred his petition againſt the election of Mr. Dunſter, who ſits in this houſe as burgeſs for Ilcheſter, had not proſecuted his petition; and the opinion of the committee, That Mr. Hunt's petition be diſmiſſed: whereto the houſe agreed.

March 19, 1678. A petition of Edward Phillips and Robert Hunt, eſquires, complaining of an undue return of William Stroke and John Speke, eſquires, to ſerve in this preſent parliament for this borough, in injury of the petitioners, was read: who, as they alledge, were duly returned.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

A petition of William Strode and John Speke, eſquires, complaining of an undue return of Edward Phillips and Robert Hunt, eſquires, to ſerve in this preſent parliament for this borough; for that the common-ſeal of the ſaid borough was forcibly taken from the bailiff of the ſaid borough, and affixed to the indenture by which the ſaid Mr. Phillips and Mr. Hunt are returned; whereas the petitioners are returned by the bailiff, who is the proper officer capable of making returns, was read.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

April 1, 1679. Sir Thomas Meers reported the matter of the ſaid returns, viz. To the writ for electing of members for the county of Somerſet is annexed an indenture, dated 20th of February laſt, and made between John Carew, eſquire, high ſheriff of the county of Somerſet, of the one part; and Edward Phillips, knight, and eight others, capital burgeſſes of the borough of Irelcheſter, of the other part; witneſſing, that according to the form of a breve to the bailiff and burgeſſes of the ſaid borough directed, the ſaid burgeſſes, and others, who were intereſted in the ſaid proclamation, in the ſaid indenture aforementioned, had choſen Edward Phillips and Robert Hunt, eſquires, two burgeſſes for the ſaid borough; in witneſs whereof, the ſaid burgeſſes had put their common ſeal: and accordingly there is a broad ſeal affixed thereto, and ſeveral hands ſubſcribed; but the bailiff is neither party to the ſaid indenture, nor hath ſet his hand or ſeal to it.

There is alſo affixed to the ſaid writ another indenture, dated the ſame day, made between the ſaid ſheriff, of the one part; and the bailiff and burgeſſes of the borough of Ilcheſter, of the other part; witneſſing, that by virtue of a precept from the ſaid ſheriff, the ſaid bailiff and burgeſſes, and inhabitants of the ſaid borough, have elected William Strode, eſquire, and John Speke, eſquire, to be burgeſſes of Irelcheſter aforeſaid; in witneſs whereof the ſaid bailiff, or his deputy, togther with the burgeſſes of the ſaid borough, have put their hands and ſeals: to which indenture there is one ſeal affixed, and over it, Thomas Hillyard, bailiff; and upon the ſame indenture, Jo. Lockyer, Jo. Slade: and on the back, is endorſed many witneſſes to the ſigning, ſealing, and delivery thereof:

Whereupon, the committee reſolved. that the indenture, wherein William Strode and John Speke, eſquires, are returned burgeſſes to ſerve in this preſent parliament for this borough, is well and duly returned, and by the proper officer; and thereupon they ought to ſit, as duly returned to ſerve in parliament for the ſaid borough:—whereto the houſe agreed.

March 24, 1680. A petition of Sir William Stroude and John Speke, eſquire, touching the election for this borough, was read.

Ordered, that it be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

June 4, 1685. A petition of William Strode, eſquire, touching the election for this borough, was read.

Ordered, that it be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

Jan. 28, 1688. A petition of William Strode and John Speke, eſquires, complaining of an undue election and return of burgeſſes, to ſerve in this preſent convention for this borough, in prejudice of the petitioners, was read.

Ordered, that it be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

May 7, 1689. Colonel Birch reported from the ſaid committee the matter upon the ſaid petition: that the queſtion was, whether the petitioners, or the ſitting-members, had the plurality of votes of thoſe who had right to elect? It appeared by the poll taken by the bailiff, there were

For Sir Edward Wyndham,		58.
For Mr. Hellyar,		58.
For Mr. Speke,	—	50.
For Mr. Strode,	—	52.

For the petitioners it was alledged, that fourteen who voted for the ſitting-members, were not duly qualified; and that the right of election was in the inhabitants of the town paying ſcot and lot; which the town called potwallers: and called

Raymond and Mitchell; who ſaid, that as to ten of the ſaid perſons, who polled for Sir Edward Wyndham and Mr. Hellyar, they were boarders; and not poſſeſſed of any houſe, ſo as to be called potwallers.

And as to the four others, viz. Thomas Collins, he ſaid nothing poſitive; Richard Hoddy was parſon, and he paid ſcot and lot, but boarded with one Mr. Elborn; Thomas Abbot was a priſoner, but at liberty at that time, to poll; that Henry Light was no houſekeeper in the borough, but had been head bailiff of the ſame.

Aſhfield ſaid, two were refuſed to poll for Mr. Strode and Mr. Speke, who had right, viz. Thomas Cleve and Richard Marſh.

For Sir Edward Wyndham and Mr. Hellyar, it was inſiſted, that they had a majority by the poll taken by the bailiff; and beſides thoſe who polled, twelve others tendered themſelves for Sir Edward Wyndham and Mr. Hellyar; and that ſeveral, who polled for the petitioners, had no right: and called

Robert Smith; who ſaid, John Warters, who voted for the petitioners, lived in the town-houſe; and that the perſons, objected to by the petitioners, polled in former elections, and were ſufficient perſons; that ſeveral, who had good votes, tendered themſelves to be polled for Sir Edward Wyndham and Mr. Hellyar, and were refuſed; viz. Raymond, Bayle, Maſters, and Pavier.

Daws, Golſar, and Nappier, ſaid, that Bartlet and Cheyney, who polled for the petitioners, declared they would not give their votes for them, unleſs they had money given them for it.

Upon the whole, the committee reſolved;

That Sir Edward Wyndham, baronet, and William Hellyar, eſquire, are duly elected burgeſſes, to ſerve in this preſent parliament for this borough: whereto the houſe agreed.

See Andover. Feb. 13, 1700. The houſe being informed, that Samuel Sheppard, eſquire, a member of this houſe, hath been guilty of bribery in ſeveral corporations, in order to procure members to be elected into this parliament; Ordered the matter to be heard at the bar, and the matter to be put in writing.

15th. The charge, being in writing, was, that Mr. Sheppard and his agents had endeavoured to corrupt (amongſt others) the electors for this borough.

21ſt. A petition of Sir Francis Wyndham, baronet, was read; ſhewing, that the petitioner, Sir Philip Sydenham, baronet, and James Anderton, eſquire, were candidates at the election of burgeſſes for this borough; but that the ſaid Mr. Anderton did, contrary to a late act of parliament, diſtribute and expend money amongſt the electors, by which means he hath procured himſelf to be returned in prejudice to the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine and report the matter, with their opinion. No report appears.

March 3. Ordered. Mr. Edward Allen, ſcrivener, and Mr. Glover, do attend this houſe upon the 11th of March inſtant, when the charge againſt Mr. Sheppard is to be heard.

15th. The counſel were called in and heard; and ſeveral witneſſes heard, touching the election for this borough: in which examination Mr. Edward Allen being accuſed, and attending according to order, he was heard; and it was

Reſolved, that it appears to this houſe, that Mr. Edward Allen, one of the directors of the New-Eaſt-India company, is guilty of notorious bribery, in diſtributing money, in order to procure himſelf to be elected a burgeſs, to ſerve in this preſent parliament for this borough.

Ordered, that the ſaid Mr. Edward Allen be, for his ſaid offence, taken into the cuſtody of the ſerjeant at arms attending this houſe.

Reſolved, that upon the examination this day had, in relation to the election for this borough, nothing appears to affect Samuel Sheppard, eſquire, therein.

Oct. 24, 1702. A petition of John Webb, eſquire, was read; ſhewing, that at the election of burgeſſes to ſerve in parliament for this borough, there were candidates Sir Francis Wyndham, baronet, who had for him 72 electors, the petitioner, 66, and James Anderton, eſquire, had but 28; upon which the petitioner expected to have been declared duly choſen, with Sir Francis Wyndham: but, though James Aſhford, the bailiff, made no exception to any of the ſaid votes at the former election (he being then bailiff alſo) nor upon calling over the poll, yet he refuſed to declare the petitioner, but adjourned till five of the clock in the afternoon, and hurried to his own houſe, which is an alehouſe, and returned to the hall at five o'clock; when, by ſome undue means uſed in the mean time, he cauſed his clerk to declare Mr. Anderton duly elected with Sir Francis Wyndham, and then adjourned again to his own houſe; and about an hour after made proclamation, and diſmiſſed the court, as he called it, ſaying, he would make the return at his pleaſure; and (as he had before ſaid, he would return Mr. Anderton, if he had but five votes) accordingly he returned Mr. Anderton, in wrong to the petitioner: and praying &c. Alſo,

A petition of John Burford, and others inhabitants, and legal voters, of and for this borough, was read; ſhewing, that Sir Francis Wyndham, and John Webb, eſquire, were duly choſen burgeſſes to ſerve in parliament for this borough; but the bailiff hath unduly returned Mr. James Anderton with the ſaid Sir Francis Wyndham; the ſaid bailiff having often declared, he would return Mr. Anderton, right or wrong, if he had but five votes: which undue return is in prejudice to the petitioners, and the legal voters of the ſaid borough: and praying &c.

Ordered theſe petitions to be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

Jan. 20. Ordered, the reports from the committee of privileges, which are now ready, be made on Tueſday morning next.

26th. Ordered the ſaid reports be made on Thurſday next.

28th. Mr. Bromley reported the matter, concerning the election for this borough; viz.

That upon the poll the numbers were, for Sir Francis Wyndham 72, Mr. Webb 66, Mr. Anderton 28:

That the right of election was agreed to be in the bailiff, capital burgeſſes, and inhabitants not receiving alms: that the petitioner having ſo great a majority, his counſel inſiſted, that it was from the partiality of the bailiff, who had acted contrary to his duty, he was not returned: that it was affirmed, and not contradicted, that at the time of the election, ſome objections had been made to ſeveral offered to vote, and they were refuſed; but none to any who were admitted: that after the poll ended, the bailiff adjourned to his own houſe (an alehouſe) and, after ſome hours, returned to the hall, and declared Mr. Anderton duly elected; and the bailiff, being then aſked his reaſon for it, made anſwer, he could look through an iron grate: that the bailiff, a fortnight or three weeks before, declared, he would return Mr. Anderton, right or wrong; though he had but five votes: that there was a pretended ſcrutiny, after the election, made at the bailiff's houſe, where no perſon was preſent on behalf of the petitioner.

Gillet ſaid, that the bailiff, the night before the election, declared, he was to have 100 l. to return Mr. Anderton, and ſecurity for his charges; and that, if he had but four votes, he would return him: that Edward Cleeve, the gaoler, aſked his vote for Mr. Anderton; and calling his wife, ſhe gave him two guineas in a paper. He ſaid, he did not vote for Mr. Anderton, but Mr. Webb; becauſe Mr. Anderton promiſed him three guineas, and two guineas, at two former elections, but did not pay him: that Cleve voted for Mr. Webb and Mr. Anderton.

It was anſwered by Mr. Anderton's counſel, that the bailiff had done his duty; for though Mr. Webb had the majority, as ſet forth upon the poll, yet, upon the ſcrutiny, which was demanded in the hall, upon a ſuggeſtion, that moſt of Mr. Webb's voters were obtained by bribery and corruption, there was plain bribery proved upon ſo many of the petitioner's votes, that when they were taken off, Mr. Anderton had the majority; and accordingly, the bailiff conceived he ought to make the return. To prove this, was called

John Winter; who ſaid, he was preſent at the election, and a ſcrutiny was demanded in the hall, upon a ſuggeſtion of bribery in the petitioner; and thereupon the bailiff adjourned to his houſe. He ſaid, Burford was concerned for Mr. Webb, and deſired him to write to Mr. Anderton, that if he would ſend 50 l. he ſhould be returned with the petitioner.

Cheny ſaid, a little before the election he went to the petitioner's houſe, with fifty or ſixty others; and the petitioner propoſed to them to give them two guineas apiece, but ſome inſiſted on three guineas: that he went a ſecond time, with ſix others; and the petitioner ſaid, he hoped they were all his friends, and he would ſend the money; and Cox and Mather were choſe to receive it.

Mary Cleeve ſaid, one Simcox, a ſervant to the petitioner or his mother, in May laſt, brought 100 l. to her houſe, and left it under a bed; and afterwards Thom. Smith and Burford came, and deſired her to put it up by two guineas in a paper, and give it to ſuch as had votes; and ſhe did give ſuch papers to ſeventeen, at the ſame time deſiring their votes for the petitioner: that Smith took account of the money, with the names of thoſe ſhe gave it to; and Smith gave two guineas to one Hopkins; and Smith and Burford ordered her to deliver the remainder to Andrew Sherlock.

Sherlock owned, he received the money from Mrs. Cleve; and ſaid, he gave two guineas apiece to ſeventeen others, to vote for the petitioner: tho' he after ſaid, he was ordered to give them the money without ſaying any thing; and gave an account of what was done to Burford and Cleve. Sherlock voted for Sir Francis Wyndham and the petitioner.

Cleve ſaid the ſame as his wife, about bringing the money, and the directions of Burford and Smith; and ſaid, Sherlock gave Burford an account of thoſe he diſtributed to; and gave himſelf to five or ſix others, according to Burford and Smith's directions; and it was then owned to be, to vote for the petitioner.

Taſwell ſaid, he aſked Sudd why he would not vote for Mr. Anderton; who anſwered, they were poor; and muſt vote for him who would give moſt.

In anſwer to the fifty or ſixty going to the petitioner's houſe, was called

Crawford; who ſaid, his maſter ſent him to Ilcheſter, to forbid their coming; but that night about ſixty came thither: that he could not ſay, he was preſent always; but he heard no promiſe of any money.

Upon the whole, the committee reſolved,

That James Anderton, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for this borough.

That John Webb, eſquire, hath been guilty of notorious bribery, in order to procure himſelf to be elected a burgeſs to ſerve in this preſent parliament for this borough.

That Thomas Smith, eſquire, an agent for the ſaid Mr. Webb, has been guilty of notorious bribery, in order to procure the election of a burgeſs to ſerve in parliament for this borough.

That John Burford, agent for the ſaid Mr. Webb, hath been guilty of notorious bribery, in order to procure the election of a burgeſs to ſerve in parliament for this borough.

All which reſolutions, being twice read, were agreed to by the houſe.

Reſolved, that John Webb, eſquire, be, for his ſaid offence, committed to the cuſtody of the ſerjeant at arms.

Reſolved, that Thomas Smith, eſquire, be, for his ſaid offence, committed to the cuſtody of the ſerjeant at arms.

Reſolved, that John Burford be, for his ſaid offence, committed to the cuſtody of the ſerjeant at arms.

Reſolved, that it appears to this houſe, that James Aſhford, late bailiff of this borough, hath been guilty of arbitrary and illegal proceedings, in the late election of burgeſſes to ſerve in parliament for this borough.

Ordered, that the ſaid James Aſhford be, for his ſaid offence, committed to the cuſtody of the ſerjeant at arms attending this houſe.

Nov. 24, 1708. A petition of William Bellamy and Giles Hayn, eſquires, was read; ſhewing, that at the laſt election of burgeſſes to ſerve in parliament for this borough, the petitioners, Edward Philipps, and James Johnſon, eſquires, were candidates: that Mr. Philipps and Mr. Johnſon, by bribery, corruption, and other undue practices, procured themſelves to be returned burgeſſes for the ſaid borough, to the injury of the petitioners, who were duly elected, and ought to have been returned in their ſtead: and praying &c.

Ordered, that the matter of the ſaid petition be heard at the bar on the 15th day of January next.

Jan. 10. Ordered, that Mr. Bellamy have leave to withdraw his petition.

May 17, 1711. Ordered a warrant for a new writ, for electing a burgeſs for this borough, in the room of Samuel Maſham, eſquire, made cofferer of the houſhold.

June 12. Ordered a warrant for a new writ, for electing a burgeſs to ſerve for this borough, in the room of Edward Phillips, eſquire, made comptroller of the Mint.

March 30, 1715. A petition of Sir James Bateman, knight, and Edward Philips, eſquire, was read; ſhewing, that the petitioners were candidates for the ſaid borough: that the petitioners were duly choſen by a great majority, and ought to have been returned; but one Thomas Smith, taking upon himſelf bailiff of the ſaid borough, confederating with one John Palmer and John Winter, two pretended burgeſſes of the ſaid borough, took upon themſelves to return William Bellamy and John Hopkins, eſquires, to the prejudice of the petitioners: and that the ſaid Thomas Smith cauſed ſeveral unneceſſary adjournments, after the poll had been duly taken, and the majority declared; and made the return in a clandeſtine manner; and other inſtances of partiality, to obſtruct the return of the petitioners: and praying &c.

A petition of the inhabitants, electors, and voters, of and in the ſaid borough, was read; ſhewing, that at the election for the ſaid borough, Sir James Bateman, knight, Edward Phillips, eſquire, William Bellamy, eſquire, and John Hopkins, eſquire, were candidates: that at the ſaid election the petitioners were admitted to poll for the ſaid Sir James Bateman, knight, and the ſaid Edward Phillips, eſquire, who had a great majority of votes, and ought to have been returned accordingly; but one Thomas Smith, taking upon himſelf bailiff of the ſaid borough, and confederating with John Palmer, late bailiff, and John Winter, a pretended burgeſs, did, by illegal practices, return the ſaid William Bellamy and John Hopkins, eſquires, to the prejudice of the petitioners; and praying &c.

Ordered, that the ſaid petitions be referred to the committee of privileges and elections, to examine the matter thereof, and to report the ſame, with their opinion.

Oct. 18, 1722. A petition of Thomas Pagett and William Bellamy, eſquires, was read; ſhewing, that William Borroughs and Daniel Moore, eſquires, together with the petitioners, were candidates at the election to ſerve in parliament for this borough: that John Lockyer, who acted as bailiff of the ſaid borough, very partially, in behalf of the ſaid Mr. Borroughs and Mr. Moore, did refuſe to accept ſeveral legal votes, that offered to poll on behalf of the petitioners; and did accept of the votes of ſeveral perſons, to be polled for the ſaid Mr. Borroughs and Mr. Moore, who had no right of voting; and by corruption, and other illegal practices, the ſaid Mr. Borroughs and Mr. Moore procured themſelves to be returned as members for the ſaid borough, in prejudice to the petitioners: and praying &c. Alſo,

A petition of John Palmer, John Cox, and Henry Leveridge, on behalf of themſelves and divers others, who have a right to vote for members of parliament for the ſaid borough, was read; ſhewing, that Thomas Pagett, William Bellamy, Daniel Moore, and William Borroughs, eſquires, were candidates for members of parliament for the ſaid borough: that John Lockyer, who acted as bailiff of the ſaid borough, did, on taking the poll, refuſe ſeveral of the petitioners, who were good votes, and offered to vote for the ſaid Mr. Pagett and Mr. Bellamy; and did admit of ſeveral perſons, that had no right of voting, for the ſaid Mr. Moore and Mr. Borroughs: and the ſaid John Lockyer was guilty of very great partiality, and illegal practices, and did take upon him to return the ſaid Mr. Moore and Mr. Borroughs; which is greatly to the prejudice of the petitioners, and the legal voters of the ſaid borough: and praying &c.

Ordered, that the ſaid petitions be referred to the committee of privileges and elections, to examine the matter thereof, and to report the ſame, with their opinion.

Nov. 23. Ordered, leave be given to withdraw the ſaid petitions.

Dec. 5th. Ordered a warrant for a new writ, for electing a burgeſs to ſerve for this borough, in the room of William Burroughs, eſquire, made auditor of the accounts of the duties on leather.

KELLINGTON, or CALLINGTON.

THIS borough, ſituate in the county of Cornwall, was never repreſented in parliament, until the 27th of Queen Elizabeth. Of its manner of election, and matters (in that reſpect) relating thereto, I have met with theſe.

Willis, 1749. 13.

Oct. 28, 1680. A petition of William Coryton, eſquire, was read, touching the election for this borough.

Ordered to be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

May 23, 1685. A petition of Samuel Rolls, eſquire, was read; complaining of the undue election and return of Sir John Corryton, to ſerve in this preſent parliament for this borough, in the county of * Devon; in injury of the petitioner, who was duly elected, and ought to have been returned.

*Sic orig but it ſhould b Cornwal

Reſolved it be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

June 2. A petition of Samuel Rolls, eſquire, touching the election for this borough, in the county of Devon, was read.

Ordered, that the ſaid petition be referred to the committee for privileges and elections.

4th. Ordered, that the clerk of the Crown do attend with the return for this borough to-morrow morning.

6th. The clerk of the Crown attending, he was called in, and produced the return for this borough; whereby it appeared, that Sir John Corryton, one of the preſent burgeſſes for the ſaid borough, was mayor of the ſaid borough at the time of the election;

And a motion being made, That a new writ do iſſue for the election of another burgeſs to ſerve in this preſent parliament for this borough; and the houſe being moved, that he is ſick in Cornwall;

Ordered, that Mr. Speaker do write to Sir John Coryton, touching the ſaid matter; and requiring his ſpeedy anſwer, before ſuch new writ do iſſue.

Nov. 17. Ordered, that Mr. Speaker do iſſue his warrant to the clerk of the Crown, to make out a new writ for the election of a burgeſs, to ſerve in this preſent parliament for this borough, in the room of Sir John Corryton, who was mayor of the ſaid borough at the time of his election, and the proper officer to make the return, and returned himſelf.

Oct. 19, 1722. A petition of Darel Trelawney and George Harriſon, eſquires, was read; ſhewing, that at the election of burgeſſes to ſerve in parliament for this borough, Thomas Lutwich and Thomas Copplestone, eſquires, and the petitioners, were candidates: that ſeveral perſons were admitted to poll for the ſaid Mr. Lutwich and Mr. Copplestone, who had no right to vote; and ſeveral perſons, duly qualified to vote, and offered to poll for the petitioners, were refuſed; and ſeveral unwarrantable, and illegal practices were made uſe of, on behalf of the ſaid Mr. Lutwich and Mr. Coppleſtone, in order to procure them to be elected, in prejudice of the petitioners: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter thereof, and to report the ſame, with their opinion.

A petition of the ſeveral perſons, whoſe names are thereunder written, electors for repreſentatives to ſerve in parliament for this borough, was read; ſhewing, that at the election for repreſentatives for the ſaid borough, Thomas Lutwich, Thomas Coppleſtone, Darel Trelawney, and George Harriſon, eſquires, were candidates; and the ſaid Mr. Trelawney and Mr. Harriſon were duly elected by a majority of lawful electors: notwithſtanding which, James Tillie, eſquire, preſiding as portreve of the ſaid borough, did, with a deſign to ſubvert the rights of the ſaid borough, and the antient method of election, refuſe to admit the votes of ſeveral of the petitioners, and other legal voters, who tendered their votes for the ſaid Mr. Trelawney and Mr. Harriſon; and admitted ſeveral to vote for the ſaid Mr. Lutwich and Mr. Coppleſtone, who had no right to vote, and hath returned them accordingly; whereby the petitioners are much aggrieved: and praying &c.

Ordered, that it be referred to the committee of privileges and elections to examine the matter thereof, and to report the ſame, with their opinion.

Jan. 10, 1723. A petition of the ſaid Darel Trelawney, eſquire, was read; ſhewing, that at the laſt election of burgeſſes to ſerve in parliament for the ſaid borough, Thomas Lutwich and Thomas Coppleſtone, eſquires, and George Harriſon, eſquire, and the petitioner, were candidates: that ſeveral perſons, who had no right to vote, were admitted to poll for Mr. Lutwich and Mr. Coppleſtone; and ſeveral that were qualified, for the petitioner, were refuſed; and divers other indirect and corrupt practices, in their favour, were uſed, in procuring them to be elected and returned; and they are returned, in prejudice of the petitioner, who was duly elected, and ought to have been returned: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter thereof, and to report the ſame, with their opinion.

KENT.

THIS county is near the metropolis of England, and bounds upon the ocean. It is large in circumference, and has been repreſented in parliament from the 22d of Edward the firſt. It has the happineſs never to have had an election controverted in parliament; but I find, in the 2d of Hen. V, there was a diſpute, in regard to the payment of wages for knights of the ſhire, and the following petition was preſented to the parliament; of which, for the ſake of the curious reader, I ſhall here inſert.

2d Regiſt. 31.

Item, ſupplient les gentils et autres gentz qe tiegnent lour terres per les ſervices de chivaller deins le Gildable, en le countée de Kent;

2 Hen. V. num. 32.

Que come les gages du chivallers qe viegnent as parlamentz pur le dit countee, ne ſont pas levables de autres gentz deinz le dit countee, ſolonc la cuſtume illeoques de tout temps dount memorie ne court uſe, ſivonn de ceux qe tiegnent lour terres deins le dit countee per les ſervices de chivaller, ſibien deins franchiſe come de hors. Et ore tarde les viſcountes du dit countee facent, lever les ditz gages de chivallers tant ſoulment de ceux qe teignont lour terres per les ſervices de chivallers deins le dit Gyldable en le dit countee, et nemy de ceux qe teignent lour terres per les ſervices du chivallers deins les ditz franchiſes en le countee ſuisdit, encountre launcien cuſtume et uſage advauntdit, a graunt anientiſment et damages du ditz ſuppliantz. Que pleiſe a noſtre Seignior le Roy ordiner, qe les ditz gages du chivallers ſoient de ſore evaunt leves per les viſcountes du dit countee, generallment de toutz ceur qe tiegnent lour terres per les ſervices de chivaller, ſibien deins franchiſe come de hors deinz le dit countee forſpris de les fees de chivallers que ſount en les mains de le honourable pere en Dieu, lercheveſque de Canterbirs, et de les fees des chivallers qe ſont en les mayns de toutz auters Seigniors ſpirituelx et temporelx, deins meſme le countee qe veignent as parliamentz per autorite des breifs noſtre dit treſoveraine Seignior le Roy.

To which petition this anſwer was returned:

Soit le ſtatut ent fait mys en du execution.

KINGSTON upon HULL.

THIS borough is ſituate in the county of York. Dr. Willis writes, it ſent burgeſſes to parliament, once in Edward I's time; but Mr. Prynne writes, it was not until the 12th of Edward II. It is a county of itſelf, and the writs directed to the ſheriff: and in the 38th of Henry VI. I find the election was by twenty-five burgeſſes of the borough, named in the indenture (ſee the indenture in the Appendix) after which time, I meet with theſe memoirs of the elections and repreſentatives in that reſpect.

B. P. R. p. 159.

1580. Mr. James Dalton, one of the repreſentatives for this borough, being incurably ſick, a new writ in the vacation of parliament was ordered for the election of a burgeſs in his ſtead; alſo the like was done for the ſame reaſon in the caſe of James Clerkſon, who was ſick, but not incurably.

D'Ewe's Journal, 308.

March 18. Upon conſideration of the returns and defaults:

Ordered and reſolved, that Thomas Fleming, gentleman, being returned into this ſeſſion, and appearing in the room of James Dalton, one of the burgeſſes for this borough, being incurably ſick and diſeaſed, ſhall continue and remain according to the return.

That John Fawcher, likewiſe returned for the ſaid town, in the lieu and ſtead of James Clarkſon ſick, ſhall be removed from his place; and the ſaid James Clerkſon ſhall remain and continue in his place, notwithſtanding the ſaid cauſe of ſickneſs.

Nov. 28, 1695. A petition of Sir James Bradſhaw, knight, was read; ſhewing, that the petitioner was deſired by a great number of the burgeſſes of this borough, to ſerve as one of their burgeſſes in this preſent parliament; and accordingly tendered himſelf as ſuch, the ſame day that the ſheriff of the ſaid town received the writ for the election, at the next county-court; which was about ten days after the receipt of the ſaid writ: that to ſurpriſe the petitioner, and his friends that intended to vote for him, the ſaid ſheriff, to gratify the mayor of the town, and ſome aldermen, privately appointed the election to be the next morning after the receipt of the writ; and though he was acquainted that ſuch notice was not ſufficient, yet he proceeded to election next morning; where he did not poll ſo many by 200, as at other times; although the mayor and aldermen then made many freemen, on purpoſe to vote againſt the petitioner, and threatened others that intended to vote for him; by which illegal means, the petitioner and the burgeſſes of the ſaid town were denied a fair election: and praying &c.

Ordered, that it be referred to the committee of privileges, to examine and report the matter, with their opinion.

Feb. 27. Ordered the report be made on Monday morning next.

March 2. Colonel Glanville reported the matter of the ſaid election, as follows; — That the petitioner inſiſted that this borough, with ſome adjacent towns, being a county of itſelf, the election ought to have been at the next county-court after the receipt of the writ: and they read a return 1 *Mariæ*; whereby it appeared that the writ was directed to the ſheriff, and commanded him, *Quod facta proclamation. in prox. com. villæ præd. poſt receptionem brevis de die et loco*; and the counſel for the ſitting-members agreed, that had been the form; and returns had been made agreeable to it, from that time to this; and the preſent writ was ſo. That the petitioner called

Craven; who ſaid, the county-court was adjourned from the 7th to the 18th of October.

Baker ſaid, the 18th being the anniverſary for ſwearing the mayor and ſheriff; after the ſheriff was ſworn, the county-court was adjourned to the 21ſt.

Raddehough ſaid, that Anthony Caddy, on the 21ſt of October, called a county-court, and adjourned it to Monday after: that the county-court is kept within the verge of the goal; wherefore, though a priſoner, he had opportunity of being preſent; and that a boy, who was ſervant to Hopman, a ſerjeant, was then cryer; and he heard the court adjourned, from the 21ſt to the 28th; and one Garrard was alſo preſent: that on the 22d of October, the ſheriff and two freeholders called another county-court, the door being ſhut; and on the next day went to election. He alſo ſaid, when he was before the committee, he was diſcharged, and borrowed ſeven pounds of one Frame, and 40 s. of Sir James Bradſhaw; for which he gave bond to pay at Midſummer.

Mr. Baker ſaid, that at the county-courts the great doors into the market place uſed to be open; but now they went up the back-ſtairs: that the day before the election he ſaw Sir James Bradſhaw in alderman Ive's ſhop, and then Sir James declared he would be a candidate; that Sir James ſent for the ſheriff, and aſked, if he had received the writ? and he was anſwered, he had, that morning; and would proceed to election next morning: that Sir James told the ſheriff, it was not county-court-day; and uſed ſeveral arguments not to elect till next county-court-day; but was anſwered, the ſheriff had promiſed the mayor and aldermen, and would keep his word: that the mayor came to the election in an extraordinary manner, with his mace; and 25 were made free that morning: that by computation the burgeſſes are ſeven hundred; and at this election five hundred were polled: that ſome ſoldiers were drawn up before the hall; but could not ſay this was more than uſual, or that they diſturbed, or hindered any from polling.

For the ſitting-member,

Mr. Caddy, the under-ſheriff, was called; who ſaid, that the county-court was adjourned from the 18th to the 21ſt of October, and from the 21ſt to the 22d, when the writ was delivered to the ſheriff; and that day proclamation was made for the election on the next day; on which day the election was made; and from that day the court was adjourned to the 28th inſtant.

Mr. Caddy and Mr. Duncalf ſaid, it was the uſual way, when they went to the county-court, to go the back-way, as now; and that the petitioner, after the election was over, ſaid, the election was fair:

Whereupon the committee reſolved,

1. That Sir William St. Quintin and Charles Oſborn, eſquire, are duly elected burgeſſes, to ſerve in this preſent parliament, for this borough.

2. That the petition of Sir James Bradſhaw, complaining of an undue election for the ſaid borough, is vexatious, frivolous, and groundleſs.

The firſt of which reſolutions was agreed to by the houſe, and the ſecond diſagreed.

Feb. 14, 1700. A petition of Charles Oſborn, eſquire, was read; ſhewing, that at the election of burgeſſes to ſerve in parliament for this town, he was a candidate, with Sir William St. Quintin and Mr. William Maiſters; who by bribes and entertainments, and other indirect means, procured themſelves to be returned, in prejudice to the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

June 10, 1720. Ordered a warrant for a new writ for electing a burgeſs for this borough, in the room of Sir William St. Quintin, baronet, made vice-treaſurer &c. of the revenues in Ireland.

KNARESBOROUGH.

THIS borough is ſituate in the county of York, and was firſt ſummoned to ſend members to parliament in the firſt year of the reign of Queen Mary; from which time it has returned repreſentatives: the memoirs whereof, which I have met with, are theſe. Willis, 1749. 67

Mr. Benſon, member for this town, having been complained of for granting protections for money; it was referred to a committee.

Oct. 30, 1641. Ordered, that Mr. Reignolds do make his report, concerning Mr. Benſon, on the Monday following; who is required then to attend. But it was not then called for.

Nov. 2. Mr. Reignolds reported the caſe of Mr. Benſon, concerning ſeveral protections, granted by him to divers men, that were not his menial ſervants, in London, Middleſex, Surry, &c. and Mr. Benſon being heard, it was reſolved,

That Mr. Henry Benſon is unworthy, and unfit to be a member of the houſe, and ſhall ſit no longer as a member of the houſe.

That Mr. Henry Benſon ſhall be forthwith ſent for, as a delinquent, by the ſerjeant at arms attending on this houſe.

Reſolved, the Speaker ſhall iſſue his warrant for a new writ, to be directed to the ſheriff of Yorkſhire, for electing another burgeſs, to ſerve in his ſtead.

That the houſe holds Mr. Henry Benſon unfit, and uncapable ever to ſit in parliament, or to be a member of this houſe hereafter.

Dec. 7. The humble petition of Sir William Conſtable, knight, was read.

Reſolved, upon the queſtion, that it be referred to the committee, formerly appointed to conſider of Mr. Benſon's miſdemeanors, to take into conſideration the miſdemeanors and offences of William Deerlove, returned as a burgeſs for this borough: and this houſe holds it fit, that the ſaid William Deerlove do forbear to ſit as a member in this houſe, till the ſaid committee have made their report of their opinion to the houſe; and they are to meet to-morrow in the court of Wards, and have power to ſend for parties, witneſſes, writings, and records.

Feb. 22. Ordered the committee, where Mr. Reignolds has the chair, to which the election for this borough is referred, be revived, as to that election; and are to ſit on Friday morning next in the court of Wards.

March 19. Mr. Corbett reported from the ſaid committee, That the committee had met, and have paſſed their reſolutions; but Mr. Reignolds the chairman being out of town, had left his notes with him; to the end, if the houſe pleaſed to give leave, he might report the ſame: which the houſe ordered, and it is as follows;

Henry Benſon, late an evil member of the houſe, ſerving for this borough, was put out of this houſe for ſelling protections for money; wherein John Deerlove, his ſon-in-law, was a ſeller, and maker of the bargain: Benſon was alſo ſent for, as a delinquent; but the ſerjeant's man that went for him was beaten; and Benſon, who had been an unworthy member, yielded no obedience to the houſe; but cauſed, or ſuffered himſelf to be reſcued from the ſerjeant:

That a writ went forth to make a new election, this houſe intending to put a better man in his place; but Benſon, declaring himſelf that he would oppoſe them that had oppoſed him, did reſolve this houſe ſhould have no better man in his room; but William Deerlove, his ſon-in-law, who lives in . . . houſe with him; whom he procured to be elected, and returned by thoſe means, and in this manner: This borough is a liberty, part of the duchy of Lancaſter: Benſon, ten years ſince, procured a patent, under the duchy-ſeal, of the bailiwick of this franchiſe to be granted to William Deerlove for his life; and by virtue thereof he keeps courts, and holds pleas, and hath the return of writs within the franchiſes.

William Deerlove executes this place himſelf as head officer; and ſat judge in the court on Monday before the new election: but having notice of the new writ, and the election to be on the Friday following, William Deerlove makes a deputation, between Monday and Friday, to John Deerlove his younger brother, an infant, and one that has made bargains, and taken the money, for the protections ſold by Benſon, as did appear here. Upon the Friday, Sir William Conſtable, a baronet, and one of great eſteem and integrity, was, by many able men of the borough propounded and returned to be burgeſs; but William Deerlove living in the houſe with Benſon, and being their head officer and judge for life, prevailed with thoſe that durſt not diſpleaſe Benſon, and * that he was choſen by the greater number; and cauſed his brother, whom he had made his deputy, to ſerve this turn, to return William Deerlove, burgeſs, a man of very mean or no fortune or condition.

Upon the whole, the committee proceeded to two votes: that this return of William Deerlove by his own deputy, made but two or three days before the election only for this ſervice, was an undue and void return, and ſhould be taken off the file:

That the ſheriff of the county of York ſhould return up the indenture by which Sir William Conſtable was elected; and that Sir William ſhould be admitted to ſit as a member of this houſe for this borough.

Upon which report, it was Reſolved, that the return of William Deerlove by his own deputy, made but two or three days before the election only for this ſervice, was an undue and void return; and ſhould be taken off the file.

But no notice was taken of the laſt reſolution in regard to Sir William Conſtable; tho' I find he afterwards ſat for this borough.

Jan. 26, 1688. A petition of Thomas Fawkes, eſquire, was read; ſhewing, that William Stockdale, eſquire, is returned for one of the burgeſſes for this borough; and that the bailiff hath, as to the petitioner, and Edward Viſcount Latimer, made a double return; but that, upon the face of the return, it appeareth, the petitioner ought to be the other burgeſs to ſerve in the convention for this borough.

Ordered the ſaid election be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

28—A petition of Edward Lord Latimer; ſhewing, that William Stockdale, eſquire, being choſe one of the burgeſſes for this borough; and that the petitioner had a majority of votes above Thomas Fawkes, eſquire; but yet that Mr. Fawkes hath prevailed with the bailiff to make a double return of them, in prejudice of the petitioner.

Ordered the ſaid petition be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

March 21. Colonel Birch reported from the committee the merits of the ſaid election, as followeth.

That the borough-men of this ancient borough on the 12th of January with an unanimous conſent, have freely choſen William Stockdale, eſquire, to be one of their two repreſentatives in the convention to be holden at Weſtminſter the 22d of January; and the Lord Viſcount Latimer by the majority of the antient and new votes, together; or Thomas Fawkes, eſquire, by the majority of the antient votes, who had been ſworn in court and * relieved for their borough-houſes according to the cuſtom of the ſaid borough, to be the other of the two repreſentatives.

That the antient votes for Mr. Fawkes, agreed on all ſides to be good, were 25; that of ſuch for Lord Latimer were 19; and the new votes transferred lately, but otherwiſe good, were 18.

That the return and petition of Lord Latimer, and Mr. Fawkes concerning this election, coming in courſe to be heard on the 18th of February laſt, was put off till the 4th of March inſtant; before which time Lord Latimer died. And it appearing to the committee upon the return, that Mr. Fawkes had twenty-three old votes, and Lord Latimer but nineteen, and no petition had been preſented on behalf of the borough, they did not think fit to grant any longer time: and therefore reſolved,

That Thomas Fawkes, eſquire, is duly elected a burgeſs to ſerve in this preſent convention for this borough: whereto the houſe agreed.

Reſolved, the bailiff of the ſaid borough do attend this houſe to amend the return.

* Sic orig.

March 24, 1689. A petition of Thomas Fawkes, eſquire, was read; ſhewing, that at the election for burgeſſes for this borough, William Stockdale, eſquire, and the petitioner, were unanimouſly elected; and accordingly the bailiff made his return; but the bailiff, though the petitioner was duly choſen, and by the return expreſſed to be elected, "*inſtant* "*major partem burgenſium*;" yet afterwards, contrary to his duty, he made another return of William Stockdale, and Henry Slingſby, wherein theſe words are omitted: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

April 2, 1690. A petition of Sir Henry Slingſby, baronet, was read; ſhewing, that he was duly elected for this borough, but that Thomas Fawkes, eſquire, is returned in his ſtead: and praying relief &c.

Ordered, that it be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

May 10. Ordered to be reported on Thurſday next.

17th. Mr. Grey reported from the committee the caſe, as it appeared to them concerning this election;

That the queſtion was, whether Mr. Fawkes or Mr. Slingſby were duly returned and elected; that Mr. Fawkes had twenty-two, and Mr. Slingſby twenty voices.

That the right of election was agreed to be in the burgage-holders.

That the poll was for Mr. Fawkes 22, Sir Henry Slingſby 20 voices.

That upon examination it appeared to the committee, that Mr. Fawkes had moſt qualified voices: whereupon they reſolved,

That Thomas Fawkes, eſquire, is duly returned and elected a burgeſs to ſerve in this preſent parliament for this borough: which reſolution being twice read, was agreed to by the houſe; and the return ordered to be amended.

Dec. 22, 1711. Ordered a warrant for a new writ for electing a burgeſs in the room of Robert Breſly, eſquire, made a commiſſioner for keeping the privy ſeal.

March 29, 1715. A petition of Henry Slingſby and Cyril Arthington, eſquires, John Clark, Richard Andrews, John Clark, joyner, and Leonard Pickerſgill, in behalf of themſelves and other burgeſſes of the ſaid borough, was read; ſhewing, that at the election of members for the ſaid borough, the petitioners, together with Henry Coot and Robert Hitch, eſquires, were candidates; the petitioners had a majority of legal votes, but John Fleſher pretending to be the bailiff, and having taken upon himſelf the execution of the precept for the ſaid election, has returned the ſaid Mr. Coot, and Mr. Hitch as duly elected, who had no right; and refuſed the petitioners, who had a right and ought to be returned: and the ſaid Fleſher, to ſerve the ſaid Mr. Coot and Mr. Hitch, ſome time before the ſaid election took upon him, without authority, to impanell a jury of thirty burgeſſes, the greateſt number he knew to be in the intereſt of the ſaid Mr. Coot, and Mr. Hitch; all which proceedings of the ſaid Fleſher, highly tend to the prejudice of the petitioners: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Feb. 4. Ordered leave be given to withdraw the ſaid petition.

April 20, 1726. Ordered a warrant for a new writ for electing a burgeſs for this borough, in the room of Richard Arundel, made a ſurveyor of the works.

LANCASHIRE.

THIS county is in the northern part of the kingdom, and returned knights of the ſhire to parliament 22 Ed. I. In the 34th of Edward the third, the writ of ſummons dated the 20th of November, for a parliament to be holden at Weſtminſter, on the Sunday before the converſion of St. Paul, was directed to Henry Duke of Lancaſter, or his deputy, who made this return. *Henricus Dux Lancaſtriæ ſic reſpondet. Nomina militum ad reſpondendum, faciendum, & conſentiendum in præſenti parliamento prout idem breve requirit pro communitate dicti ducatus &c.* 2 Reg. 31. Brady, 57.

In the 25th of the ſame reign, the King created Henry Plantagenet, his kinſman, Duke of Lancaſter, and granted him for term of his life, all the privileges of a palatinate within the ſaid county. He died 1361, and in the year following, the King created John of Gaunt, Duke of Lancaſter.—And in the 50th year of his reign (in full parliament) (as Lord Coke writes) the King erected the county of Lancaſter a county palatine, and honoured the Duke of Lancaſter therewith for term of his life. Pat. 25 & 26 Ed. III. P. 1. n. 18. Rot. Par. 36 Ed. III. m. 36, 37. Co. 4 In 204.

In the firſt patent is this clauſe. *Et eſt intentiones noſtræ, quod idem dux ad mandata noſtra et heredum noſtrorum ad parliament. et concilia noſtra duos milites pro communitate comitatus prædict. et duos burgenſes pro quolibet burgo ejuſdem comitatus &c.* (See that patent at large, and alſo the extract of the other in Appendix.) This clauſe ſeems ſomewhat remarkable, as there were knights of the ſhire and burgeſſes returned for many years before.*

The returns from the 26th of King Edw. the firſt to the 33d of Edward the third, are of knights for the county, and burgeſſes for Lancaſter and Preſton: for the firſt of theſe boroughs there are 13, and for the latter 36 returns, within this ſpace of time; but in the 9th and 12th of Edward the third, the return is, *Non eſt aliqua civitas neque burgus in balliva mea.*—In the ſame 12th and 20th years of that King, *Non ſunt aliquæ civitates vel burgi in balliva mea.* Or in *com. præd*—In the 36th of Edward the third, *Et non eſt aliqua civitas nec aliquis burgus infra com. præd. unde cives ſeu burgenſes venire debent ſeu ſolent prout brevis iſtud requirit.*—In the 38th of the ſame King, *Et non ſunt aliqui civitates ſeu burgi infra com. de quibus aliqui cives ſeu burgenſes ad dictum parliamentum venire debent ſeu ſolent, propter eorum debilitatem ſeu paupertatem.*—In the 39th and 43d years of the ſame King, the returns are to the ſame effect. But in the 46th, the return is in theſe words, *Non ſunt cives neque burgenſes in balliva mea qui ad parliamentum Domini Regis aliquo tempore venire conſueverunt.*—In the 7th of Edward the third, *Non ſunt aliqui cives ſeu burgenſes in balliva mea.*—In the 50th year of this King, *Nulli ſunt cives neque burgenſes com. præd. qui ad parliamentum Domini Regis venire ſolent nec poſſent, propter eorum debilitatem et paupertatem.* 4th Reg. 882, 1021, 1090. B. P. 203. Ib. 236.

After this the county became a duchy by the patent aforeſaid.

And in the 2d of Richard the ſecond, the return is, *Et non ſunt aliqui cives aut burgenſes in ducatu pred. qui ad aliquod parliamentum venire ſolebant, propter eorum paupertatem et debilitatem.*

* Vide 2 Reg. 31.

5th

5. Richard II. *Non ſunt aliqui cives et burgenſes in ducatu præd. qui ad aliquod parliamentum venire ſolebant propter eorum paupertatem.*

In the 7th Richard II. *Et in ducatu præd. non habetur civitas neque burgus unde cives ſive burgenſ. ad parliamentum venire conſueverunt.*

The 15th of the ſame King to the ſame effect, —*propter eorum paupertatem et debilitatem.*

And in the indentures 2, 7, 27, 28, 29 Hen. VI. there is this clauſe; *Et quia non eſt aliqua civitas, neque burgus in com. præd. qui eligerunt cives aut burgenſes propter eorum paupertatem temporibus retroactis mittere ſolebant.* Or, *unde aliqui cives vel burgenſes unquam ante hæc tempora ad aliquod parliament. propter eorum paupertatem et debilitatem venire ſolebant, ideo de civibus et burgenſibus infra hanc indenturam non ſit mentio.* Other returns of the 7, and 25, 27, 28, 33 H. VI. differ but little from this form.

4th Regiſt. 259. But I find in the 36th year of King Edward III. there was a conteſt concerning the election of knights of the ſhire; as appears by the following memorable writ, concerning the expences and election of the ſaid knights, to examine concerning the elections in a full court. The firſt writ was iſſued to the ſheriff, whoſe deputies (being the perſons returned and concerned) concealing the writ, and yet levying the expences contrary to it, the King upon information iſſued a ſecond writ to the juſtices of the peace of the county, to examine and certify to him in chancery the duneſs of the election; and ſuperſeded the levying of their expences, as the writs following ſhew.

Rex vic. Lancaſtr. ſalutem. Quia ſuper electione facta de militibus pro communitate com. prædicti pro ultimo parliamento noſtra in com. prædicto venientibus maxima altercatio facta exiſtit, nos ea de cauſa volentes ſuper electione prædicta plenius certiorari, tibi præcipimus, quod habita in pleno com. tuo ſuper electione prædicta cum militibus et aliis probis hominibus de communitate dicti com. deliberatione et informatione diligentibus utrum, viz. Edwardus Laurence, et Matthæus de Riſheton, qui in brevi noſtro de parliamento prædicto tibi directo retornati fuerunt, pro militibus dicti com. electi fuerint, an alii; et ſi per deliberationem ei informationem hujuſmodi inveneris ipſos de communi aſſenſu totius com. præd. pro milit. dicti com. electos fuiſſe tunc hab. fac. eiſdem Edwardo et Matthæo decem et octo lib. et ſexdecim ſolidos pro expenſis ſuis veniendo ad parliamentum prædictum, ibidem morando, et exinde ad propria redeundo, videlicet, pro quadraginta et ſeptem diebus; utroque prædictorum Edwardi et Laurentii capiente per diem quatuor ſolidos: et ſi alii pro militibus ejuſdem com. electi fuerint, tunc nos de nominibus illorum ſub ſigillo tuo in Cancellaria noſtra reddas certiores, hoc breve nobis remittens. Teſte Rege apud Weſtm. 17 die Nov.

Per ipſum Regem.

Rex dilectis et fidelibus ſuis Godefr. Foleiambe et ſociis ſuis cuſtodibus pacis in com. Lancaſtr. ſalutem. Cum nuper pro eo quod ſuper electione, &c. ut ſupra uſque ibi redderet certiores, et tunc ſic. Ac jam intellexerimus quod prædicti Edwardus et Laurentius qui locum tenentes dicti vic. exiſtunt, et returnum brevium noſtrorum com. prædicti faciunt, breve noſtrum prædictum penes ſe retinent, et executionem aliquam inde hactenus facere non curarunt, et nichilominus vadia illa indics levari faciunt in noſtri deceptionem manifeſtam, nos volentes hujuſmodi deceptioni obviare, vobis mandamus, quod prox. ſeſſione veſtra vocatis coram vobis militibus et aliis probis hominibus ejuſdem com. et alios quos noveritis evocandos, diligentem informationem et inquiſitionem ſuper præmiſſis capiatis, et de eo quod in hac parte inveneritis nos in Cancellaria noſtra ſub ſigillis veſtris, vel alicujus veſtrum diſtincte et aperte, ſine dilatione reddatis certiores, hoc breve nobis remittentes. Teſte Rege apud Weſtm. 12 die Feb.

Per ipſum Regem.

Upon theſe writs Mr. Prynne remarks as follows.

1. That the King in that age, not the commons houſe, examined and determined all diſputable and undue elections complained of, this being the firſt of that kind I have met with.

2dly. That knights unduly elected, returned, if their elections be complained againſt, and not decided ſitting the parliament, ſhall not receive their expences from the county, by the King's writs, till the legality of their elections be fully examined, and decided by the King.

3dly. That the King may cauſe their elections to be examined by ſpecial writs iſſued to the ſheriff, or to juſtices of peace in his default, to enquire of and certify the legality of their elections, and ſuperſede the levying of their expences, till full examination and deciſion of the dueneſs of their election by the teſtimony of their electors, and of the whole county, in manner aforeſaid.

The return 2 H. V. will be found at large in the Appendix, as will the charter and act of parliament beforementioned. I meet with no further memoirs relating to the election until ſince the reformation; when theſe which follow do occur.

March 19, 1678. A petition of William Spencer, eſquire, complaining of an undue election and return of Peter Bold, eſquire, as knight of the ſhire for this county, in injury of the petitioner, who was duly elected, and ought to have been returned, was read.

Reſolved, that the ſaid petition be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

Oct. 20, 1722. A petition of Sir Henry Houghton, baronet, was read; ſhewing, that at the election of knights of the ſhire, to ſerve in parliament for this county, the petitioner, Richard Shuttleworth, eſquire, and Sir John Bland, baronet, were candidates: that Sir John Bland, who joined intereſt with Mr. Shuttleworth, appeared with great numbers of perſons, not legal freeholders, to vote at the ſaid election: that the agents and voters of the ſaid Sir John Bland did in a very riotous and illegal manner, inſult and intimidate the legal voters who appeared to poll for the petitioner. It was with great difficulty the high ſheriff of the ſaid county could ſupport the authority of his court and proceed in the poll: that ſeveral hundreds who had no right to vote, did preſume to take the freeholders oath, and voted for the ſaid Sir John Bland: that great numbers by bribery and other illegal practices were prevailed upon to vote for the ſaid Sir John Bland: that by theſe unwarrantable proceedings the ſaid Sir John Bland is returned in prejudice to the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter thereof, and report the ſame, with their opinion.

LANCASTER Town.

THIS is the capital or ſhire town of its county. It was made a borough by King Henry Brady 46. II. confirmed by John Earl of Moreton and Lancaſter (See the extract of the charter in the Appendix) and returned members to parliament in the 4th Reg. 1021, 26th of Edward I. and ten times after, between that time and the end of the 33d of Edward III; Willis, 1749. 29. after which it ceaſed until King Edward VI's time, when it was reſtored. The reaſon given by the ſheriff for not ſummoning it, appears in his returns Vide B. P. R. 203. for the county. The manner of its reſtoration doth not appear, nor are there many memoirs relating to its elections or repreſentatives in that reſpect.

May 30, 1685. A petition of Charles Lord Brandon, touching the election for this town, was read:

Ordered, that it be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

LANCESTOUN alias DUNHIVID.

Brady, 44. THIS borough (called alſo Dunheved) is ſituate within the county of Cornwall. It was made a borough by Richard, brother of King Henry III. (who was by that King created Earl of Cornwall in the 15th year of his reign). Willis, 2 Vol. 18. Its preſent government is by a mayor, recorder, and eight aldermen; eſtabliſhed by charter of Queen Mary, 1555. [See extract of the charter in the Appendix] It returned burgeſſes to parliament 26 Edward I., and has ſo done to this time. I meet with no memoirs of its elections before the Reformation; ſince which *æra*, the journals of the houſe of commons contain theſe following.

May 15, 1660. Mr. Turner reported from the committee of privileges and elections, touching the double return for this borough; That Thomas Gewen and Edw. Elliot, eſquires, are returned by the proper officer; and the opinion of the committee, that they ought to ſit till the merits of the cauſe be determined: whereto the houſe agreed.

June 29. Mr. Turner reported from the ſame committee, the caſe upon the double return for this borough; that upon examination of the fact it appeared to the committee, that Sir John Cloberry, who by the name of John Cloberry, eſquire, is returned in one of the indentures, had a greater number of voices than Edward Elliot, eſquire, who is one of thoſe returned in the other indenture; which was alſo admitted by the ſaid Mr. Elliot; and that the committee were therefore of opinion, That Sir John Clobery is duly elected and ought to ſit:

Whereto the houſe agreed.

March 4, 1711. A warrant for a new writ for electing a burgeſs in the room of Francis Stoble, made receiver of the tin-farm, in Cornwall.

March 30, 1715. A petition of Sir William Pendarvis, knight, and Charles Statham, eſquire, was read; ſhewing, that the petitioners were candidates at the laſt election for this borough, and the petitioners had a majority of legal votes; notwithſtanding which Thomas Bennet, mayor of the ſaid borough, by illegal and unwarrantable practices, hath returned Edward Herle and *Joſhua Anſtis, eſquires, to the prejudice of the petitioners: and praying &c.

*Query John.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter thereof, and to report the ſame, with their opinion.

Feb. 15. Ordered leave be given to withdraw the ſaid petition.

March 27, 1716. A motion was made that the Speaker do iſſue his warrant to the clerk of the Crown, to make out a new writ for the electing a burgeſs, to ſerve in this parliament for this borough, in the room of John Anſtis, eſquire; to whom her late Majeſty granted the office of Garter principal King at Arms after the death of Sir Henry St. George, who is now dead.

Ordered, that the letters patent by which the ſaid office is granted to Mr. Anſtis, be laid before the houſe,

28th. The houſe being informed, that the ſaid letters patent have been delivered to the clerk of the houſe.

Ordered them to be read,—which being done,

A motion was made, That the Speaker do iſſue his warrant to the clerk of the Crown to make out a new writ for the electing a burgeſs, to ſerve in this parliament for this borough, in the room of John Anſtis, eſquire, to whom her late Majeſty granted the office of Garter principal King at Arms, after the death of Sir Henry St. George.

And a debate ariſing thereupon,

Ordered it to be conſidered on Friday ſevennight.

But it was never called for, nor the matter determined, until

Dec. 7, 1717. Ordered, a warrant for a new writ for electing a burgeſs, to ſerve for this borough in the room of John Anſtis, eſquire, who hath accepted the office of Garter King at Arms.

Oct. 19, 1722. A petition of Thomas Smith, eſquire, and John Willes, eſquire, was read; ſhewing, that the petitioners were candidates at the election of members to ſerve in parliament for this borough; that they had an undoubted majority of legal votes, and ought to have been returned; notwithſtanding which, Nicholas Herle, eſquire, mayor of the ſaid borough, hath returned Alexander Pendarvis, eſquire, and Dr. John Freind, to ſerve for the ſaid borough, though guilty of corrupt and illegal practices: and praying &c.

The houſe being acquainted, that the ſaid petition was delivered to the clerk of this houſe, without Mr. Smith's privity or conſent:

Ordered the ſaid petition be rejected.

A petition of the major part of the inhabitants within this borough, was read; ſhewing, that at the election of burgeſſes to ſerve in parliament for the ſaid borough; the candidates were, Alexander Pendarves, eſquire, doctor John Freind, Thomas Smith, and John Willes, eſquires; that the right of election for the ſaid borough is in the freemen, and thoſe who have ſerved legal apprenticeſhips with freemen of the ſaid borough, and no others; that Mr. Smith and Mr. Willes had the majority of legal votes, and were duly elected; yet the mayor of the ſaid borough, contrary to the rights and privileges of the petitioners, did take upon him to return the ſaid Mr. Pendarves and doctor Freind, in manifeſt wrong to the petitioners: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter thereof, and report the ſame, with their opinion.

A petition of John Willes, eſquire, was read; ſhewing, that the petitioner was a candidate at the election of members to ſerve in parliament for the ſaid borough; and he had an undoubted majority of legal votes; and ought to have been returned; notwithſtanding which, the mayor of the ſaid borough hath returned Alexander Pendarves, eſquire, and doctor John Freind; and the ſaid mayor was guilty of ſeveral illegal practices: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter thereof, and to report the ſame, with their opinion.

Jan. 10, 1723. A petition of John Willes, eſquire, the ſame in ſubſtance as the laſt, was read;

Ordered, that it be referred to the committee of privileges and elections, to cxamine the matter thereof, and to report the ſame, with their opinion.

March 13. Ordered the report to be received on Tueſday next.

17th. Mr. Gybbon reported according to order, the matter as it appeared to the committee of the ſaid election:

That the right of election was controverted.

That the petitioners counſel inſiſted, that this borough was firſt incorporated in the time of Philip and Mary; that the right of election was founded on their charter, which incorporated the mayor and eight aldermen, all named to be inhabitants: and gave power to them, or the major part of them, to admit inhabitants to be burgeſſes, or freemen; which are ſynonymous terms in the charter.

That the right of election is in the mayor, aldermen, and freemen, being inhabitants at the time they were made free, and not receiving pay of the pariſh.

The ſitting-members counſel inſiſted, that this was an antient borough; and before their charter ſent members to parliament time out of mind; that the charter confirmed all their antient rights and privileges; and neither did, nor could alter the right of election, which was in the mayor, aldermen, and freemen, ſworn before the mayor and aldermen, or the major part of them, whether ſuch freemen were inhabitants, or not, at the time of admiſſion, and who do not receive alms, or charity, from the pariſh.

That the charter is dated the 15th of February in the ſecond and third years of Philip and Mary; which conſtitutes, and grants, that the borough, or town of Dunheved *alias* Launceſton, ſhould for the future, for ever, be a free borough; and incorporates the burgeſſes thereof *per nomen major. et communitat. burgi de Dunheved alias Launceſton*; and erects, eſtabliſhes, and creates them a body corporate and politic, to have perpetual ſucceſſion by that name.

The firſt mayor and aldermen are named to be inhabitants; all their antient rights, cuſtoms, and privileges are confirmed; except their election of portreves, who are aboliſhed by this charter.

The power granted by this charter to elect free burgeſſes, is in the following words: *Concedimus præfat majori et comunitati dicti burgi de Dundeved alias Launceſton, et ſucceſſoribus ſuis, quod iidem major et communitas pro tempore exiſten', una cum aldermanis ejuſdem burgi pro tempore exiſten', ſive majore parte dictorum alderman', de cætero elegere et admittere poſſint et valeant tot et tales de diſcretioribus, probioribus et magis quiet. viris et inhabitant. prædicti burgi fore et eſſe burgenſes et liberos homines ejuſdem burgi, quot et quales eis neceſſar. ſive opportunos de tempore in tempus fore videbitur*; with a power to remove for offences committed within the borough, *aliquem burgens' liberor' hominum ſive inhabitantium burgi*; and at diſcretion in their ſtead, to admit other inhabitants, *fore liberos homines ſive burgens', burgi.*

And the clauſe of electing of burgeſſes to parliament in the following words; *Concedimus. præfat. majori et communitati et ſucceſſoribus ſuis quod ſint et erunt in dicto burgo duo burgenſes parliamenti noſtri et hæred' noſtrorum et ſucceſſor' noſtrum præfat. Reginæ; quodque prædict. major et communitas in dicto burgo de Dunheved alias Launceſton et ſucceſſores ſui quotiens et quandocumque parliamenti, noſtrorum hæred', et ſucceſſor' noſtræ præfat' Reginæ ſummoniri, inchoari ſeu convocari contigerit, habeant et habebunt poteſtatem, authoritatem et facultatem eligend', et nominand' duos diſcretos et probos viros fore burgenſes parliamenti noſtri et hæred' et ſucceſſor' noſtrorum præfat. Reginæ pro eodem burgo.*

The ſitting-members counſel inſiſted, that the preſcriptive right was evident, from the whole tenor of the charter; which began with recitals by *inſpeximus*, of no leſs than eight ancient charters granted by former Kings; viz. Edw. VI. Henry VIII. Henry VII. Edw. IV. Henry V. Henry IV. Richard II. and Richard Earl of Cornwall; all which charters, and all grants, liberties, and cuſtoms contained therein, and all antient privileges and immunities, whether by grant, cuſtom, or preſcription, are confirmed by this charter of Philip and Mary, except the election of portreve: and they produced copies of the following returns; viz.

4th Sept. 1 *Mariæ*, by the mayor of the borough of Launceſton, and burgeſſes of the ſame town.

11th Sept. 1 *Mariæ*, by the mayor and burgeſſes of the Dunheved burgh.

1ſt Oct. 2d and 3d *Phil. & Mariæ*, by the mayor of the town and borough of Downehevot, and the burgeſſes of the ſame borough.

14th Nov. 26 Eliz. by the mayor of the town and borough of Downehevid and other burgeſſes.

4th Oct. 30 Eliz. by the mayor and burgeſſes of the borough of Dunheved *alias* Launceſton.

22d Oct. 16 Car. by the mayor and free burgeſſes of the borough of Dunhevid, *alias* Launceſton.

They alſo offered to prove the foreign burgeſſes had joined in returns to parliament, ſince the charter of Philip and Mary; which the petitioners counſel admitted to have been done in, and ſince the reign of King James II. But inſiſted that the foreign burgeſſes had no right; and that this charter of Philip and Mary was the firſt charter of incorporation of this borough, and the only charter under which the burgeſſes acted; and obſerved, that all precedent grants, or charters therein recited, were only grants or charters of confirmation of privileges, and none of them charters of creation or incorporation.

The counſel for the ſitting-members called

William Warren and Benjamin Vigors; who ſaid, they knew, in all elections for fifty years paſt, the out-freemen voted, and were never objected to; though . . . . did not live in the corporation at the time they were made free.

Wakeham ſaid, that he knew, for thirty years paſt, the out-freemen voted without objection; tho' many of them never lived in the corporation: that he ſerved his clerkſhip with Mr. King, the town-clerk; and had heard him ſay, his father and grandfather, who were town-clerks before him, had often informed him, that out-burgeſſes ever voted, and were always allowed to be as good votes as the in-burgeſſes: that he hath heard ſeveral of the in-burgeſſes, who were very antient men, and are ſince dead, often declare, when they were met together, that the out and in-burgeſſes enjoyed the ſame privileges; and the out-burgeſſes were never denied voting, in the memory of man: and particularly, the agents for Sir William Pendarves, in his election in the year 1714, inſiſted on the right of the out-burgeſſes to vote: but owned, he was not at the poll.

In anſwer to this, it was ſaid by John Carpenter, he was at Sir William Pendarves' election: that Sir William did object to the out-burgeſſes: that he took the poll, and marked the out-burgeſſes as they came up, but did not take down any of them upon Sir William's poll: but ſaid, he could not tell whether they were taken in the poll, or not, by the town-clerk, who took the poll for the mayor.

The committee reſolved,

That the right of election of burgeſſes to ſerve in parliament for this borough, is in the mayor, aldermen, and freemen, being inhabitants at the time they were made free, and not receiving pay of the pariſh.

The poll was, for the ſitting-members, each, 43,
for the petitioner — 25.

The petitioner objected to twenty voters for Mr. Pendarves, and twenty-one for doctor Freind; and ſaid, they ſhould add five to the petitioner's poll.

Seventeen of theſe objected to, for not being inhabitants at the time they were made free; and twelve of them were admitted to be ſuch, viz. Nicholas Medland, Chriſtopher Bedford, John Clarke, Thomas Ching, Edward Elliot, Ely Foſter, Richard Granvill, Sir Nicholas Morrice, Stephen Sharſell, John Snowden, John Wood, and William Webber.

William Stokes and Robert Pearſe ſaid, that Hugh Pyper, eſquire, never lived in the borough, but always at Chriſt-Marrow, which is out of the borough; and lived there during his mayoralty.

That John Roberts, clerk, was not an inhabitant at the time he was ſaid to be made free; but lived then at his cure, ſix miles from the borough.

Stokes ſaid, that John Bennet was not an inhabitant when he was made free, but had left the town ſeveral years before.

Chriſtopher Kingdon ſaid, John Rattenbury did not live in the borough, till a year after he was made free.

Henry White ſaid, that Arthur Porter, who married the daughter of Mr. King, the town-clerk, was made free after his marriage, whilſt he ſojourned at Mr. King's; and never was an inhabitant.

John Tith, and others, ſaid, that John Abbot, whoſe vote is ſet down for both the ſitting-members, was brought deſperately ill into the town-hall by two perſons in their arms; and being aſked by the town-clerk, who he voted for? and not anſwering upon the ſaid demand, Hoſkins, who ſupported him, ſaid, he was taken faint, and could not ſpeak; and they took particular notice of Abbot, then looked in . . . . . face, and was poſitive he did not ſpeak, nor did his lips move; and was carried away faint, and died within three days after.

John Carpenter, overſeer of the poor in 1722, ſaid, Robert Squire received pariſh-pay, and wore the pariſh-badge, before, and at the time of the election; and has done ſo ever ſince.

It appeared, James Wakeham was outlawed for debt, 13 *Annæ*, and the outlawry was not reverſed.

John Carpenter and Kingdon ſaid, that Samuel Ball gave his vote for Mr. Pendarves and doctor Eliot: that they heard him very plain, and he went away without voting, or naming any one elſe: and Carpenter ſaid, that doctor Eliot lives about ten miles from the borough; but Kingdon did not know him.

To prove a right of freedom by ſervitude, and to add five to the petitioner's poll upon that foot, was called

William Stokes; who ſaid, he was aged ſixty-ſeven years, and had known the town all his life: that the antient uſage always was to admit to freedom perſons, who had ſerved ſeven years apprenticeſhip to freemen in the borough; and he gave an inſtance of one in the year 1684, who being refuſed, brought a *mandamus* againſt the mayor; and thereupon the corporation, after adviſing together, admitted him; and, after that, none were denied, till of late, that the corporation have taken upon them to refuſe all but their own party, and to ſwear thoſe they admit never to be againſt the mayor and aldermen.

Thomas Kingdon and Robert Pearſe ſaid, it had always been uſual to admit to freedom, perſons that had ſerved ſeven years apprenticeſhip; and there was never any refuſal of ſuch, till the late difference about members of parliament: and Pearſe ſaid, upon an election, 24 years ſince, the mayor admitted to freedom, perſons that would promiſe to vote as the corporation would have them, and refuſed all others.

That five perſons, that the petitioner would add to the poll, on this right by ſervitude, were Carew Tingcomb, John Gudding, Shadrach Gewen, Nicholas White, and Daniel Eyme.

The indentures of their apprenticeſhip were produced, and alſo their ſeven years ſervitude to freemen in the borough; and John Carpenter ſaid, they all offered to vote for the petitioner; and he knew four of them had demanded their freedom ſeveral years before the late election.

Henry White ſaid, he knew Nicholas White had demanded his freedom of two mayors.

Stokes ſaid, that Tingcombe had often demanded his freedom of the corporation, and was always refuſed, becauſe he was not of the right party, and for no other reaſon; for he produced his indenture, and they all knew of his ſervice.

That it had been uſual for the grand-jury to preſent perſons, who had ſerved ſeven years apprenticeſhip, for not taking up their freedom; and upon ſuch preſentment they were admitted, or amerced for their refuſal.

The ſitting-members counſel denied, that ſervitude gave a right to freedom in this corporation, other than for exerciſe of trade, and enjoyment of particular liberties and immunities; but not to vote for members of parliament, which depended upon the charter, as before ſtated; and inſiſted, by the ſaid charter and conſtitution of the borough, the admiſſion of freemen is perfectly diſcretionary in the mayor and aldermen, who may admit, or refuſe, as they pleaſe.

The petitioner's counſel agreed, the mayor and aldermen had a diſcretionary power to admit inhabitants who were not entitled; but denied, they could exclude ſuch as had a right, by ſerving apprenticeſhips.

The counſel for the ſitting-members called

Will. Warren; who ſpoke for 50 years paſt; and ſaid, that the conſent of the mayor, and majority of the aldermen, were neceſſary to admiſſion to freedom; and that there was no right acquired by ſervitude, or otherwiſe; nor any ways to gain freedom, but by conſent of the corporation: that he was born in the town, and was eldeſt ſon of a freemam; but could never be admitted, becauſe the major part of the aldermen would not conſent, though ſome did.

Benjamin Vigors, William Warren, and John Wakeham: the two firſt of which ſpoke for fifty years paſt, the other for thirty; and ſaid that they never knew, or underſtood, that any perſon had a right to freedom by birth or ſervice; and gave inſtances of both ſorts refuſed within ſeven years paſt: that the corporation told thoſe, who claimed, there was no right, but the admiſſion was in the mayor, and majority of the aldermen, for the time being; and ſaid, neither of the five perſons, who the petitioner would add to his poll, appeared, or demanded to be polled at the election; though, after all the voters preſent had voted, three proclamations were made at different times.

To qualify five of thoſe who were excepted to, they called

Benjamin Vigors; who ſaid, he remembered when Mr. Piper came from Plymouth to live in this borough, about thirty years ago: that he lived in the town with his family, at his own houſe, when he was made free; and alſo during his mayoralty, which was about ten years after.

That Arthur Porter lived in the town with his father-in-law Mr. King, when he was made free; which was a year after he married Mr. King's daughter: but owned, he was not preſent when either of them were admitted, and ſpoke only by information received in thoſe years; the firſt of which he ſaid was thirty, and the other twenty, years ſince; but could not tell the King's reign.

That he was preſent when Mr. Roberts was admitted, about nine or ten years ſince: Roberts was then uſher to the miniſter of the town, and lived with him in his houſe.

Warren and Wakeham ſaid the ſame; and Warren ſaid, he was preſent when Porter was admitted.

Laurence ſaid the ſame, as to Roberts' inhabitancy; and ſaid, he was admitted with him.

Vigors, and three others, being ſeverally examined, ſaid, Abbot voted very diſtinctly for the two ſitting-members, by name; but ſpeaking low the firſt time, was bid to ſpeak louder; which he did, loud enough for the whole court to hear him.

That Ball being aſked his vote, ſaid, he voted for Mr. Pendarves and doctor John Elliot; and immediately, in the ſame breath, ſaid, I mean doctor Freind.

Webber took the poll for the mayor; and Laurence ſaid, there was no ſuch candidate as doctor John Elliot; nor did he ever hear of any ſuch man.

Warren ſaid the ſame, as to Abbot.

To diſqualify ſix of the petitioner's voters; viz. William Spry, Richard Carpenter, Nic. Lark, Jacob Elliot, George Welſh, and Henry Hayne, they called

Vigors and Warren; who ſaid, Spry was admitted, when he was no inhabitant, about thirty years ſince: that he lives at Taviſtock; never was an inhabitant in the borough; and only came thither on market-days to a ſhop he reſerves in his own houſe, wherein his father lived.

Wakeham ſaid, he was preſent when Richard Carpenter was made free about twenty years ſince: that he wrote down his admiſſion; and that he then lived at Graveſend, where he now lives, about a quarter, or half a mile out of the borough.

Degory Beauford ſaid, that Nicholas Lark was admitted to freedom, about twelve years ſince, at the Queen's arms: that as he came out of the room, he told the witneſs there was only the mayor and two aldermen preſent, who he named; and he ſaw the mayor and the ſaid aldermen come out of the room, and no one elſe was there; and at that time there were eight aldermen living, beſides the mayor.

James Wakeham ſaid, he heard Lark own the ſame, upon his being objected to. He alſo ſaid, Elliot, ſome time before the election, deſired him to write down his name for the ſitting-members; ſaying, he would vote for them: and alſo Elliot ſaid, that Stokes had put him to twenty pounds coſt unjuſtly; and if the incorporation would repay it, he would vote for them, and never vote againſt them: that after the election, he told him, he had been ſatisfied for his twenty pounds; that he had it for his vote from the managers; which he apprehended he meant the managers for the petitioner; viz. Nicholas Lark and Chriſtopher Kingdon, who were named in that converſation between Elliot and him; but did not ſay from which he had it, only he had it of the managers.

Vigors ſaid, Welſh has, for five years paſt, received the charity-money and cloaths, which is annually diſtributed by the corporation to the poor at Chriſtmas: that there are ſeveral gifts diſtributed, at divers times of the year, and that Walſh has his part with the others; but could not tell whether he received any thing of the overſeers: that he heard the overſeer ſay, he paid Henry Hayne weekly pay five or ſix years ago. It appeared, Hayne was outlawed the 4th of Queen Ann, which is not yet ſet aſide.

The petitioner, in reply, inſiſted,

That Lark's being admitted by a minority of the corporation, was inſufficient; for, in caſes of right to freedom, the mayor acted not judicially, but miniſterially; and that it was his duty to admit, and not needful to have a majority of the corporation; which was requiſite in the judicial capacity, when it was by election where there was no right: And

Henry White ſaid, Lark ſerved his apprenticeſhip with his father, who was a freeman; and for twenty-five years paſt had been ſo, and voted at all elections.

Pearſe ſaid, Carpenter was made free thirty years ago, ſeveral years before he went to Graveſend: that he then lived with his mother at Launceſton, and has voted at many elections of mayors.

The committee then reſolved,

That Alexander Pendarves, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for this borough.

That John Freind, M. D. is not duly elected a burgeſs to ſerve in this preſent parliament for this borough.

That John Willes, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for this borough.

The ſaid three reſolutions, with the reſolution relating to the right of election, were ſeverally read twice, and agreed to by the houſe.

And the return ordered to be amended.

May 23, 1726. Ordered a warrant to the clerk of the Crown, to make out a new writ for electing a burgeſs for this borough, in the room of John

Willes, eſquire, who hath accepted the office of ſecond juſtice of Cheſter.

LEICESTERSHIRE.

THIS county is in the inland part of this kingdom, and ſent members to parliament from the firſt returns of Edward the firſt. I meet with nothing remarkable, relating to its elections, till after the Reformation; when the following memoirs occur.

Feb. 7, 1620. Sir George Moor reported, from the committee of privileges and elections, for the knights of Leiceſterſhire; where, after the proclamation and writ read, the choice of Sir George Haſtings, made by 1250, and Sir Henry Haſtings, and Sir Thomas Beaumond, queſtioned about being choſen. The ſheriff adjourned the meeting till two of the clock that afternoon, where thoſe two gentlemen were again choſen; as teſtified by the certificate, and by the under-ſheriff, preſent with the committee. Againſt this Sir Thomas Beaumond, preſent, objected many of the electors copyholders; and Sir George no inhabitant in the county, nor freeholder, to his knowledge; and that force uſed to withhold ſome on the other part, by ſound of drum and ſtaves. That the indenture, ſealed by ſeventeen of the principal electors, and the under-ſheriff, the high-ſheriff made a return of Sir Thomas Beaumond. The committee fully reſolved the firſt return for Sir George and Sir Henry to be certified; and the ſheriff to be ſent for, and to abide the cenſure of the houſe.——To be proceeded on no farther now.

8th. Sir George Moor proceeded:—Sir Thomas Beaumond returned knight for this county: that the ſheriff retaineth the indenture, for election of Sir George and Sir Henry Haſtings: that Sir Thomas Beaumond deſireth to be heard by counſel.

Mr. Levins:—Now reſteth upon matter in fact; wherein no cauſe for counſel.

Sir Gyles Mompeſſon:—That at the committee, Sir Thomas Beaumond ſtood upon matter of law.

Sir Edward Coke:—Honourable gentlemen on both parts.—The committee have done gravely.—Concurreth *prima facie* with them.—For by divers acts of parliament in it, wiſheth he may be heard by his counſel, and ſome lawyers may be prepared to anſwer.

Sir Samuel Sands:—Clearly for Sir George, a freeholder there: that this excluſive proviſion of the ſtatute (the practice having been contrary) may exclude many worthy members of the houſe:——Not to have it farther diſputed.

Sir Edward Montague:—That Sir George, his couſin german; yet, being judges, to hear him by his counſel.

Mr. Alford:——Not to hear him by his counſel.

Sir Edward Sackville:—That the point of non-reſiancy hath been here determined; therefore the precedent to be ſought for.

Sir William Cope:—Not to refuſe to hear him by counſel.

Sir George Moor, *accordant*.—Never heard denial of counſel, when prayed.

Upon queſtion, ordered to hear him by counſel, in the houſe, to-morrow morning.

Sir H. Withrington:——That the high-ſheriff, and under-ſheriff, may be ſent for, to attend here then, with both the returns; and the lawyers to be ſent for to attend then.

9th. Counſel for, and againſt Sir Thomas Beaumond's election, called to the bar:—They directed, by Mr. Speaker, to ſpeak only to matter of law; and to ſpeak only to the choice of a knight of the ſhire, and not of a burgeſs; and not to queſtion the power of the houſe in examining returns.

Sir L. Hyde, for Sir Thomas Beaumond:—That an election for a knight of the ſhire, not reſient at the day of ſummons, void in law, and as if no choice: 1 Hen. V. 8 and 23 Hen. VI. As good chuſe a dead man, as one diſabled by act of parliament to be choſen; and the pain after hindereth it not.

Mr. Herenden:—That Sir Thomas Beaumond returned a knight,—and only he;——which not to be queſtioned here, becauſe no averment againſt the ſheriff's return——

Here Mr. Speaker cut him off.

Sir Thomas Ireland:—The only queſtion, whether Sir George, by 1 Hen. V. or 8 or 23 Hen. VI. made incapable?—No words in the ſtatute to make the election void.—The ſheriff no judge, but this houſe.—Statute 23 Hen. VI. that the ſheriff ſhall take bonds in his name; but that hath a farther proviſion, that if any bonds taken otherwiſe, the ſame ſhall be void: but not ſo here.—A man not ſaid to be reſiant, only where he eateth and ſleepeth, but where he hath lands in his manurance.—-Jeffry's caſe, *parochianus*; Sir George 300 l. *per annum* in that county: the uſe thus——None ever rejected for that cauſe: no ſuch precedent, *ergo* no ſuch law.

Mr. Holt.:—The proper queſtion, Whether the ſheriff's return of Sir Thomas Beaumond good?—The ſheriff judge of the number of voices, but not of ability or diſability; *ergo*, his return naught.—Sir Thomas Beaumond not elected in time, for Sir George elected at the hour appointed.

Mr. Speaker demandeth of Sir L. Hyde, how the practice hath been, in this caſe, in this houſe, ſithence the ſtatute?

Sir L. Hyde replieth:—Never knew any removed for this cauſe in all his time; nor ever heard it queſtioned: and yet thinketh, divers worthy gentlemen, not reſient, have ſerved.—That the ſtatute, 1 Hen. V. hath no penalty; therefore would be idle, if the choice ſhould not be void.

Mr. Speaker:—That the words are in the affirmative; "Such as be reſiant ſhall be choſen."——They diſmiſſed; and the high-ſheriff, and under-ſheriff, to attend the pleaſure of the houſe.

Mr. Hackwill:——No words to make the election void: the words, "that none ſhall be choſen," extendeth to the freeholders; whereof the ſheriff no judge.

Sir Edward Coke:—This is a caſe of the greateſt conſequence that can be: 1. Whether any of theſe ſtatutes make a non-reſident in a county, city, or borough, incapable, and ſo his election void. The law diſtinguiſheth matters in ſtatutes directory, or concluſory: Direction, but matter of order; which maketh nothing void: matter of ſubſtance only doth it. Scarce any well choſen, if matter of order ſhould overthrow it.—Hands and ſeals of all electors ſhould be put to their indentures; which never done. 2. The election to be free, without means; yet, where any knight choſen without means?——The meaning of the act of parliament, that ſuch ſhould be choſen as know the ſtate of the country, and the grievances thereof.—In 6 Hen. IV. a precept, that none be returned but knights of ſhires, and burgeſſes of boroughs: mentioned in the writs, no lawyers to be; therefore, in the parliament-roll, called *parliamentum indoctorum*; wherein, three ſhort acts made, not worth threepence.—Authority—in 8 Hen. VI. the proviſion, that if any come in thus irregularly, they ſhall recover no charges of the parliament; *ergo*, he was a knight, or a burgeſs.—The experience ever thus.—To put him out of the houſe, if this law; for himſelf never in the Weſt, where choſen: ſo as then, in all he hath done, *non judex*.

The example dangerous. 21 Edw. IV. a knight or a burgeſs can make no proxy; noblemen or biſhops may: the firſt repreſent the body of the county, or city; the Lords themſelves only; therefore the King may diſcharge a baron of his attendance, but he cannot diſpenſe with the ſervice of a knight of a ſhire, or a burgeſs, becauſe of their repreſentative body.

1. Queſtion. Whether the election of Sir Thomas Beaumont good? Reſolved, No.

2. Queſtion. Whether the election of Sir George Haſtings, good? Reſolved, Yea.

Ordered, that the ſheriff do bring in the return of Sir George Haſtings, to the clerk of the Crown; and he to accept, and file it.

The high-ſheriff and under-ſheriff, to be both brought to the bar, as delinquents.

Mr. Levins:—That the ſheriff may be examined, whether he had not ſecurity, to ſave himſelf harmleſs.

Mr. Speaker chargeth him as a great offender in this houſe, and the ſtate.—He, the officer, to do juſtly, in point of return of members of this houſe.—Sworn to do it.—That knowing Sir George Haſtings to be elected by the greateſt number, he refuſed to return the election of Sir George Haſtings choſe, and returned another.

Sir Alexander Cave, the ſheriff, confeſſeth, he knew Sir George elected by the greater number of voices; but for the return of him, did it not, becauſe informed by counſel, he was not eligible, in reſpect he was not reſient in the county.—Denieth any ſecurity, directly or indirectly, for ſaving himſelf.

The under-ſheriff:—That he informed the high-ſheriff, preſently after the election, of Sir George, and of the indenture, ſealed by the freeholders; which the high-ſheriff acknowledged.

They retired.

Mr. Alford:—That he may remain with the ſerjeant till Monday morning, and then proceeding here farther.

Sir Thomas Wentworth:—That he guided by Mr. Fletcher, his counſel; therefore to puniſh him no farther; and becauſe he loſeth 100 l. to the party, and as much to the King.

They brought again to the bar, and kneeled.

Then the high-ſheriff willed by Mr. Speaker to ſtand up.—That this, a houſe of juſtice and mercy.—Confeſſeth his offence.—That ſorry for it; and prayeth pardon.—Which pronounced by Mr. Speaker—The ſheriff thereupon injoined to return preſently Sir George Haſtings his election.—The under-ſheriff pardoned.

March 25, 1626. A petition from Sir Henry Haſtings againſt Sir Thomas Hartopp, knight, high-ſheriff of this county.

Upon queſtion, Sir Thomas Hartopp to be ſent for by the ſerjeant.

April 26. Upon queſtion, the contempt of the high-ſheriff of this county to be referred to Sir Henry Pool, Sir B. Rudyard, Mr. John Drake, Mr. Spencer, Sir A. Forreſt, Mr. Wentworth, Sir Tho. Barrington, Sir William Bulſtrode, Sir Geo. Houghton, Sir Cl. Throckmorton, Sir John Jackſon, Mr. Rolles, Sir Richard Luſon, Sir George Gerrard, Sir Row. Cotton, Lord St. John, Mr. Littleton, Sir Edward Spencer, Mr. James: four o'clock this afternoon, in the court of Wards.

May 3. The ſheriff of this county's buſineſs to be reported to the houſe this afternoon, after Sir Robert Howard's be diſpatched; and he then to attend.

Afternoon.

Mr. Littleton reporteth the complaint againſt the ſheriff of this county:—That the ſheriff . . . . . . That the committee of opinion, that this a contempt againſt the privilege of free election.—That in reſpect of the youth of the ſheriff, and that he proteſteth he did it of ignorance, were of opinion, that he ſhould be only admoniſhed by Mr. Speaker in the houſe, and bear Sir Henry Haſtings' charges of his witneſſes.—The farther debate hereof reſpited till to-morrow morning.

4th. The debate, concerning the high-ſheriff of this county, renewed.—The ſheriff called in, and, upon his knees at the bar, his offence declared him, by Mr. Speaker, of his great contempt againſt the election.—He ſubmitteth himſelf, acknowledging his error, and craving pardon of the houſe.—The houſe thereupon, by Mr. Speaker, pronounced his diſcharge, paying Sir Henry Haſtings' charges, and the officers fees of the houſe.

March 26, 1679. A petition of Robert Johnſon, and others, on behalf of ſeveral of the freeholders of this county, was read; complaining of many undue and illegal practices in the ſheriff, and other perſons of quality in this county, at the election of John Lord Roos, and Bennet Lord Sherrard, to ſerve in this preſent parliament as knights of the ſhire for this county; in injury of the petitioners, who did duly elect Sir John Hartopp, baronet, to ſerve in this preſent parliament as one of the knights of the ſhire for the ſaid county; who ought to have been returned accordingly.

Reſolved, that the matter of the ſaid petition be heard at the bar of this houſe on this day fortnight; and that the high-ſheriff and under-ſheriff of the ſaid county do then attend.

April 9. Ordered, that the matter of the election for this county be heard at the bar of this houſe, this afternoon.

Poſt meridiem.

The houſe took into conſideration, the matter touching the election for this county; and heard the counſel, and ſeveral witneſſes, on the part of the petitioners, and adjourned till the next morning.

10th. Ordered, that the farther examination, touching the matter of the election for this county, be heard at the bar of this houſe on Saturday next.

12th. Ordered, the farther examination of the matter of the election for this county, which was appointed to be heard at the bar of this houſe this day, be adjourned till Monday morning next; and to come on the firſt buſineſs.

14th. The houſe then did proceed to the farther hearing of the matter of the election for this county; and having examined the remainder of the witneſſes, on the part of the petitioners, and heard the counſel, on the part of the ſitting-members, and examined ſome of their witneſſes; they then adjourned till next morning.

15th. The houſe proceeded to hear the matter of the election for this county; and having examined the remainder of the evidence, on the part of the ſitting-members, debated the matter: and reſolved,

That the Lord Roos is not duly elected a knight of the ſhire to ſerve in this preſent parliament for this county.

That the Lord Sherrard is well and duly elected to ſerve in this preſent parliament for this county.

That Sir John Hartopp, baronet, is not duly elected to ſerve in this preſent parliament, as a knight of the ſhire for this county.

17th. Ordered the Speaker to iſſue his warrant to the clerk of the Crown for a new writ, for the election of a knight of the ſhire, for this county.

Ordered, that this houſe will, on Saturday-come-ſeven-night, take into conſideration the matter of the miſcarriages, touching the election for this county.

30th. Ordered, the matter of the ſaid miſcarriages be conſidered on Monday ſeven-night.

May 15th. Ordered, the matter of the ſaid miſcarriages be heard on Tueſday.

20th. Ordered, the ſaid matter be heard on Saturday next.

But no other proceedings were had thereupon.

Nov. 27, 1708. A petition of ſeveral freeholders of this county was read; ſhewing, that at the laſt election of knights to ſerve in this parliament for the ſaid county, there were candidates Sir Gilbert Pickering, baronet, George Aſhby, Jaffery Palmer, and Henry Tate, eſquires; that the petitioners voted for Sir Gilbert Pickering and Mr. Aſhby; and they were duly elected by a majority of legal votes, and ought to have been returned; but Mr. Palmer and his agents, by bribes, menaces, threats, and other indirect practices, procured many perſons to vote for him, and hindered many others from voting for Mr. Aſhby: And Mr. Palmer is returned, in manifeſt wrong of the petitioners: and praying &c.

Ordered to be heard at the bar of the houſe on the 19th day of April next.

Mar. 24, 1714. The houſe taking notice of the book of returns, that the ſheriff of the ſaid county hath not returned any knights of the ſhire, to ſerve in parliament for this county; and that he hath made a ſpecial return, why he hath not returned ſuch knights; the ſaid return was read; by which he certified, that he was aſſaulted in the execution of the writ; and that the election was prevented by riots: which ſpecial return, or certificate, is as follows, viz.

Theſe are to certify, That Sir John Meeres, knight, ſheriff of the county of Leiceſter, has returned the writ of election for the preſent parliament to him directed; and that the execution thereof appears by the ſchedules annexed; by one of which Sir George Beaumont, baronet, and James Winſtanley, eſquire, are elected burgeſſes for the borough of Leiceſter; by the other, that no knights of the ſhire are elected for the ſaid county.

A copy of this ſchedule here followeth to wit;

Poſtquam iſtud breve, mihi directum, deliberatum fuit, ego infra nominatus vicecomes breve illud cuidam Willielmo Bareſby generoſo, ſub-vicecomiti meo comitatus mei inframentionati, deliberavi, debita juris forma exequendum, ſecundum formam et exigentiam ejuſdem brevis; quodque, virtute brevis illius, idem Willielmus Bareſby ſub-vicecomes comitatus mei, ut præfertur, exiſtens ad proximum comitatum meum, poſt receptionem ſuam ejuſdem brevis tentum apud Caſtrum Leiceſtriæ in comitatu meo, viceſimo die Januarii, anno in brevi prædicto mentionato, in pleno comitatu illo proclamari fecit omnia in iſto brevi contenta, ſecundum formam et effectum ejuſdem brevis; et poſtea adjournamentum fecit Caſtro prædicto, primo die menſis Februarii ſequente, ad electionem prædictam incipiendum: ad quam diem tunc et ibidem incepit, et proceſſit de die in diem, ad eligi faciendum duos milites, gladiis cinctos, magis idoneos et diſcretos, comitatus mei juxta exigentiam brevis illius; quodque poſt meridiem die ſecundo Februarii prædicto, quidam Thomas Forſter generoſus nuper de Thurnby, et Johannes Conyers generoſus, nuper de Blaiſton (aggregatis eis quamplurimis aliis malefactoribus ignotis, paciſque Domini Regis nunc perturbatoribus, ad numerum quadraginta perſonarum et amplius) adtunc et ibidem riotoſe, routoſe, et illicite ſeipſos gerebant, et electionem illam perturbandum et impediendum; et adtunc et ibidem, vi et armis, in ipſum Willielmum Bareſby, ſub-vicecomitem comitatis mei, ut præfertur, exiſtentem, in executione brevis illius, ejuſque officii et debiti, adtunc et ibidem, riotoſe, routoſe, et illicite, inſultum et affraiam fecerunt, et ipſum Willielmum adtunc verberaverunt et maletractaverunt, ac eundem Willielmum electionem illam faciendum interpellaverunt, interruperunt, et diſturbaverunt, eidem Willielmo tales et tantas minas de vita ſua, et mutilatione membrorum ſuorum, adtunc et ibidem impoſuerunt, ipſumque talibus et tantis minis, gravaminibus, adtunc et ibidem affecerunt, atque tales et tantas riotas, routas, affraias, tumultus et perturbationes, adtunc et ibidem fecerunt, et perpetraverunt, ita quod ipſe duos milites eligi facere non potuit, juxta exigentiam brevis illius, nec duo milites de comitatu meo eligi potuerunt, juxta exigentiam ejuſdem brevis; et, propter cauſas prædictas, non eligi feci, nec eligi facere potui, duos milites, gladiis cinctos, de comitatu meo, juxta exigentiam atque formam et effectum ejuſdem brevis:

Johannes Meeres Vic. Leiceſteriæ prædict.

Given under my hand this 17th day of March, *Annoque Domini* 1714.

G. WRIGHTE, C. C.

And the houſe being informed, that there have been two petitions left with the clerk of the houſe, purſuant to the ſtanding order of the houſe; relating to the proceedings in the execution of the writ, directed for the election for the knights of the ſhire for this county, viz.

A petition of George Aſhby, eſquire, and Thomas Byrd, eſquire, was read; ſhewing, that the petitioners, Sir Geofrey Palmer, and Thomas Cave, eſquire, were candidates for this county, on Tueſday the 1ſt of February laſt: and that, on the ſaid day, and on Wedneſday the ſecond day, the freeholders, who offered to poll for the petitioners, were inſulted by ſeveral perſons unknown; and ſome, upon their refuſal to vote for the ſaid Sir Geofrey Palmer and Sir Thomas Cave, for which they were offered conſiderable ſums of money, were grievouſly wounded and ill-treated; and on Wedneſday night the under-ſheriff was inſulted by the friends of Sir Geofrey Palmer, and Sir Thomas Cave, and threatened with death by ſeveral perſons to him unknown, unleſs he would appoint a deputy to carry on the poll in his abſence, whom they ſhould nominate; and for fear of his life, he was compelled to ſwear one Mr. Buſby, brother-in-law to Sir George Beaumont, a member of the houſe, as deputy: and the poll was carried on accordingly in the under-ſheriff's abſence,; but none were admitted to poll on the petitioners ſide; that the petitioners had ſeveral hundreds of freeholders in town, who came to vote for them; and a great many came on Thurſday the 3d of February, intending to do the ſame, and ſeveral more upon the road, for that purpoſe; ſo that the petitioners doubt not, but if the freeholders, who would have voted for them, had been ſuffered to give their votes, the petitioners would have been duly elected knights for the ſaid county: and praying &c. Alſo

A petition of Sir George Beaumont, baronet, James Winſtanley, William Inge, and Samuel Bracebridge, eſquires, on behalf of themſelves and ſeveral other freeholders of the ſaid county, was read; ſhewing, that at the election for the ſaid county, Sir Thomas Cave and Sir Jeffrey Palmer, baronets, were candidates, together with George Aſhby and Thomas Byrd, eſquires; and that Mr. William Barſby was under-ſheriff, and Sir John Meeres, high-ſheriff of the ſaid county; and that the poll began on Tueſday the firſt of February laſt, and during the poll great partiality and illegal practices were uſed in favour of the ſaid Mr. Aſhby and Byrd, by the ſaid under-ſheriff and his deputies, and by other friends and agents of the ſaid Mr. Aſhby and Byrd; and on the Wedneſday following, about 8 in the evening, the poll was adjourned till eight the next morning; and . . . . . appearing upon the books a majority of ſix hundred for the ſaid Sir Thomas Cave and Sir Jeffrey Palmer, the under-ſheriff or deputies, did not return to the place of adjournment the next morning till late in the evening; where was great numbers of gentlemen and others to give their votes for the ſaid Sir Thomas Cave and Jeffrey Palmer; and that the high or under-ſheriff had not ſince proceeded any further, nor made a return of the ſaid Sir Thomas Cave and Jeffrey Palmer, notwithſtanding they had a great majority: and praying &c.

Ordered, that Mr. Speaker do iſſue his warrant to the clerk of the Crown, to make out a new writ, for the electing knights of the ſhire to ſerve in this preſent parliament for this county.

Ordered, that the matter of the ſaid ſpecial return be taken into conſideration on Monday fortnight.

Ordered, that Mr. Bareſby, under-ſheriff of the county, do then attend.

April 11, 1715. Mr. William Bareſby, under-ſheriff of this county, according to order of the 24th of March laſt, was brought to the bar.

And the return made by him for this county was again read:

Then the ſaid Mr. Bareſby was heard; and afterwards produced ſeveral witneſſes, who were examined on his behalf; and alſo ſeveral witneſſes were examined againſt him; and the ſaid Mr. William Bareſby and the witneſſes withdrew.

Reſolved, that the ſaid Mr. William Bareſby, the under-ſheriff of this county, having neglected to return two knights of the ſhire to ſerve in parliament for the ſaid county by March the 17th, being the day of the meeting of the preſent parliament, is guilty of a great breach of the privilege of this houſe.

Ordered, that the ſaid William Bareſby be, for the ſaid offence, committed to the cuſtody of the ſerjeant at arms attending this houſe.

Jan. 13, 1719. A petition of Sir Richard Halford, William Philips, eſquire, Euſebius Buſwell, eſquire, Thomas Boothby, eſquire, John Symonds, eſquire, John Major, eſquire, Thomas Levett, eſquire, Edw. Button, eſquire, Wil. Alibone, gent. Tho. Ludlam, gent. Richard Goodall, and Joſeph Waſſorne, gentlemen, in behalf of themſelves, and ſeveral others, freeholders of the county of Leiceſter, was read; ſhewing, that at the late election of a knight to ſerve in this preſent parliament for the ſaid county, William Mannors, eſquire, commonly called Lord William Mannors, and Francis Mundy, eſquire, were candidates; that by the corrupt, arbitrary and illegal proceedings, as well before, as at the election, of the deputy-lieutenants, juſtices of the peace, and of the ſaid Will. Mannors, eſq; and the agents; and by the partiality of the ſheriff of the ſaid county, the ſaid William Mannors is returned to ſerve for the ſaid county in wrong to the petitioner, who had a majority of legal votes: and praying &c.

Ordered, that it be heard at the bar on the 9th day of February next.

18th. A petition of Francis Mundy jun. eſq; was read; ſhewing, that at the late election of a knight to ſerve in this preſent parliament for this county, William Mannors, eſquire, commonly called Lord William Mannors, and the petitioner were candidates; that by the corrupt, arbitrary, and illegal proceedings, as well before, as at the election, of the deputy-lieutenants, juſtices of the peace, and of the ſaid William Mannors, eſquire, commonly called Lord William Mannors, and his agents; and by the partiality of the ſheriff of the ſaid county, his under-ſheriff, and deputies, the ſaid William Mannors is returned to ſerve for the ſaid county, in wrong to the petitioner, who had a majority of legal votes: and praying &c.

Ordered, that it be heard at the bar the 9th day of February next.

Feb. 3. Ordered, leave be given to withdraw the ſaid petitions.

Oct. 24, 1722. A petition of Thomas Johnſon and others, freeholders of the ſaid county, on behalf of themſelves and other freeholders of the ſaid county, was read; ſhewing, that Thomas Harttop, eſquire, high-ſheriff of the ſaid county, at the Caſtle there, appointed . . . for the election of two knights of the ſhire to ſerve in parliament for the ſaid county; and after the court was opened, the petitioners with ſeveral other freeholders required a poll; and ſeveral times demanded the ſaid high-ſheriff to take their votes for Edmund Morris and James Wigley, eſquires; which he refuſed to do, and gave the petitioners very indecent language; and hath returned the honourable William Mannors, eſquire, commonly called Lord Mannors, and the ſaid Edmund Morris; notwithſtanding Mr. Wigley would have been elected had a poll been taken: and praying &c.

A petition of the gentlemen, clergy, and freeholders of the ſaid county, complaining of an undue election and return for the ſaid county, was read; ſhewing, that ſeveral of the petitioners, with a great number of freeholders who were qualified to vote, and who appeared at the place appointed for the election of knights of the ſhire to ſerve in parliament for the ſaid county, demanded their poll; but were refuſed by Thomas Harttop, eſquire, high-ſheriff of the ſaid county: that the ſaid high-ſheriff very much miſbehaved himſelf in the execution of his office; and hath unduly returned the honourable William Mannors, eſquire, and Edmund Morris, eſquire, without going to election; notwithſtanding ſeveral freeholders, who were in the town and upon the road, would have polled for other perſons: and praying &c.

Ordered, the ſaid petitions be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

LEICESTER Town.

THIS town is the capital or ſhire town of the county. It was a borough in King John's time, and made a mayor-town 1248. It has been repreſented in parliament from the 28th Willis. 1749. 31.

Prynne's, 4th Reg. 1030. 502, 508, 667.

of Edward the firſt, and the parliament has been held here ſeveral times. The memoirs concerning its electors and elections I have met with, here follow.

May 16, 1661. Serjeant Charleton reported from the committee of privileges and elections touching the double return for this borough, That John Grey, eſquire, and Sir William Hartopp, are returned by one indenture; and Sir William Hartopp, knight, and Sir John Prettyman, knight and baronet, by another indenture; and all by the proper officer; and the opinion of the committee, that both Sir John Prettyman, and Mr. Grey, do forbear to ſit in the houſe until the merits of the cauſe, touching the election, be determined: whereto the houſe agreed.

July 17. Serjeant Charleton reported from the ſame committee, touching the ſaid election, that it was the opinion of the committee, that Sir John Prettyman was duly elected, and ought to ſit: which the houſe reſolved.

March 28, 1690. A petition of Thomas Babington, eſquire, was read; ſhewing, the petitioner was duly elected a burgeſs for this borough by the majority of thoſe perſons who had legal right to vote, and ought to have been returned; but ſeveral undue practices being made uſe of at the ſaid election, Sir Edward Abney, and Lawrence Carter were returned, in prejudice of the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Nov. 2, 1705. A petition of Lawrence Carter junior, eſquire, was read; ſhewing, that at the laſt election of burgeſſes to ſerve in this preſent parliament for this borough, Sir George Beaumont, baronet, James Winſtanley, eſquire, and the petitioner, were candidates; and the major part of legal electors voted, or were ready and deſired to vote, for the petitioner, who was duly choſen, and ought to have been returned, though many ill practices to defeat the petitioner's election were uſed, by Thomas Ayres, eſquire, the mayor, and Thomas Palmer, bailiff of the ſaid borough, Mr. John Orton, Mr. John Farmer, and others; who by threats, promiſes, bribes, treats, and otherwiſe, procured many perſons to vote for Sir George Beaumont, and Mr. Winſtanley, after the teſte of the writ, and during the very poll; and ſeveral qualified voters were refuſed to poll for the petitioner, others his voters left out of the poll, and ſeveral that polled for the petitioner were afterwards permitted to poll for Mr. Winſtanley; and ſeveral unqualified perſons were admitted to poll for Sir George, and Mr. Winſtanley: that the ſaid mayor and bailiff did poll but one in half an hour, for at leaſt five hours together, though many perſons that had not polled were in court; and this delay was, that Sir George and Mr. Winſtanley, and their agents, might have time to carry on their undue practices; and when the poll was adjourned in order to caſt up the books, the mayor and bailiff did ſeal the indenture to return Sir George Beaumont and Mr. Winſtanley, before the poll-books were caſt up; and after they were caſt up, the petitioner demanding by what book they would return? they ſaid, by a book taken by one Bakehouſe (who was appointed by them) which they delivered to the petitioner; and as the ſame was then caſt up, Mr. Winſtanley had a majority of nine more than the petitioner; but, upon caſting up the book again with Mr. Winſtanley, it appeared the ſame was miſtaken (ten) votes, in prejudice to the petitioner; ſo that then he had the majority, and demanded to be returned; but the ſaid mayor and bailiff told the petitioner, that if he had it by that book, yet he loſt it by ſome other book, and that they would not return him; whereupon the petitioner deſired, that the book (if any) might be examined with Bakehouſe's book, and that a ſcrutiny might be had; but the ſame was denied, upon pretence that Bakehouſe's book was loſt; and then the ſaid mayor and bailiff falſly returned Sir George Beaumont and Mr. Winſtanley, in prejudice to the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter thereof, and to report the ſame, with their opinion.

Jan. 8. Ordered, that it be heard before the ſaid committee on Wedneſday ſevennight.

Feb. 4. Ordered, that the report be received on Tueſday next.

8. Mr. Compton (according to order) reported the matter of the ſaid election.

That the petitioner's counſel alledged the right of election to be in the freemen not receiving alms, and in the inhabitants paying ſcot and lot; which was admitted by the other ſide.

That the poll was,

For Sir George Beaumont	685,
Mr. Winſtanley	593,
For the petitioner	592.

That the election of Sir George Beaumont was not controverted: but the petitioner's counſel did alledge, they ſhould add many to their own, and take many from Mr. Winſtanley's poll, and ſo make a majority for the petitioner; and ſhould alſo give evidence of ill practices and corruption.

That at the beginning of this cauſe, a queſtion aroſe, whether the petitioner ſhould proceed by the poll taken by Mr. Boley, or the poll taken by Mr. Bakehouſe?

The petitioner inſiſted, he ought to proceed by the poll taken by Mr. Bakehouſe; becauſe, upon the cloſe of the poll, the mayor declared he would make his return by that poll, as being the more perfect; upon which poll the petitioner had a majority by one. And to this fact the petitioner called Mr. Watts. But it appearing to the committee, that the poll was taken on behalf of Mr. Winſtanley, the committee were of opinion, that they ſhould proceed by the poll taken by Mr. Boley, the town-clerk, by order of the mayor.

Mr. Carter ſaid, the mayor refuſed a ſcrutiny, for that it might give ſome advantage againſt him, if an action ſhould be brought; and therefore he would have the matter determined in the houſe of commons.

That the firſt thing the petitioner's counſel proceeded on, was to add ſome to their poll, which were not ſet down for him: and they gave evidence of four freemen, and three ſcot and lot men, who offered their votes for the petitioner, and were not wrote down; but it was admitted that two of them, John Bradbury and Samuel Winterton lived in an hoſpital.

That they excepted to many that voted for Mr. Winſtanley under ſeveral heads; and the firſt was thoſe under age, and as to four they produced extracts taken out of the church-regiſter; but to diſable one of them, viz. William Broadhurſt, (in the extract wrote to be William the ſon of Joſeph Broadhurſt) the ſaid regiſter was miſtaken, for Joſeph had no child; and alledged he was the ſon of Robert Broadhurſt, brother to Joſeph.

The next exception was, of ſuch who had polled twice: and of thoſe they gave evidence as to ſix; but as to three of them, there was a variation of the name in ſeveral places.

That the next exception was, as to thoſe that were inhabitants, but did not pay ſcot and lot; and of theſe they gave evidence to twenty-eight, as were either not in the books at all, or elſe ſet *in-ſuper*, or that their landlord paid pariſh duties.

They then excepted to twenty, as receiving alms: and gave evidence, that they either lived in hoſpitals, or had their rent paid, or received weekly collections.

They then excepted to ſeveral who were neither free, nor paid ſcot or lot, and as to eleven of them,

Mr. Thomas Carter ſaid; he had examined the freemens book for fifty years, and had made the ſtricteſt enquiry, but could hear of no ſuch perſons.

They then called a witneſs, who ſaid Edward Noon was wrote down for Mr. Winſtanley, but voted for the petitioner.

They then excepted to ſome of Mr. Winſtanley's voters, who at firſt gave a ſingle vote, and ſome time after voted for Mr. Winſtanley; and that Mr. Winſtanley's counſel inſiſted, they might ſo do, and it had been done ſo formerly.

That thereupon the counſel were heard; and Mr. Winſtanley's counſel examined ſeveral witneſſes, as to the cuſtom.

John Hughes and others, ſpoke as to ſeveral elections within ſixteen or ſeventeen years, and to one or two when the petitioner was candidate; at which, ſeveral at firſt voted ſingly, and after gave their ſecond vote.

1ſt. The committee reſolved,

That any perſon having a right to vote for two members to ſerve in parliament, who hath given a ſingle vote, hath not a right to come afterwards and give a ſecond vote, during the ſaid election.

Of theſe the petitioner excepted, and gave evidence againſt thirteen.

They then excepted, and gave evidence againſt divers perſons who lived in this borough by certificate: alſo againſt four who were made free after the teſte of the writ.

They then excepted to fifty-four who were made free at the charge of Mr. Winſtanley, a little before the election.

It appeared in the freemens book, thoſe perſons were marked with a B, as ſeveral others were marked with C. And the petitioner's counſel examined two witneſſes; who ſaid, the perſons marked B, were brought by the ſitting-members agents; and they were preſent when ſeveral of theſe, marked B. were admitted, and did not ſee them pay any thing; but of theſe fifty-four, ſix were diſqualified under other heads;

As to indirect practices,

North and Maſſon ſaid, they were ſent for to the Angel at Leiceſter, where were Colonel Wilſon and the ſitting-members, and other gentlemen, and their votes were deſired for the ſitting-members; and North was told, that if he did not vote for Mr. Winſtanley, it ſhould be the worſe for him; and Maſſon being a ſerjeant of the militia, was threatned to be turned out, if he did not vote for Sir George and Mr. Winſtanley.

Conduit and Joyner were threatned to be ſent ſoldiers, in caſe they voted for Mr. Carter.

Shipley ſaid, that William Kilpack lived near him; and though he declared he had no vote, yet Hood, and others, perſuaded him to come a ſecond time, to vote for the ſitting-members.

William Cooper ſaid, he had voted for the petitioner, and Sir William Villiers; and afterwards Mr. Weſton, and ſome others, would not let him alone till he went again, and polled for Mr. Winſtanley: and he wrote to the petitioner, that this laſt vote was againſt his mind; and Mr. Weſton threatned to ſend him for a ſoldier.

Cave ſaid, Mr. Byerly aſked his vote for Sir George Beaumont, and threatned if he did not, he would turn him out of his work; that he did vote for Mr. Carter, and was turned out of his work, which he and his father had enjoyed for 100 years.

Pratt ſaid, though he had no vote he was made drunk and forced to vote for Sir George Beaumont, and Mr. Winſtanley; and he doth not pay ſcot and lot.

Clark and Clay ſaid, on Monday night there was a great delay in polling; and Clay ſaid, about 11 o'clock Mr. Carter had a majority of Mr. Winſtanley, and Mr. Winſtanley was for going away; but Mr. Needham threatned to run him through if he did; ſaying, he would help him to votes enough, and then Mr. Winſtanley deſired the bailiff not to poll ſo faſt, but gave no reaſon.

The counſel for the ſitting-members inſiſted, they ſhould reſtore a great many of thoſe which the petitioner had excepted to, and except to a great many who voted for the petitioner; and to make a great majority for Mr. Winſtanley; and conclude with bribery and indirect practices by the petitioner.

They firſt excepted to ſeveral made free at the petitioner's charge: and called

Mr. Boley, the town-clerk; who ſaid, the perſons marked C, were made free at the petitioner's charge, and he received the money of Mr. Craycroft, and gave a receipt as of Mr. L. Carter; and the counſel inſiſting to have the opinion of the committee on this evidence.

The committee reſolved,

2. That ſuch freemen as were made free at the charge of any of the candidates, had not a right to vote at the laſt election of burgeſs, to ſerve in parliament for this borough.

They then diſqualified ſixty-four, for this reaſon; three of whom voted for Mr. Winſtanley, as well as Mr. Carter.

They then proved, as to ſeventy-ſeven, who received alms; but as to fourteen, they could not tell whether they paid ſcot and lot or not; but thirty-one did pay, and twenty-two did not pay.

They then excepted to nine who lived in the hoſpital, who were either admitted or proved to do ſo; but as to one of them, Thomas Poyner, it was alledged, there was two of that name, and one of them voted for Mr. Winſtanley.

Another was excepted to as a papiſt, and refuſing the oaths; but it did not appear they were tendered, only he was called for that purpoſe, but gone out of court.

They then excepted againſt, and proved five as under age; but four of them were of thoſe who were made free at the petitioner's charge; alſo againſt ſeventeen for not paying ſcot and lot.

They then excepted as to ſeveral who lived in Leiceſter by certificate: but it being inſiſted, that in caſe they paid ſcot and lot, they were not diſqualified; the counſel were heard.

And the committee reſolved,

3. That perſons, living in this borough by certificate, not having gained a ſettlement, by renting a tenement of ten pounds *per annum*, or ſerving an annual office, are not entitled, by paying ſcot and lot, to vote in the election of burgeſſes to ſerve in parliament for this borough.

Of theſe the counſel diſqualified twenty.

They alſo gave evidence againſt eleven others, whoſe names could not be found in the freemens books; nor could any ſuch perſons be heard of.

They excepted againſt two; and proved, they voted twice for Mr. Carter.

As to treating and ill-practices, they called

John Prieſtman; who ſaid, Mr. Simpſon, a conſiderable trader in this borough, the day before the election, ſent for John Nutter, and deſired him to vote for Mr. Carter; and Nutter ſaying, if he did, he ſhould diſoblige his friends, and one Ludlam would arreſt him for twenty ſhillings; Simpſon told him, if he did, he would pay it: that Simpſon gave another a pair of breeches; and that, during the election, Mr. Simpſon (he believed) in his houſe and yard, treated above eighty; of whom he named eighteen; and kept them there ſo long, that ſome of them threatned to break the windows, if they would not let them go out. He ſaid, he was one of them ſo treated, and they went all together from Simpſon's to poll; but ſix of the eighteen were diſqualified on other heads.

Hunt ſaid, he was at the Bull-head, and did not pay, the man of the houſe, ſaying, that Mr. Carter would pay. Hunt voted for Mr. Winſtanley; and the man of the houſe for Mr. Carter, and Mr. Winſtanley.

Silby ſaid, as he was coming home the day before the election, he was forced into Mr. Carter's cellar, and kept there with meat and drink all night.

Horton and Wells ſaid, that Perkyn who lives with Mr. Carter, offered one Bloxam to pay a debt he owed of 5 l. and to give him 5 s. for himſelf, if he would vote for Mr. Carter.

Weſton ſaid, that Bloxam paid him the ſaid debt about three weeks after the election.

Bowyer ſaid, Mr. Francis Craycroft offered him 5 l. and his charges, if he would vote for Mr. Carter: but he voted for Mr. Winſtanley.

Weſton ſaid, that Mr. Carter came with a great many others, and pulled down the conveniences for the taking the poll.

Groſſe ſaid, Keſtion propoſed to vote for Mr. Winſtanley; but was threatened to be arreſted, and ſo voted for Mr. Carter.

They proved one to have voted for Mr. Winſtanley who is not in the poll; ſome witneſſes were then called, as to perſons ſpoke to by the petitioner's witneſſes.

John Norris ſaid, that Dumerley, one who the petitioner would add to his poll, did not pay to the church-rate.

Croſs and others ſaid, as to eleven of thoſe againſt whom evidence was given to diſqualify them, one was a freeman, and the others paid ſcot and lot.

In reply to Mr. Boley's evidence, the petitioner's counſel called two perſons, who had B to their names in the freemens books; and they ſaid, they were made free on the ſitting-members account, and did not pay any thing.

And the petitioner's agent ſhewed three of the 11, who were ſaid not to be found in the freemen's book; and therefore alledged, that the evidence, on this head, was of no force.

4th. Upon the whole the committee reſolved,

That Sir George Beaumont, baronet, is duly elected a burgeſs to ſerve in this preſent parliament for this borough.

5th. That James Winſtanley, eſquire, is not duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

That Lawrence Carter, eſquire, is duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

The firſt four of the reſolutions of the committee being twice read, were agreed unto by the houſe.

The fifth reſolution being read a ſecond time was diſagreed unto by the houſe.

April 17, 1714. Ordered a warrant for a new writ for electing a burgeſs to ſerve for this borough, in the room of Sir George Beaumont, baronet, made a commiſſioner of the admiralty.

Jan. 19, 1726. Ordered a warrant for a new writ for electing a burgeſs for this borough, in the room of Sir Lawrence Carter, made a baron of the Exchequer.

LEOMINSTER.

THIS borough is ſituate in the county of Hereford, and has ſent members to parliament from the 26th of Edward I. The manner of their election I find to be by the commonalty, as ancient as the ſecond of Henry IV. when the indenture ſets forth, *Quod Thomas Heryn ballivus libertatis Abbatis de Reding de Leominſter, ac burgenſes et communitas ejuſdem libertatis de communi aſſenſu eligerunt &c.* More modern memoirs are theſe following.

Br. Parl. Rediviva, p. 201.

Ib. 276.

March 22, 1661. Serjeant Charleton reported from the committee of privileges and elections for this borough, that the poll was denied to Mr. Conningſby that was in nomination for a burgeſs for this place; but he being a priſoner in execution for debt, and not eligible, the denying the poll to him could not avoid the election; and therefore the committee were of opinion, Mr. Cornwall and Mr. Graham were duly elected, and returned as burgeſſes for this borough, and ought to ſit: and the houſe reſolved the ſame.

March 24, 1689. A petition of Ferdinando Gorges, eſquire, was read; ſhewing, he was duly elected by the majority of qualified votes for this borough; but the bailiff refuſed to admit ſeveral perſons that tendered their votes for the petitioner; and by threats and irregular practices, diſcouraged others from voting for the petitioner; and hath alſo returned John Dutton Colt, eſquire, in prejudice of the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine and report the matter, with their opinion. No report appears.

Feb. 13, 1700. A petition of Edward Harley, eſquire, was read; ſhewing, that this borough is an ancient borough by preſcription, and ſends two members to parliament; that John Dutton Colt, eſquire, the preſent bailiff, Mr. John Caſwell, and Mr. Edward Bangham, juſtices of the peace for this borough, with Thomas Price the town-clerk, and Thomas Bubb, overſeer of the poor, did, by bribes, menaces, and other unlawful practices, procure divers of the electors to vote for the ſaid Mr. Colt; and endeavoured by bribes and threats to prevail with others not to vote for the petitioner; but notwithſtanding all which corrupt and arbitrary proceedings, the major number of rightful voters did appear, and vote for the petitioner; but the bailiff

liff refuſed to return him, and returned the ſaid Mr. Colt, in wrong to the petitioner and this borough: and praying &c.

Ordered, that the ſaid petition be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

Feb. 17, 1700. A petition of divers inhabitants of this borough, was read; ſhewing, that, at and before the election of members to ſerve in parliament for this borough, the bailiff and juſtices of the peace there uſed many indirect practices, and exerciſed their power to force men to vote for John Dutton Colt, eſq; and to hinder them from voting for Edward Harley, eſquire; and admitted divers to vote for Mr. Colt that received alms; and many other undue practices were made uſe of, in manifeſt violation of the rights of the petitioners, and the freedom of elections to parliament: and praying &c.

Ordered, that the ſaid petition be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

March 28, 1701. Ordered the report be received on Thurſday next.

April 3. Sir Rowland Gwyn reported the matter, viz.

That the right of election was agreed to be in the inhabitants paying ſcot and lot, and not receiving alms.

The poll was,—— For the ſitting member, 145.
For the petitioner, 116.

But it was inſiſted on by the counſel for the petitioner, that upon the heads of perſons not paying the window-tax, receiving alms, bribery, and threats, they ſhould take off ſo many as ſhould make the petitioner a majority. As to receiving alms, they called

Morgan and others; who ſaid, Robert Williams and his wife had bread; the former in 1697, and the latter within a quarter of a year before, and ſince the election: Spencer, or his daughter, the like in 1697: Mitchell's and Badland's children went a begging:—Gitto's wife had alms about four months ſince; and Gitto ſaid, he muſt vote for Mr. Colt, becauſe he kept him from ſtarving: —— Price's children have had charity at a ſuneral ſince Chriſtmas:—Badnage's are kept by the publick charity of the town; and Badnage told him, that Caſwell promiſed him, if he would vote for Mr. Colt, he (Caſwell) would be his friend as long as he lived:—That Hooper's children have had charity within a quarter of a year:—Newman and his wife have received charity:—Baker's wife and apprentice the ſame: — Phillips' wife had the ſame, and his children begged, before and ſince the election:—Carteret's children have begged forty times within theſe two months, and he had not voted for Mr. Colt, had not juſtice Bangham made him drunk, and kept him ſo, and forty others at the ſame time:—That Smith's wife had public alms, before and ſince the election:—That Richard Caſwell's wife had alms before, and ſince the election, and ſaid he muſt vote for Mr. Colt, for he had ſent him a piece of beef ſince Chriſtmas:—That Tyler's wife had alms before and ſince the election:—— Price's wife and daughter had alms in 1697: —— That Watchman's wife had alms before, and ſince the election, and ſaid, though he was rated, he was told he ſhould be excuſed ſeveral taxes, if he would vote for Mr. Colt. — Taylor's wife has received charity within three months: — but all the witneſſes owned, all theſe voters were in the poor's rate.—But the petitioner's counſel inſiſted, the rate was made in favour of Mr. Colt: to prove which they called

Mr. Seward and others; who ſaid, that the lewn, or poors-rate was made about Eaſter: and ſome of them ſaid, ſeveral were left out of the preſent lewn, who were there before; and that Mr. Harley, nor Mr. Colt were preſent when it was made; but the town magiſtrates appeared to be friends to Mr. Colt, and the aſſeſſors ſigned the lewn between 12 and one at night; and it was ſaid, that, upon complaint, ſome were put in, and Mr. Harley ſigned it: that Mr. Harley deſired a copy of the lewn of Mun the overſeer, which he allowed Mr. Harley's man to write; but, before he had finiſhed, Mun took the lewn from him, and refuſed to let Mr. Harley have the copy without paying 5 s. which, he ſaid, was his fee:—That afterwards Powell demanded a copy by order of the committee, but Mun ſaid, he did not value the order, and refuſed it; yet afterwards Mun came to Powell's houſe, deſiring to ſpeak with him; but being in his bed ſent his wife to him to know his buſineſs; and if he had the lewn to leave it; but Mun went away without leaving it.

As to the window-tax, it was inſiſted by the petitioner's counſel, that, by the act of parliament, perſons not paying to the church and poor, by reaſon of their poverty, are excuſed from thoſe duties; and that the magiſtrates, in order to gain votes for Mr. Colt, had excuſed 52: and called

Mr. Burt; who ſaid, he was deputy-ſurveyor of the window-tax for the laſt year within this borough; and about Auguſt was twelve-months, he charged fifty-two perſons with that duty, who were afterwards diſcharged by the juſtices of the borough; viz. Mr. Caſwell, Mr. Bangham, Mr. Thompſon, and Mr. Price, the town-clerk; and delivered a liſt of them.

As to the ill practice in diſcharging them, they called Henner; who ſaid, he had been aſked for his vote both by Mr. Colt and juſtice Bangham for Mr. Colt; and having refuſed, juſtice Bangham ſaid, if he would vote for Mr. Colt, he would eaſe him of the window-tax.

Davis ſaid, he was offered the ſaid juſtice's intereſt to be relieved from 10s. which the juſtice ſaid, he was charged to that tax, for the ſame reaſon; but ſaid, he had but five windows and was not charged. As to bribery.

Phillips, who voted for Mr. Harley, ſaid, Mr. Colt meeting him, offered him two guineas to forbear voting; but ſaid, he muſt ſwear not to divulge it: yet owned, he had not ſpoke to Mr. Colt before.

Weaver and Seward ſaid, that Howell, who had promiſed Mr. Harley, told him, he could not be for him, becauſe Mr. Colt had paid him a deſperate debt, owed by one of Briſtoll; and Howell did not deny this at the election; and Mr. Colt ſaid, he had employed an attorney to ſue for it.

Clark and Whittington ſaid, that Baſkervill promiſed Mr. Harley, and after ſaid, he could not be for him, for Mr. Colt had bought his vote; but at the poll he denied it.

Mr. Seward ſaid, Mr. Colt paid the reckoning at Baſkervill's, the Friday before Chriſtmas; and Baſkervill ſaid, he had got 3 l. by Mr. Colt, and that was as much as his vote was worth.

That Walton, who had promiſed Mr. Harley, ſaid, he could not, for Bangham had promiſed to pay 8 l. which he was threatned to be ſued for, and ſo muſt vote for Mr. Colt; and Walton did not deny this at the poll.

Seward and Powell ſaid, that Vale ſaid, he would vote for Mr. Harley, if he would give up a bond of 5l. otherwiſe could make a better hand of it; and he did vote for Mr. Harley, and the next day paid him the whole debt, for which he would have taken 20s.

Caleb Powell ſaid, Deane told him, he would have voted for Mr. Harley, but Bangham let him have 40s. of Mr. Colt's money, and lent him 40s. more: Deane ſigned the petition.

Aldern ſaid, Robert Prees, being aſked to vote for Mr. Harley, ſaid, it was too late; for he had obliged himſelf to be for Lord Coningſby and Mr. Colt; and Mr. Harley's friends had refuſed to lend him money, and Bangham had lent him 30 or 40s.

Hodges and Caleb Powell ſaid, that Martyn ſaid, he would be for Mr. Harley, if he would pay 3l. which one David Powell owed him; and Mr. Harley ſaid, if he had an hundred votes, he would not give a penny.

Aldern ſaid, two or three months before the election, Seward ſaid, he was ſorry he could not be for Mr. Harley, for he owed Mr. Bangham ſome money, who had obliged him to vote for Mr. Colt, otherwiſe his inclinations were for Mr. Harley: and Henry Seward ſaid young Seaward told him he was a Weobly man, and would vote for him who gave moſt money.

Caleb Powell ſaid, Vale owned he had promiſed Mr. Harley his vote; but could not be for him, for Mr. Bangham had taken him off the window and other taxes: alſo ſaid the ſame as to Jonathan Baker.

Clark ſaid, that Thomas Newton told him, if he voted for Mr. Harley, the magiſtrates would put offices and taxes upon him; and Bubb ſaid, he did not vote for Mr. Harley, becauſe Mr. Bangham had given him 18 or 20d. and had excuſed him the window-tax; and if he voted for Mr. Harley, he ſhould have offices put upon him.

Henry Seaward ſaid, that Bach told him, when Mr. Colt was in town, he was kind to him; and the magiſtrates were for Mr. Colt, and he durſt not go againſt the magiſtrates.

Weaver ſaid, that Jonas Child told him, that Mr. Harley was an honeſt gentleman; but he had promiſed Mr. Bangham his vote, who had promiſed to take ..... off from the church and poor, and the land-tax; and therefore he muſt vote for Mr. Colt.

As to threats:—Seaward ſaid, John Baniſter ſaid, he would be for Mr. Harley, but he was a ſervant of the magiſtrates, and ſhould be turned out of his office.

Powell ſaid, that John Lloyd had often declared a kindneſs for Mr. Harley, but ſaid, there was an order of ſeſſions to take away his licence, on pretence of his being drunk; and he was told, if he would be for Mr. Colt, he ſhould have it again; and a copy of the ſaid order was produced.

Mr. Seward ſaid, Morris had promiſed to be for Mr. Harley, but after ſaid, he durſt not; for he had been ſuppreſſed for two years, and the magiſtrates would ruin him upon the ſtatute.

Clark ſaid, Thomas Cox ſaid, he muſt vote for Mr. Colt, becauſe he would never vote againſt the magiſtrates; for they would ſuppreſs him for the leaſt fault, and then he was ruined.

Caleb Powell ſaid, Greenly ſaid, he did not deſign to vote againſt Mr. Harley, but he was ſatisfied he ſhould loſe his place of ſerjeant, if he voted for Mr. Harley.

Seward ſaid, one day ſince the election, Baiſey told him he had ſeveral neighbours with him the day before the election; and the magiſtrates called them up at four in the morning, and gave them a pot and pipe, and then brought out to poll; and Baiſey ſaid, Mr. Bangham and Mr. Colt had money enough, and he had 5l. left to go on with the cauſe.

That Francis Enoe ſaid, he kept a ſmith's ſhop, by leave of the magiſtrates; and if he did not go with them, he muſt pull down his ſhop.

Powell ſaid, that ſince the election, he aſked Vaſton, why he was not for Mr. Harley as he promiſed? he ſaid, he could not help it; for the magiſtrates would otherwiſe pull down his ſign, he ſelling ale.

Northgrave ſaid, ſome time before the election, he aſked Caſwell, how Mr. Harley ſtood in this borough; Caſwell ſaid, but indifferently, for Mr. Colt was ſet up by the magiſtrates; and he would return Mr. Colt, and let Mr. Harley diſpute it in the houſe.

Mr. Dutton Colt's counſel then proceeded to anſwer the exceptions made by the petitioner's counſel; and then in the ſame method excepted to ſome of thoſe who voted for Mr. Harley: and called

Nicholſon, Steed, and Matthews, who one or other of them ſaid, Spencer had 3l. *per annum*, and had voted for knights of the ſhire for nine or ten years:—Robert Williams had paid ſixpence to the poor rate, 15 or 16 years, and rented 30 or 40s. *per annum*:—Michell's circumſtances were low, but he rented 4l. *per annum*, and had an eſtate of 7l. yearly: It was owned his children were unruly and begged, but were corrected for it; and he was come away for debt:—Badland rents 4l. yearly, has been conſtable, and pays to the poor: — Gitto rents 3l. a year, and pays: — Rees Prees rents 10l. yearly, and has 4 or 5l. yearly of his own: — That Badnage lives in an houſe of 7l. yearly, and has a mortgage upon it for 80l. but it was owned, Badnage's wife's children by a former huſband aſked charity:—Mun ſaid, he thought Cooper to be a ſubſtantial man.

Davis ſaid, Norman is a carpenter, and maintains his family well, and pays 20s. yearly rent.

Nicholſon ſaid, Baker has a freehold of 40s. yearly, and rents 6l. yearly; his children get their own living, and he has a ſtock.

Davis ſaid, Philips has a freehold of fifty ſhillings yearly: Taylor is a journeyman glover, and lives in his own houſe, of thirty ſhillings yearly.

Steed and Matthews ſaid, Carteret has a living of fourteen pounds yearly; and Steed believed him to be worth five hundred pounds.

Davis ſaid, Smith was a ſhoemaker, and has a houſe of fifty ſhillings yearly, and votes for knights of the ſhire:—That Caſwell lives in his own houſe, of twenty-five, or thirty ſhillings yearly:—Tyler rents about fifty ſhillings yearly:—That Price rents about forty ſhillings yearly, and ... twenty or thirty pounds at intereſt:—That Watcham lives in his own houſe, of four pounds yearly, and lets another of fifty ſhillings yearly:—That Taylor lives in his own houſe, of twenty-five ſhillings yearly.

That as to thoſe excepted to, on account of the window-tax; the anſwer was, that it was no exception, if they were in the poors-lewn.

As to bribery;

Stevens, and others, ſaid, when Howell came to poll, he was charged, that Mr. Colt had paid him a deſperate debt, owing from a perſon at Briſtol, for his vote; which Howell at firſt diſowned, but after ſaid, he did ſay ſo, to get rid of the importunity of thoſe who aſked his vote for Mr. Harley; but ſaid, the fact was not true.—And Caſwell ſaid, Howell owned in court, Mr. Weaver promiſed him ten pounds in work at Ameſtry-bridge, if he would vote for Mr. Harley.—Baſkervill diſowned all that was charged on him by the clerk.

Lewis ſaid, that Deane, about a year and an half ſince, borrowed forty ſhillings of Mr. Bangham; and about three months before the election, did borrow the like ſum; which Mr. Bangham at firſt ſcrupled, but did afterwards let him have it: that they ſaid nothing about the election; and Mr. Bangham uſed to lend money to tradeſmen.

Price ſaid, Seward junior was bound with his father in a bond, dated 6th of September 1699, for payment of ſeven pounds:—That as to Walton, John Vale, Prees, Martin, Thomas Vale, Baker, Newton, Bubb, Bach, and Child, there was no anſwer to the evidence; only as to the evidence of perſons owning to be influenced on account of taxes, it was left to the credit of the petitioner's witneſſes;—and obſerved, the threats had not taken off any votes.

Then they proceeded to except to ſome of thoſe who voted for Mr. Harley: and called

Shooter and Mun; who, one or both, ſaid, Davis' daughter had bread ſeveral times:——Evans has received many doles:——That Callowhill's wife has received:——That Taylor's daughter received at Chriſtmas:——Baker's family received the laſt year, and this:——Powell's children have received:——That Richards had bread the laſt year:—Marſtin has received this year, two or three times:—That Richard Smith received laſt year and this; and Davis ſaid, he was a poor man, and Powell's ſervant:—That John Biſhop has had bread:—Thomas Holgate has had bread.

As to the window-tax;

Davis ſaid, he was preſent, when the juſtices ſtruck out the names of ſeveral from paying the window-tax:—but it appeared, he had taken the account from the ſurveyor, and could not ſay, whether they were charged; only he found about forty-one names in Mr. Harley's poll, who did not pay this tax.

As to bribery;

Martin ſaid, Crocket owned, he had a guinea of Mr. Harris, by Mr. Harley's order; and it appeared, his houſe was burnt, towards which Lord Coningſby gave him five pounds.

Phillips ſaid, he had forty ſhillings of Powell, who told him, it was Mr. Harley's money; and before the election, he told him, he gave him forty ſhillings, to vote for Mr. Harley.

Phillips and Taylor ſaid, Mr. Avenant ſaid, they ſhould have twenty ſhillings between them, if they voted for Mr. Harley, which they had; and he would make good what Powell ſhould promiſe more: but owned, they never ſaw Avenant before, nor did engage their votes; and both voted for Lord Coningſby and Mr. Colt. They owned alſo, there was a report of money left by Mr. Crowther to his poor relations, and they went to his widow, but ſhe diſowned them. And Davis ſaid, Mr. Avenant was a man of a good eſtate, and lived twelve miles from this town, and made no intereſt for Mr. Harley at the election. And Taylor owned, he had been at Mr. Avenant's, to get part of Mr. Crowther's legacy.

Martin ſaid, at a former election, Mr. Powell made intereſt for Mr. Harley; and Mr. Powell and Mr. Bangham lent him four pounds on his bond; and he heard nothing of the bond till this election, when Powell told him, if he would vote for Mr. Harley, he would give up the bond; but he voted for Mr. Colt, and the day after the election paid the money.

Evans ſaid, that Clark, who was agent for Mr. Harley, bid him ten pounds, to vote himſelf, and get another, for Mr. Harley; and told him, he would make what he owed him fifty pounds, and he ſhould have it at forty ſhillings a year intereſt; and ſaid, he was a commiſſioner, and would excuſe him for the window-tax, and Powell promiſed him an horſe: that not voting for Mr. Harley, Clark called on him the day after the election, and demanded all his money, which was thirty-four pounds; four pounds whereof was on a note, but he inſiſted on intereſt for it; and Clark ſaid, he would ruin him; and when he came to vote for Mr. . . . . , Clark ſhook his head at him.

Vaſton ſaid, on the Friday before Chriſtmas, Clark aſked his vote for Mr. Harley, and gave him two ſhillings and ſixpence to drink Mr. Harley's health; and his wife ſaid, "Now is the time to pull down the ſurplice and Common-prayer:" and on St. John's day, Vaſton and Clark aſked his vote for Mr. Harley; promiſed him a ſuit of cloaths the next day, if he would be for Mr. Harley; and gave him five ſhillings to drink with his neighbours.

Badnage ſaid, Powell aſked him to vote for Mr. Harley; and offered to lend him ten pounds (if he would go out of the way) for an year, without intereſt. He owned, he lay at Mr. Bangham's, and went from thence to poll.

As to threats;

Nicholſon ſaid, the day before the election he met one Grubb, who ſaid, he had promiſed to be for Mr. Colt, but was uneaſy; and if he voted for Mr. Colt, he ſhould be ruined; for he owed Mr. Weaver ten pounds, and was threatned to be arreſted, if he voted for Mr. Colt; and that Brown voted for Mr. Colt, and was arreſted.

Price ſaid, he was turned out of the land he rented, becauſe he would not vote for Mr. Harley.

Philpot ſaid, Spencer told him, if Mr. Harley had but ten votes, he ſhould carry it to the parliament-houſe; where he was better beloved than Mr. Colt: and Phillips ſaid, they might ſay what they would before the committee, for there was no ſwearing.

Lewis ſaid, on the election-day, Mr. Colt junior and he met Phillips; who aſked, "Will you take two guineas?" and he holding out his hand, ſaid, "You will tell no body:" and Lewis ſaid, it was ſpoke aloud.

For the petitioner, it was replied, as to Mr. Avenant, That Crowther had left ten or twenty pounds to his poor relations, to be diſtributed, as his executrix and overſeers ſhould pleaſe; and Mr. Avenant was overſeer: and then they produced an extract of the will to prove it.

Clark ſaid, Mr. Houghton of Ludlow told him, he heard his ſiſter ſpeak of ſome poor relations in this town; and he was told, Phillips and Taylor were ſo; and he wrote a letter, to uſe his intereſt with the Lady.

Upon the whole, the committee reſolved,

That John Dutton Colt, eſquire, is not duly elected a burgeſs to ſerve in this preſent parliament for this borough.

That Edward Harley, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for this borough: whereto, upon the ſaid reſolutions being twice read, the houſe agreed; and ordered the return to be amended.

Jan. 3d. A petition of John Dutton Colt, eſquire, was read; ſhewing, that at the election for this borough, Edward Harley, eſquire, with divers others his agents, did, by menaces and other unlawful practices, procure divers of the electors to vote for him; and, by the like means, prevailed with others not to vote for the petitioner: notwithſtanding which, the petitioner had the majority of legal votes; yet the bailiff hath returned Mr. Harley, in prejudice of the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report it, with their opinion.

Nov. 25, 1708. A petition of Farley Oſborn, eſquire, was read; ſhewing, that at the laſt election of burgeſſes to ſerve in this parliament for this borough, the petitioner, with the Lord Coningſby, and Edward Harley, eſquire, were candidates: that no perſon ought to have polled, but ſuch as had been aſſeſſed to the poor in the preceding year's aſſeſſment, according to the laſt determination of the houſe of commons, of the right of election; yet Mr. Thomas Chelmick, the bailiff, contrary thereto, did admit ſeveral unqualified perſons for Mr. Harley, though the petitioner excepted againſt them: that the new aſſeſſment for the poor was wholly ſettled by Francis Shooler and Richard Hodges, who calculated the ſame for the ſervice of Mr. Harley, after the teſte of the writ, and was ratified by two juſtices of the peace, who ſolicited votes for Mr. Harley; and the petitioner was .... a ſight, or copy of the ſaid aſſeſſment, though he demanded it: that during the whole poll, Edward Bangham and Iſaac Tomkins, two juſtices of peace, Samuel Clerk, Cabel Powel, and James Caſwell, receivers-general, and all inhabitants of this borough, with John Powle active agents for Mr. Harley, behaved themſelves in ſo rude and violent a manner, to thoſe who came to vote for the petitioner, that it appeared a ſedition, rather than an election; and by their indirect practices, with perſons who had votes, did in a manner ſubvert the freedom of election: notwithſtanding which, the petitioner was duly elected one of the burgeſſes, by a majority of legal votes, and ought to have been returned by the ſaid bailiff, who refuſed to grant the petitioner a ſcrutiny of the poll, and hath unduly returned the ſaid Mr. Harley as one of the burgeſſes, in prejudice of the petitioner: and praying &c.

Ordered to be heard at the bar on the 17th of February next.

March 5. Ordered Mr. Oſborn have leave to withdraw his petition.

March 3, 1713. A petition of John Dutton Colt, of this borough, eſquire, was read; ſhewing, that the petitioner, Edward Harley, and Henry Gorges, eſquires, were candidates at the election for the ſaid borough; and that Samuel Clerk, eſquire, receiver-general of her Majeſty's revenue for Brecon, with ſeveral others, acting as agents for the ſaid Edward Harley and Henry Gorges, were guilty of notorious bribery, by entertaining great numbers of the electors of the ſaid borough, on the behalf of the ſaid Edward Harley and Henry Gorges, after the teſte of the writ; and by ſeveral other illegal practices, did influence great numbers of the electors: by which undue means, the major part of the electors voted for the ſaid Edward Harley and Henry Gorges; and the bailiff of the ſaid borough hath unduly returned the ſaid Edward Harley and Henry Gorges, in wrong of the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine and report the matter thereof, with their opinion.

April 16, 1714. Ordered Mr. Dutton Colt have leave to withdraw his ſaid petition.

March 28, 1715. A petition of Henry Gorges, eſquire, was read; ſhewing, that the petitioner, together with the right honourable the Lord Coningſby and Edward Harley, eſquire, were candidates for this borough, at the laſt election of members for the ſaid borough; and the agents for the ſaid Edward Harley did, by themſelves, ſervants, and others, make intereſt for the ſaid Mr. Harley; and did, contrary to the act made in the 7th year of the reign of King William the third, intitled, An act for preventing charge and expence in election of members; and thereby did influence great numbers of the electors of the ſaid borough, and obtained the major part of the ſaid electors to vote for the ſaid Mr. Harley; by which means, the bailiff of the ſaid borough hath returned the ſaid Mr. Harley, as burgeſs for the ſaid borough, in prejudice of the petitioner: and praying &c.

Ordered to be referred to the committee of privileges and elections, to examine and report the matter thereof, with their opinion.

A petition of divers of the inhabitants of the ſaid borough was read; ſhewing, that the right honourable the Lord Coningſby, lord-lieutenant of the ſaid county of Hereford, has endeavoured, by himſelf and agents, by bribes, threats, and other illegal practices, not only to procure himſelf to be elected a member; but alſo to procure Henry Gorges, eſquire, brother-in-law to the ſaid Lord, to be elected member for the ſaid borough, at the laſt election: and praying &c.

Ordered it be referred to the committee of privileges and elections, to examine and report the matter thereof, with their opinion.

A petition of the oppreſſed inhabitants of the ſaid borough, complaining of an undue election and return for the ſaid borough, was read; ſhewing, that by the arbitrary proceedings of Caleb Powell, eſquire, bailiff of the ſaid borough, and receiver-general of the publick taxes for the ſhires of Brecon, &c. James Caſwall, receiver-general of the county of Monmouth, &c. and Samuel Clark, eſquire, receiver-general of the county of Hereford: That the ſaid three publick officers, have had the command of publick money; they have, in combination with Mr. Thomas Price, town-clerk, in order to force the petitioners to elect Edward Harley, eſquire; and by the illegal proceedings of the ſaid three receivers-general, ſervants, and agents, have, by their lending either ſo much of the publick money, or the ſaid Mr. Harley's money, as has got an influence upon a great many voters; and by their threats, and forcing the voters to pay what they are not able, and to make them vote contrary to their inclinations; and by other threats, and locking up of voters the night before the election, on the behalf of the ſaid Mr. Harley, by the ſaid receivers, &c. treating them with liquor, that when they voted, they did not underſtand who they voted for; and that ſo ſoon as one of the voters was led home, being in drink, he was laid down upon his bed in his cloaths, and declared, he was prevailed to vote againſt his conſcience, and ſo died; and that the bailiff admitted ſeveral perſons to vote for the ſaid Mr. Harley, who had no right; and refuſed to allow others to vote for Mr. Gorges, who had a right; and ſo declared the ſaid Mr. Harley, with the Lord Coningſby, to be duly elected: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine and report the ſame, with their opinion.

Feb. 23, 1716. A petition of ſeveral of the oppreſſed inhabitants of this antient borough, was read; ſhewing, that the ſaid borough is a borough by preſcription, and have ſent members to parliament time immemorial: that it was an open town, until the diſſolution of monaſtries, and the happy Reformation thereupon: that the petitioners predeceſſors, during thoſe times of popery and ſuperſtition, were influenced by the prior and monks of a great priory within the ſaid town, and who were not only lords of it, but ſeveral of the adjacent pariſhes: that towards the latter end of the reign of Edward the ſixth, a charter of incorporation was granted for better government of the ſaid town, but not ſealed, by reaſon of the demiſe of the ſaid King; and, during the ſhort continuance of that reign, the antient privileges of the petitioners predeceſſors were rather retrieved and inlarged, than leſſened and deſtroyed thereby; but, a ſtop being put to the bleſſed Reformation by the acceſſion of Queen Mary to the throne, ſeveral perſons who, upon that unfortunate turn, had expreſſed a furious zeal for the ſupport of that bloody government, obtained, as a reward, a more inlarged charter, and themſelves to be made governors of the ſaid borough, by the names of a bailiff, high-ſteward, recorder, and twenty-four capital burgeſſes: that the petitioners predeceſſors, who profeſſed the proteſtant religion in thoſe early times, and, in this then bigotted place, whilſt the popiſh reign laſted, could not (burning for conſcience-ſake excepted) lie under heavier oppreſſions, than the petitioners have done, for ſeveral years laſt paſt: and, as the inhabitants of Leominſter were always deſtined, whenever popery prevailed, and the proteſtant intereſt was in danger of being ſubverted, that their privileges as Engliſhmen ſhould be, amongſt the firſt, in hazard of being invaded; the petitioners do, in the moſt humble manner, repreſent to this honourable houſe, That when the glorious King William, of immortal memory, the great preſerver, under God, of the proteſtant intereſt, and liberties of Europe, arrived to relieve us from King James' popery and arbitrary power, this antient borough was reſtored to their juſt rights and privileges, in the choice of their members to ſerve in parliament; and do, becauſe they may with truth, and without vanity, affirm, that no corporation, for the ſpace of near ſixteen years, in this kingdom, made uſe of that great truſt repoſed in them freer from corruptions and bribery, and in all other reſpects with greater regard to the true intereſt of their country, than the now abuſed petitioners did; but ſince thoſe men have had any power, who our glorious King, in his Royal proclamation for ſummoning this preſent parliament, mentions to have been diſaffected to this happy acceſſion to the throne, and to have left this kingdom, not only under the greateſt difficulties in reſpect to its trade and navigation, but have, as his ſacred Majeſty is pleaſed further to declare, to his great ſurpriſe, very much increaſed, even ſince the concluſion of the laſt war, the publick debts of the nation; we, the petitioners, have laboured under great difficulties, by means of the unjuſt and arbitrary proceedings of the three following receivers of the publick money, who are all inhabitants of our town, and two of them capital burgeſſes of our corporation; viz. Caleb Powell, eſquire, our preſent bailiff, and receiver-general for the publick taxes in the ſhires of Brecon, Radnor, and Montgomery; James Caſwell, eſquire, likewiſe a capital burgeſs of the ſaid borough, and receiver-general for the publick taxes for the county of Monmouth, and three more other counties, in the extream parts of North-Wales; and Samuel Clarke, eſquire, receiver-general for the publick taxes in the county of Hereford: that ſince the ſaid three publick officers have had the command of ſo much publick money (for before they had none to ſpare, from carrying on their reſpective trades; the one being a tanner, the other a glover, and the third a mercer) they have, in combination and confederacy with Mr. Tho. Price, attorney at law, another capital burgeſs of the ſaid borough, and town-clerk of the ſame, and ſeveral of the magiſtrates of the ſaid corporation, at ſeveral paſt elections, but more eſpecially at the laſt, for chooſing members for this preſent parliament, in order to force us to elect Edward Harley, eſquire, recorder of the ſaid borough, one of the auditors of the impreſts, and brother to the late Lord-treaſurer the Earl of Oxford, to whoſe favour Caleb Powell and James Caſwell, aforeſaid owe their employments, by the illegal, arbitrary, and unjuſt proceedings following, as far as in them lay, endeavoured to rob us of our invaluable privileges; to invert the method of our elections; and not only to uſurp to themſelves the ſole government of the body corporate, but to bring into the members thereof the power, at leaſt, of directing, in an arbitrary manner, the inhabitants of this antient borough by preſcription, who they ſhall truſt with all that is dear to them in this world; and more particularly they, by themſelves, ſervants, agents, or accomplices, have, by their lending ſo many, and ſuch large ſums, either of the publick or the ſaid Mr. Harley's money, to ſo many of the poorer or moſt indigent ſort of voters of, and inhabitants in, the ſaid borough, and upon ſuch ſecurities as they the ſaid voters could not obtain any money elſewhere, and have ſince broke ſome of the ſaid voters; got ſuch influence upon ſo many of the voters of the ſaid borough, that by their arbitrary, illegal, and unjuſt proceedings, and by their threats of ſuing the ſaid voters, and forcing them to pay what they are not able, their ſaid debtors are compelled to comply, and vote in elections of members of parliament as they are directed by the aforeſaid magiſtrates, town-clerk, and receivers, or their or ſome of their agents and accomplices, contrary to their own inclinations and opinions, as many of them declare; and which, being ſo great a number, makes the petitioners find the hard effects of ſuch arbitrary and illegal proceedings: and moreover, to carry on ſuch indirect proceedings, the preſent bailiff, and the magiſtrates, as living within the ſaid borough, have for many years laſt paſt, by indirect contrivances, kept the bailiwick, the magiſtracy, and government of the ſaid borough, in their own power, and amongſt their own party; for that the preſent bailiff hath been three times bailiff of the ſaid borough; two years of which, have been within the ſpace of ten years laſt paſt; and the ſaid James Caſwell hath been four times bailiff of the ſaid borough; and hath been within the ſpace of ſeven years laſt paſt, bailiff of the ſaid borough for three years ſucceſſively; and his father-in-law Edward Bangham, eſquire, one of the juſtices of the peace of the ſaid borough, hath been three times bailiff of the ſaid borough, and ended his laſt year's bailiwick at Michaelmas laſt; and for the continuance of ſuch their management, and keeping up the number of their party in the chamber, there are but 19 perſons beſides the bailiff in that community, which ought to conſiſt of 24, beſides the bailiff: and the ſaid bailiff, and his accomplices, neglect to fill up the ſaid chamber with other proper and fit perſons; becauſe thoſe who are moſt proper and fit to be choſen for capital burgeſſes of the ſaid borough are in a contrary intereſt, and oppoſite to them, and who will not willingly join in ſuch indirect practices as are uſed in the ſaid chamber, who have divers houſes, lands, and tenements, belonging to the ſaid chamber lying within the ſaid borough, and are demiſed to many of the inhabitants and voters of the ſaid borough for lives, under yearly rents and fines; which fines are arbitrary; but, where the tenants are in the intereſt of the now and late years prevailing bailiff and magiſtrates, and their aſſociates, their fines are much eaſier than their oppoſers are forced to undergo; and, as an inſtance in this matter, the aforeſaid Mr. Edward Bangham, and Mr. Thomas Price, who hold the two meſſuages they reſpectively live in, and lying within the ſaid borough, by leaſe under the ſaid chamber, by their friendſhip amongſt their brethren, obtained each of them a leaſe of their reſpective houſes, for three lives; with a covenant, that each of them ſhould, upon the death of one life mentioned in their reſpective leaſes, be admitted to add a third life, at one year's value, at ſuch a rate as they then put upon their reſpective houſes; whereas none other of the tenants of the ſaid chamber ever had any ſuch covenant allowed them: and the ſaid bailiff and magiſtrates, and ſeveral others of their party in the ſaid chamber, being commiſſioners, and having the executive power of directing and levying all the taxes within the ſaid borough, they have, for many years laſt paſt extremely eaſed themſelves, and the perſons in their party, in all or moſt of their reſpective taxes; and loaded their oppoſites with ſtock in trade, money at intereſt, and other heavy burdens, contrary to the rules of common juſtice; but the receivers, who have each of them ſeveral thouſands of pounds at intereſt, not charged for the ſame: and as an undeniable inſtance of their injuſtice to the government, there is not, nor hath been, one houſe lying within the ſaid borough charged at 30s. *per annum* for light-money, according to the act of parliament, ſince the ſame was made; though there are near 40 houſes within the ſaid borough that ought to be charged therewith; and in ſuch method are theirs, and all their votaries houſes under rated, or totally omitted to be rated: and for the further carrying on of their oppreſſion in the like nature, all perſons who will engage with them, and vote in their intereſt, are admitted to be inhabitants, and vote in the ſaid borough, without giving any, or, at leaſt, no ſufficient ſecurity to indemnify the town from their charge; and by which means ſome families are now, and more like to become, a charge to this borough for the ſupport of them; but, if any perſons who are their oppoſites, come to live within the ſaid borough, they are forced to give undeniable ſecurity; nor will that be accepted but at will and pleaſure; and alſo all ſuch, and likewiſe ſuch other perſons, who are their oppoſites, living within the ſaid borough, are loaded with offices, forced to ſerve upon unprofitable juries, impoveriſhed by the inequality of taxes, and terrified by the frowns and threats of the magiſtrates and governing part of the town; and ſuch as are publick houſe-keepers, and voters, if they will not join with the ſaid magiſtrates in voting for members of parliament as they pleaſe, are threatned they ſhall have no licences to ſell ale; but ſuch as will comply with them ſhall be licenſed, or have leave to ſell ale without licence; by reaſon whereof, there are at this preſent time forty publick houſes that ſell ale within this ſmall borough: under all which aggrievances, the oppreſſed petitioners have laboured for ſeveral years laſt paſt; and therefore have juſt reaſon now to complain; which they would have avoided, had not the ill practices, unjuſt and corrupt proceedings, in the laſt election for members to ſerve for the ſaid borough in this preſent parliament, given them juſt occaſion to repreſent to this honourable houſe, that after the aforeſaid Cabel Powell, eſquire, the preſent bailiff of this borough, had received the mandate from the ſheriff of the county of Hereford, for the electing two burgeſſes to ſerve in this preſent parliament for this borough, by the advice of the aforeſaid town-clerk, and, as is believed, by the approbation, if not direction, of the aforeſaid Mr. Harley the recorder, after ſun-ſet, on Friday the twenty-eighth day of January laſt paſt, did cauſe publick notice to be affixed on ſeveral places in the ſaid town, that he the ſaid bailiff intended to proceed to elect two burgeſſes to ſerve in this preſent parliament for this borough, by nine of the clock on the Tueſday morning following, being the firſt day of February inſtant; which was but three days notice, and contrary to the act of parliament in that caſe made and provided, which requires four days notice, at leaſt, to be given of ſuch elections: and notwithſtanding the ſaid bailiff was then informed, that ſuch notice was not according to law, yet the ſaid bailiff would not alter what he had directed; nor did he take care that the town-clerk ſhould publiſh the proclamation for diſſolving the laſt parliament: and the petitioners further ſheweth, that from the time that the aforeſaid notice was given, even to the very hour of the election, and during the ſame, ſuch bribery, arbitrary and corrupt proceedings, by menaces, threats, force, and locking up of voters the night before the election, were uſed and practiſed within the ſaid borough, for and on the behalf of the ſaid Edward Harley, eſquire, by the ſaid receivers, magiſtrates, their agents, or accomplices, or ſome of them, as . . . . want words to expreſs, by forcing men to vote contrary to their inclinations, and faithful promiſes, and by filling them ſo with drink, that many of the voters when they paſſed their votes, did not rightly underſtand who they voted for; and which had ſo lamentable effect upon one of the ſaid voters, formerly a very ſober man, that as ſoon as he was led home from voting, he was laid down upon his bed in his cloaths, and declared he was prevailed with to vote againſt his conſcience, and forthwith died; and at the ſaid election, the bailiff admitted ſeveral perſons to vote for the ſaid Mr. Harley, who had no right of voting, and refuſed to allow the votes, or to poll ſeveral perſons there produced and offered to be polled, on the behalf of Henry Gorges, eſquire, and who had a juſt right of voting; and which had they been polled, as they ought to have been, would have caſt the majority on Mr. Gorges' ſide, againſt Mr. Harley; and moreover, Thomas Bayly, gentleman, under-ſheriff for the county of Hereford, came into court about the middle of the ſaid poll, at which time he had nothing to do there, unleſs at the requeſt, and on the behalf, of Mr. Harley, to hinder ſuch voters as were in debt from appearing, for fear of being arreſted by him; and he being reprimanded for the ſame, by one of the juſtices of the peace for the ſaid county, who liveth in Leominſter aforeſaid, and voted at the ſaid election againſt the ſaid Mr. Harley, the ſaid under-ſheriff withdrew; and about two hours after came into court again, and inſulted the ſaid juſtice of the peace in the moſt inſolent, rude, and violent manner, threatning to break his head, and calling him very opprobrious names, and went away with impunity; and after the ſaid bailiff had polled all the voters he would allow of, he refuſed to let the candidates clerks compare their poll-book, with the town-clerk's poll-book, to ſee if any, and what miſtakes had happened in taking the ſaid poll; ſaying, he had nothing to do with any of the poll-books, but with the town-clerk's, who took the poll for him; nor did the bailiff direct his town-clerk to read over the names of the voters in his own poll-book to ſee that there were no miſtakes in his taking the poll; but the ſaid bailiff, finding by ſome private intimation given him, that the ſaid Mr. Harley had, according to the town-clerk's poll-book, and according to the management of the proceedings as aforeſaid, ſome ſmall majority of the ſaid Mr. Gorges; he commanded the town-clerk to caſt up the poll-book; and according to his computation only, without any other inſpectors, the ſaid bailiff declared the right honourable Thomas Lord Coningſby, and the ſaid Mr. Harley duly elected members to ſerve for the ſaid borough, in the next parliament; and that he would, and accordingly did, return the ſame; and notwithſtanding the ſaid Mr. Gorges' agent did then, on the behalf of the ſaid Mr. Gorges, tender one indenture to the ſaid bailiff, ready engroſſed, and required the ſaid bailiff to return the ſaid Mr. Gorges, he being a member had juſtice been done him, duly and legally choſen; but the ſaid bailiff poſitively refuſed to do the ſame; and the ſaid bailiff, the morning after the ſaid election, turned one of the ſearchers and ſealers of leather for the ſaid borough, being a place of ſome profit, out of his office, for no other reaſon, as can be known, than that he voted at the ſaid election againſt the ſaid Mr. Harley: all which actings and doings, ... many more of the ſame nature, are expreſly contrary to the rules of juſtice, and are arbitrary, illegal, and unjuſt; and which practices and proceedings, not only tend to the ruin and deſtruction of the rights and privileges of the petitioners, and this borough, in chooſing their repreſentatives in parliament; but alſo if practiſed in other cities, and boroughs, will end in the extirpation of our truly happy, if not abuſed, conſtitution and government: and praying &c.

Ordered, that the ſaid petition be referred to the committee of privileges and elections, to examine and report the ſame, with their opinion.

Ordered, that it be an inſtruction to the ſaid committee, that they do examine whether the ſaid petition be the ſame in ſubſtance with that which was preſented to the houſe the laſt ſeſſion of parliament; and whether it was ſigned by the ſaid perſons.

March 4. A petition of divers of the inhabitants of this borough, was read; ſhewing, that the right honourable Thomas Lord Coningſby has endeavoured by himſelf and agents, by bribes, threats, and other illegal practices, not only procured himſelf to be elected a member of this preſent parliament; but alſo by the ſame indirect practices, procured Henry Gorges, eſquires, to be elected for the ſaid borough: and praying &c.

A motion was made to refer it to the conſideration of the committee of privileges and elections, to examine and report the ſame, with their opinion: but diſagreed to.

Ordered the ſaid petition be rejected.

April 2, 1717. A petition of Richard Gorges, eſquire, was read; ſhewing, that the petitioner, together with Henry Gorges, of Eye in the ſaid county, eſquire, and George Caſwall, of the city of London, banker, ſtood candidates for the ſaid borough, in the room of the right honourable Thomas Lord Coningſby, who has been created a peer of Great Britain: that the ſaid George Caſwall, did, by himſelf, and others, who acted as his agents, both before and after the teſte of the writ, openly and notoriouſly treat and bribe great numbers of the electors; by means whereof, and of other indirect and corrupt practices . . . . procured himſelf to be returned a burgeſs of the ſaid borough, in prejudice of your petitioner; and the ſaid George Caſwall's qualification being objected to, although he refuſed to declare in what particular pariſhes his eſtate lay, by which he ſhould have made out his qualification; yet the bailiff of the ſaid borough admitted him to poll: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine and report the ſame, with their opinion.

6th. A petition of the inhabitants and burgeſſes of this borough, was read; ſhewing, that the ſaid borough is a borough by preſcription; and the inhabitants paying ſcot and lot, being about three hundred, have ſent members to parliament time out of mind; but that George Caſwall, being a banker in London, came down to the ſaid borough; and on the election of a bailiff and magiſtrates, did intereſt himſelf ſo much in the ſaid election, that he procured one Tomkins to be choſen bailiff; John Caſwall, brother to the ſaid George, and one Whittington, two juſtices of the peace for the ſaid borough; that there has been a vacancy in the ſaid borough, by the right honourable the Lord Coningſby being created a peer of Great Britain; the ſaid George Caſwall, and many of his agents, being electors and inhabitants of the ſaid borough, by bribery, corruption, and other indirect practices and proceedings, procured the ſaid George Caſwall to be returned a burgeſs of the ſaid borough: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to report the ſame, with their opinion.

A petition of Henry Gorges, eſquire, was read; ſhewing, that the petitioner, with Richard Gorges and George Caſwall, eſquires, were candidates for and at the laſt election, for a burgeſs to ſerve in parliament for this borough; that the petitioner had a majority of good and legal votes, above the ſaid Richard Gorges and George Caſwall; the votes of ſuch perſons being ſet aſide, who had received monies for the ſaid votes; and that by very great bribery and corruption of the . . . . Richard Gorges and George Caſwall, and their agents, and by expences, threats, menaces, by ſeveral perſons, and other indirect practices, the ſaid Richard Gorges and George Caſwall, had the majority above the petitioner, ſo gained and procured as aforeſaid; and the ſaid George Caſwall was returned; in prejudice to the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to report the matter thereof, with their opinion.

16th. Ordered, that it be an inſtruction to the committee of privileges and elections, that they do hear the matter of the petition of ſeveral of the inhabitants of this borough, who have a right of voting for, and electing, members to ſerve in parliament for this borough; complaining of an undue election and return of George Caſwall, eſquire, to ſerve for this borough; at the ſame time they hear the matter of the petitions of Henry Gorges, and Richard Gorges, eſquires.

May 8. The houſe being informed that George Caſwall, eſquire, ſitting-member for this borough, did, on the 13th day of April laſt, purſuant to the reſolution of this houſe of the 21ſt day of February laſt, leave with the clerk of the houſe, his demand of the qualification of Henry Gorges, eſquire; who petitioned, complaining of an undue election and return for this borough; and that he had not delivered to the clerk of the houſe any paper of his qualification.

The demand of the ſaid qualification and the reſolution of the houſe of the 21ſt day of February laſt, were read.

The journal of the 3d of May 1715, in the caſe of Honiton, in the county of Devon, was alſo read.

And the clerk being called upon, acquainted the houſe, That he had not received any particular of Mr. Henry Gorges' qualification.

Ordered, that the committee of privileges and elections be diſcharged from proceding upon the petition of the ſaid Henry Gorges, eſq; he having neglected to deliver in his qualification within fifteen days after the demand thereof, purſuant to the reſolution of the houſe.

The houſe being acquainted that George Caſwall, eſquire, ſitting-member for this borough, did, on the 30th day of April laſt, purſuant to the reſolution of this houſe of the 21ſt day of February laſt, leave with the clerk of the houſe his demand of the qualification of Richard Gorges, eſquire; who petitioned, complaining of an undue election and return for the ſaid borough; and that he had not delivered to the clerk of this houſe, any paper of his qualification.

The demand of the ſaid qualification was read; and alſo the reſolution of the houſe of the 21ſt day of Feb. laſt, was read; and the clerk being called upon acquainted the houſe, that he had not received any particular of Mr. Richard Gorges' qualification.

Ordered, that the committee of privileges and elections be diſcharged from proceeding upon the petition of the ſaid Richard Gorges, eſquire; he having neglected to deliver in his qualification, within fifteen days after the demand thereof, purſuant to the ſaid reſolution of this houſe.

20th. Ordered, the report of the election to be received on Thurſday next.

23d. Ordered to be received on this day ſevennight.

30th. Mr. Hampden reported according to order the matter of the ſaid election, as it appeared to the committee, on the petition of the inhabitants and burgeſſes of the ſaid borough.

That the committee had examined the matter of the petition. And the petitioners counſel objected bribery againſt the ſitting-member, and called

John Herring; who ſaid, he voted at former elections: that all the candidates at this election aſked his vote; and captain Welling gave him twenty guineas, but never aſked his vote.

That he and ſeveral other voters, in number forty, met Mr. John Caſwall the ſitting-member's brother, and captain Welling: that the ſitting-member came once into the room, and drank ſome ale with them; they drank his health, for which he thanked them; and ſaid, he hoped they would vote for him, and went away without ſaying any more to them: that they all agreed not to vote for either under twenty guineas each; and Mr. John Caſwall putting down that ſum, they ſigned a paper to vote for General Gorges and Mr. Caſwall: that the captain gave him his twenty guineas; and he thinks all the reſt had the ſame; but ſaw none paid, except his own: that the ſitting-member never gave, nor offered him any thing: that he voted for Mr. Caſwall; but, without the twenty guineas, ſhould have voted for Capt. Gorges; but he ſaid before Mr. Caſwall came down, Mr. Bangham, the receiver-general of the county, had aſked votes for General Gorges; acted as his agent; and gave the witneſs ſeven guineas as a free gift; but did not aſk his vote when he gave the money; and that Mr. Batch had alſo before this, bid ten or eleven guineas each for votes, for General Gorges; but the witneſs did not know he gave any thing.

This witneſs being aſked, whether he was not to give his vote for the twenty guineas, which he called a free gift? anſwered, that he did not ſuppoſe they were given him for nothing.

Thomas Caldecot ſaid, that William Spencer gave him ten guineas as a free gift, and never aſked his vote, nor ſaid what he was to do for them: he voted for Mr. Caſwall; and without the ten guineas he ſhould have voted for General Gorges.

But ſaid, Mr. Bangham the receiver-general, had before this given him ſeven pounds, which the witneſs paid him back again, after he had received the ten guineas; and Mr. Bangham told him, he would give him the ſeven pounds clean, if he would vote for them.

That it was reported Mr. Bangham aſked votes for General Gorges, and Spencer for Mr. Caſwall.

Mr. Samuel Burton ſaid, he happened to be at this borough at this time, and meeting the ſitting-member, obſerved how liberal he was for his election; to which he replied, he might be choſe elſewhere, but here he was born, and would be a member whatever it coſt him; and ſaid, he had brought down with him the ſinews of an election; and ſaid, he is receiver for Radnorſhire, and has been ſo for two years: that he is agent for General Gorges, and is ſure the general never gave any thing to any man alive for his vote.

Kedward ſaid, he was one of the forty, who ſet their hands to the paper to vote for twenty guineas each. That Captain Welling gave him twenty guineas, but gave it as a free token.—That he believed the reſt of the forty had their twenty guineas each, for he ſaw them come out of the room with nothing but gold in their hands; though he ſaw none paid but his own; for Mr. John Caſwall, the ſitting-member's brother, and Captain Welling, who paid the money, called them out of one room into another, one by one; but Mr. George Caſwall was not there when the money was paid; but ſaid, that before this Mr. Bangham, the receiver-general, aſked his vote, and then gave him ſix guineas to vote for General Gorges; and he repayed it to Mr. Bangham, before the election.

That the witneſs telling John Brown, what he had for his vote, Bourne told him he had ten pounds, all in ſhillings and ſix-pences; and not one half-crown amongſt them.

Mr. Colt, junior, ſaid, that Francis Steel, who voted for the ſitting-member, told him, he owed Mr. John Caſwall on bond 30 l. which he borrowed when he was receiver-general; and was afraid he would be thrown into gaol, if he did not vote for Mr. George Caſwall.

Catharine Halfpenny ſaid, Mr. Thomas Price, the town-clerk, ſollicited votes for Mr. George Caſwall; and ſhe heard him declare publickly in the open ſtreet, to about twenty perſons, moſt of whom were voters, that whatever money was given on the other ſide, they would double, to carry the election; but Mr. George Caſwall was not preſent when he ſaid it.

The ſitting-member's counſel inſiſted, that no credit ought to be given to the witneſſes produced for the petitioners, who had owned their corruption on all ſides: that if ſuch evidence were to be credited, it ought only to affect ſome particular votes, who did not appear, by any poll produced, to have voted for the ſitting-member: that ſhould all theſe be taken from the poll, Mr. George Caſwall would have a majority againſt every other candidate: that the poll and the right of election were not diſputed: that the witneſſes examined, declared Mr. George Caſwall neither gave, nor offered any thing; nor was preſent when any thing was offered, or given, by his direction; and therefore they thought it not to be neceſſary to produce evidence for him; the evidence not affecting him, nor taking away the majority from him on the poll.

To which it was replied, that though Mr. George Caſwall had a majority; yet as it was obtained by bribery, his election is void.

The committee reſolved,

That George Caſwall, eſquire, is not duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

The ſaid reſolution being read twice, was agreed unto by the houſe.

Dec. 2. A petition of Henry Gorges, eſquire, of Eye in this county, was read; ſhewing, that the petitioner, together with George Caſwall, of the city of London, banker, were candidates for this borough, at the laſt election of a member to ſerve in parliament for the ſaid borough: that the ſaid George Caſwall did, by himſelf, and his agents, openly and notoriouſly treat, and bribe great numbers of the electors; by which their votes were influenced; as alſo, by virtue of large ſums of money given by the ſaid George Caſwall, and his agents, to moſt of the ſaid voters, at his former election; for which reaſon, this honourable houſe declared the ſaid election void; by means whereof, and other indirect and corrupt practices, he, the ſaid George Caſwall, hath again procured himſelf to be returned a burgeſs, to ſerve in parliament; in prejudice of the petitioner, and in violation of the rights and privileges of the ſaid borough: that the ſaid George Caſwall is not qualified to ſit as a member in this honourable houſe, not having a ſufficient eſtate; nor had at the time of his election 300 l. *per annum*, as is required by an act of parliament, made in the ninth year of her late Majeſty Queen Anne: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

14th. Ordered, leave be given to withdraw the ſaid petition.

March 10, 1720. The houſe proceeded to take into farther conſideration the reports from the committee of ſecrecy:

And that part thereof which relates to 50,000 l. South-ſea ſtock, taken in by Robert Knight, for the uſe of Elias Turner, Jacob Sawbridge, and Sir George Caſwall, a member of the houſe, was read; and ſeveral witneſſes were examined, and books and papers read; and Sir George Caſwall was heard in his place.

Reſolved, that it appears to this houſe, that during the time, the bill, for enabling the South-ſea company to enlarge their capital ſtock and fund, was depending in parliament, fifty thouſand pound ſtock, being part of the five hundred ſeventy four thouſand five hundred fictitious ſtock, entered in the caſh-book of the company, as ſold for one million two hundred fifty nine thouſand, three hundred and ſeventy five pounds, was taken in, or held by Robert Knight, late caſhier of the ſaid company, for Elias Turner, Jacob Sawbridge, and Sir George Caſwall (a member of this houſe) without any valuable conſideration paid, or ſufficient ſecurity given for the acceptance of, or payment for ſuch ſtock:

Reſolved, that it appears to this houſe, by the books of the ſaid Turner and company, and the examinations now before this houſe; That there was a clear profit of two hundred and fifty thouſand pounds made of the ſaid fifty thouſand pounds ſtock ſo taken in, or held as aforeſaid:

Reſolved, that the ſaid Sir George Caſwall, by concurring with his partners, the ſaid Elias Turner, and Jacob Sawbridge, in having the fifty thouſand pounds ſtock taken in, or held as aforeſaid, has been guilty of a corrupt, infamous, and dangerous practice; highly reflecting on the honour and juſtice of parliament, and deſtructive to the intereſt of his Majeſty's government:

Reſolved, that the ſaid Sir George Caſwall be, for his ſaid offence, expelled this houſe, and committed priſoner to the Tower of London.

13th. Ordered, a warrant for a new writ for electing a burgeſs for this borough, in the room of Sir George Caſwall, knight, expelled.

Oct. 18, 1722. A petition of Edward Harley of Aywood in the county of Hereford, eſquire, was read; ſhewing, that the petitioner having been choſen one . . . the repreſentatives in parliament for this borough, for above twenty years, and recorder of the ſaid borough for above thirty years, did receive a paper, which was voluntarily ſubſcribed by a great number of the inhabitants, who have a right of voting, deſiring the petitioner again to repreſent the borough, as he had formerly done: that Sir George Caſwall by himſelf, and ſeveral others, who acted as his agents, did, by diſtributing great ſums of money amongſt the electors, ſo far influence their votes, that by means thereof, and by many other corrupt practices, the ſaid Sir George Caſwall procured himſelf to be returned for the ſaid borough; in prejudice to the inhabitants of the ſaid borough: and the ſaid Sir George is not qualified to ſit as a member, not having a ſufficient eſtate clear of incumbrances: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

A petition of James Clark, eſquire, was read; ſhewing, that at the election of members to ſerve in parliament for this borough, Sir Andrew Croft, baronet, Sir George Caſwall, knight, Edward Harley, eſquire, and the petitioner, were candidates: the petitioner having the majority of legal votes, ought to have been returned one of the burgeſſes of the ſaid borough; but by many corrupt and illegal practices, made uſe of by the ſaid Sir George Caſwall, he procured himſelf to be returned in prejudice of the petitioner, and the rights and privileges of the ſaid borough: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Jan. 11, 1723. The petition of Edward Harley was again read, the ſame in ſubſtance with the former.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Nov. 13, 1724. The petition of Edward Harley was again read, the ſame in ſubſtance as before.

Ordered, to be referred as before.

April 6, 1725. Ordered the report to be received to-morrow ſeven-night.

14th. Ordered to be received on Friday next.

16th. Mr. Gybbon, according to order, reported the matter of the ſaid election: that the right of election was agreed to be in the bailiffs, capital burgeſſes, and inhabitants of the ſaid borough, paying ſcot and lot.

The poll was, For Sir George Caſwall, 205.
For Mr. Harley, 92.

For the petitioner it was inſiſted, that this election was void becauſe of bribery; and they produced evidence of bribery in general, and of 34 votes in particular.

Mr. Nelme, the returning-officer, ſaid, that Sir George Caſwall, before the election, made great application to him to obtain the return; which he ſaid he would have, and offered him a conſiderable gratuity: that another candidate being ſet up, the ſitting-member in public company, where were ſeveral voters, ſhewed them a purſe of gold; and ſtriking the bottom of it with his finger, ſaid, he "knew what would do in this borough; which was "like a farm, where, the good wife beating "the bottom of the pail, all the hogs run to the "waſh;" and the night before the election, he ſaw Sir George give ſeveral voters one guinea each.

The firſt part of this evidence, in regard to the purſe, was given by William Vaſton.

Mr. Nelme alſo ſpoke to eleven voters in particular, who had owned they had a guinea each, from Captain Caſwall, brother and agent for Sir George; and one of them ſaid, he was promiſed to have more, as any other had; and John Lloyd, another of them, ſaid, one Smith, an agent for Sir George Caſwall, had promiſed him five pounds.

Vaſton alſo ſpoke to twenty-one voters; that John Barlow told him, Sir George Caſwall promiſed to give him as much as any other had; and ſaid, he gave none, who at the laſt election would take money, leſs than ten guineas.

That ten others owned to him that they voted for Sir George Caſwall, becauſe they were promiſed by him, or his agents, that they ſhould have as much as any other had: he could not ſay they had any thing; but ſome of them ſaid, Sir George had appointed money to be ſpent at their houſes: as to the other ſeven; he ſaid, John Harris declared he voted for Sir George Caſwall, becauſe one of his agents lent him twenty pounds: and Perks ſaid, he voted, becauſe Smith had promiſed him five pounds.

That Ar. Morris declared he voted for Sir George upon a promiſe of money from Mr. Smith; and Morris, becauſe his ſon's bond was given up by Sir George.

That Turner ſaid, he voted, becauſe he had ten guineas at the former election.

That Ryecroft ſaid, Captain Caſwall gave him a guinea, and Sir George promiſed him as much as any of the others had.

Caleb Powell, eſquire, ſaid, Sir George declared he was deſirous of being elected, and in this nothing ſhould be wanting; that he would give, or expend as much money as any body.

That Davis ſaid to him (Mr. Powell) that Spencer, the poſtmaſter (who aſked votes for Sir George) promiſed him ten pounds for his vote; and after the election came to him to know, how he ſhould get his money. That Sir George, at Mr. Powell's houſe, aſked ſome gentlemen their votes, and told them, they had twenty guineas each of him at the laſt election, and they ought to do ſomething for him now; and aſked, if he ſhould ſell his eſtate and diſtribute it amongſt them: — That Armſtrong owned to him, that Captain Caſwall gave him four pounds on a note of hand, and promiſed him he would never aſk for it.

That John Floyd, ſince the election, owned that Captain Caſwall gave him ten pounds for drink had at his houſe, and for his vote.

Francis Phillips ſaid, that on the election-day, as he was going to poll, Smith, who aſked votes for Sir George, and is a mercer, took him into his houſe, where thirty voters, or more, were eating and drinking: that Smith promiſed ſeveral of them money, but did not ſay how much; and told him, he ſhould have the ſame as they had: and Smith carried them by five or ſix at a time to the poll; but ſaid, he had received no money, nor would he ſay the others had.

Morris and Smith ſaid, that Jonathan Naſh, who aſked votes for Sir George, did, in the evening before the election, promiſe ſeveral voters at the Green Dragon, that they ſhould have as much as any had, except the managers, who were to have fifty guineas a man; and he mentioned to them four or five guineas each: and Morris ſaid, Naſh promiſed, they ſhould be paid within a very few days after the election was over, when Sir George would recompenſe his friends; but till then his hands were tied: and Sir George ſaid he had been generous at the laſt election; had given ten guineas a man: he could not promiſe now; but ſaid, they ſhould have as before; and his word had been taken for 10,000 l.

Smith ſaid, that a fortnight before the election, he had a guinea from Sir George's brother; who then aſked his vote when there ſhould be occaſion: he ſaid, he demanded the money on account of Mr. Bateman's election, and had it upon that account; but he would not have voted now for Sir George, if he had not had that guinea.

The journal of the 30th of May 1717, was read; when bribery was objected againſt Sir George; and he was voted to be not duly elected.

In anſwer it was inſiſted, that the evidence offered did not affect him in this election; and they objected bribery, to induce the petitioner to be a candidate, and to vote for him; and called

Thomas King; who ſaid, Mr. Tomkins, an agent for the petitioner, ſollicited him, and other voters, to ſign a paper, inviting the petitioner to be a candidate at this election; and promiſed to give him as much as any others had, but did not ſay how much.

That Thomas Vale told him, Tomkins had publickly promiſed the voters 15l. each; and bid thoſe preſent tell as many others as they could, that they ſhould have the ſame; upon which many of them ſigned the paper.

Lock ſaid, that Mr. Tomkins invited him to the three Horſe-ſhoes, to ſign a paper of invitation of Mr. Harley; and told him, he ſhould have 5 or 6 l. to ſign it: that he went and found about ſixty voters there; and ſeveral of them told him they had the ſame promiſe of Mr. Tomkins: the witneſs aſked, on what terms they ſhould vote for the petitioner? Mr. Tomkins anſwered, they ſhould be ſatiſfied to their own contents; or might vote as they pleaſed:—But ſaid, the petitioner declared publickly he would give no money; and when thoſe voters met again on the evening of the election, he never went near them; and alſo, that he did not know any one had any thing for ſigning the paper.

William Powell ſaid, that Mr. Tomkins came to the three Horſe-ſhoes, when about ſix of the voters were there; and aſked, on whoſe account they drank? they anſwered, they paid their own money; upon which he ſaid, he underſtood Mr. Cook would give ſeven pounds a man; and then Tomkins declared, Mr. Harley would give ten pounds, and if that would not do, fifteen; and if that would not do, twenty each man; but owned, he voted ſingly for Sir George; and did not give his other vote, becauſe a perſon did not come as promiſed on behalf of the petitioner.

To anſwer Mr. Nelme's evidence;

Michael Stephens ſaid, that after the election, Mr. Nelme and he, coming together from Mr. Harley's they diſcourſed about the election, and the nature of the evidence to be given concerning it: Nelme ſaying he was to be a witneſs, and aſking if the evidence was to be upon oath? the witneſs anſwered, no; but great regard was to be had to the truth: Nelme replied, he might lye to ſell a little flannel or cloth in his ſhop; and it would be no harm to tell a lye to ſerve his friend: he alſo ſaid, that at the ſame time, the petitioner offered him great rewards to vote for a perſon in his intereſt, to be the next bailiff.

Benion Stephens ſaid, that the money diſtributed by Captain Caſwall was given three or four months before this election, and before Mr. Harley was a candidate; and that it was given by Mr. Bateman's order, as his bounty or charity, after his election: and he ſaw ſeveral of the voters demand, and receive it as ſuch.

It was alſo proved, that Mr. Bateman deſired Captain Caſwall to give a guinea each, to ſuch poor perſons of this borough, as he thought to be objects of charity.

That the committee reſolved,

That Sir George Caſwall is not duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

The ſaid reſolution was a ſecond time read; and the act of the 7th of King William III. chap. 4. for preventing charge and expence in elections of members, to ſerve in parliament, was read; and the ſaid reſolution was diſagreed to.

LESCARD.

THIS borough was made ſo, by Richard Duke of Cornwall; by charter dated June 5, 1240. It ſent burgeſſes to parliament from the 26th of Edward I. and has ſo continued to do ever ſince, as doctor Willis writes: but Mr. Prynne gives the catalogue from the 35th of Edward I. I meet with no memoirs relating to its elections, until ſince the reſtoration, and theſe very few, viz.

Brady 44, 45. Willis, 1749. 7. Prynne's, 4th part Regiſt. 1039.

May 5, 1660. Mr. Turner reported from the committee of privileges, touching the double return for this borough, that John Connoit and John Robinſon, eſquires, are returned by the proper officer; and the opinion of the committee, that they ought to ſit until the merits of the cauſe be determined: Whereto the houſe agreed.

March 13, 1698. The houſe being informed that John Buller, eſquire, who was a candidate at the election for the choice of members, to ſerve in this preſent parliament, for this borough, hath brought an action, upon the ſtatute made in the ſeventh year of his Majeſty's reign, againſt Mr. Richard Roberts, the mayor of the ſaid borough, for the ſum of five hundred pounds, for making a falſe return of William Bridges, eſquire; although the ſaid Mr. Buller never petitioned againſt, or queſtioned the ſaid return in this houſe.

And a debate ariſing in the houſe thereupon, it was ordered to be conſidered on Wedneſday next.

15th. The houſe reſumed the conſideration of the ſaid matter, and after long debate, it fell without any thing done thereupon.

Feb. 24, 1709. Ordered a warrant for electing a burgeſs, to ſerve for this borough, in the room of William Bridges, eſquire, made aſſiſtant to the lieutenant-general of the ordnance

LESTWITHIEL.

THIS borough is ſituate in the county of Cornwall; and, according to Dr. Willis, returned burgeſſes to parliament in the 33d of Edward the firſt; and then ceaſed, till the 4th of Edward the ſecond: but Mr. Prynn has taken no notice of it, until the latter time; when, he writes, it firſt returned; and from thence it hath continued to return, until this time. I meet with no memoirs of its right of election, or repreſentatives in that reſpect, until the Reſtoration: from that time theſe following do occur.

Willis, 2 Vol. 39. B. P. R. 193.

May 5, 1660. Mr. Turner reported from the committee of privileges and elections, touching the double return for this borough, That John Clayton and Walter Moyle, eſquires, are returned by the mayor, by one indenture; and Henry Ford, eſquire, is returned by the mayor in another; and the opinion of the committee is, none of theſe perſons ought to ſit, until the merits of the cauſe be determined: whereto the houſe agreed; and reſolved,

That the mayor of this borough be ſummoned to appear at the bar of this houſe, on Monday next come fortnight, to anſwer his miſdemeanor, in making an inſufficient return of members to ſerve in this preſent parliament for this borough: and that he bear the charge of the ſummons: I do not find the mayor appeared at the bar. But,

June 4. Mr. Turner reported from the ſame committee, on the ſaid return; That, upon examination of the fact, it appeared, the double indenture, whereby Henry Ford, eſquire, was returned, was ſo returned by the mayor, upon a promiſe made to him, that, if it were adjudged a falſe return, he ſhould be ſaved harmleſs therein; and that the committee were of opinion, that John Clayton and Walter Moyle, eſquires, were duly elected, and ought to ſit: whereto the houſe agreed; and ordered the return of Mr. Ford to be taken off the file; and

Reſolved, that the mayor of this borough, who was ſummoned to attend, be diſcharged from farther attendance, on paying his fees.

Dec. 12, 1698. A petition of John Hicks, eſquire, was read; ſhewing, that the petitioner was invited, by the electors of this borough, to be one of their repreſentatives in this preſent parliament; but a peer of the realm, of great place and truſt in this county, did not only perſuade and influence the electors, not to chooſe the ſaid petitioner, before the election, but appeared there, and recommended, for burgeſſes, George Booth and Samuel Travers, eſquires; for whom his Lordſhip declared he would be anſwerable: by means whereof, and by many corrupt practices, by the agents of the ſaid Mr. Booth and Mr. Travers, ſeveral of the ſaid electors, who had invited the petitioner, as aforeſaid, were prevailed upon to vote againſt him; and yet he doubts not to prove, he had the majority of legal votes for him; but William Taprell, the mayor, refuſed to return him: praying the conſideration and relief of the houſe.

Ordered, that it be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

May 4, 1699, Ordered, that John Hicks, eſquire, have leave to withdraw his ſaid petition.

Feb. 20, 1700. A petition of George Booth, eſquire, was read; ſhewing, that the petitioner was a candidate to be elected a burgeſs to ſerve in this preſent parliament for this borough; but, by ſeveral illegal practices, Sir John Moleſworth, and John Buller, eſquire, have obtained a return to ſerve for this borough; to the great prejudice of the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter thereof, and report the ſame, with their opinion.

March 18. Ordered, that George Booth, eſquire, have leave to withdraw his ſaid petition.

May 5, 1701. A petition of John Hicks, of Trevithick in the county of Cornwall, eſquire, was read; ſhewing, that the petitioner, being a neighbour of this borough, was, by the electors of the ſaid borough, encouraged to offer his ſervice, to be choſen one of their repreſentatives in the preſent parliament, in the room of J. Buller, eſq; deceaſed; that by the influence of a noble peer of this realm, and of the ſolicitations of his ſervants and agents, and other indirect means, ſeveral perſons, that had invited the petitioner, were prevailed on to deſert him, and to vote for the honourable George Booth, eſquire; notwithſtanding which, the petitioner had a majority of lawful voices; yet Nevil Peters, the mayor, returned the ſaid George Booth, and refuſed to hear, or ſign the petitioner's indenture: and praying &c.

Ordered, that it be referred to the committee of privileges, to examine the matter, and report it, with their opinion.

Jan. 5. A petition of Warwick Hawkey, eſquire, was read; ſhewing, that the petitioner was duly choſen a burgeſs to ſerve in this preſent parliament for this borough, and ought to have been returned with George Booth, eſquire; but the mayor, upon pretence that Sir John Moleſworth had an equality with the petitioner, hath returned Sir John Moleſworth, in wrong to the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report it, with their opinion.

Nov. 2, 1705. A petition of James Kendall, eſquire, was read; ſhewing, that the right of electing burgeſſes to ſerve in parliament for this borough, is in the capital burgeſſes, being ſeven in number (whereof the mayor is to be one) and ſeventeen other burgeſſes, called aſſiſtants: that the petitioner was duly choſen a member to ſerve in this preſent parliament for the ſaid borough, and ought to have been returned as ſuch; but John John, the then mayor, having, ſome time before the election, arbitrarily disfranchiſed ſeveral of the ſaid burgeſſes, and uſed divers other undue practices, to prevent the election of the petitioner, hath unjuſtly returned Robert Moleſworth, eſquire, in wrong to the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and to report the ſame, with their opinion.

Dec. 15. Ordered, that it be an inſtruction to the ſaid committee, that they hear the merits of the ſaid election before Chriſtmas.

20th. A complaint being made to the houſe, that John John, the late mayor of this borough, John Hawkey, and William Traprell, having the books, relating to this corporation in their cuſtody, have not permitted James Kendall, eſquire, or his agents, to inſpect, and take notes and copies from the ſame, according to an order made by the committee of privileges and elections in that behalf;

Ordered, that the ſaid John John, John Hawkey, and William Traprell, do, upon ſight hereof, permit the ſaid James Kendall, or his agents, to inſpect the ſaid books; and take ſuch notes and copies thereof, as they ſhall think fit.

21ſt. Ordered, that it be an inſtruction to the committee of privileges and elections, that if they cannot go through the cauſe, touching the election for this borough, this afternoon, they do ſit tomorrow morning, at ten o'clock, if they think fit.

Jan. 8. Ordered the report to be made on Thurſday-ſeven-night next.

17th. Mr. Compton reported the matter of the ſaid election, as follows:

That, upon the poll, the numbers were,

For the petitioner — 8,
For Mr. Moleſworth 15:

That, for the petitioner, it was inſiſted, the right of election was in the mayor, capital burgeſſes, and ſeventeen aſſiſtants; and it was agreed to be on the behalf of the ſitting-member:

That the petitioner inſiſted, that the ſix, who had a right, were refuſed; viz. Trewbody, Spiller, Hobb, Taprell, Styles, and James; and eight others, who had no right, were polled for Mr. Moleſworth; and they proved, the ſaid ſix perſons had offered their votes for the petitioner.

That as to their right, the caſe was:

By the charter, 6 Jac. I. (which was produced, and read to the committee) it appeared, that this corporation was conſtituted of a mayor, ſix capital burgeſſes, and ſeventeen aſſiſtants; and that the capital burgeſſes, *pro mala gubernatione, aut malè ſe gerend', aut pro aliqua cauſa rationabili,* were amoveable by the mayor, and major part of the capital burgeſſes: but it did not appear, by the charter, there was any power to amove any aſſiſtant. It farther appeared by the books, that all thoſe ſix (one whereof, viz. Trewbody, was a capital burgeſs, and the other five aſſiſtants) had been diſplaced by a leſſer number, than in that caſe was required by the charter. And as to the 8 perſons excepted to, viz. Hawkey, Martin, Curtis, Tomkin, Philips, Lee, Clemeſe, and Libby; beſides, that moſt of them were elected into the places of thoſe irregularly put out, the charter of the 6th of Jac. I, in caſe of death, or removal, of any capital burgeſſes, provides in theſe words, *Quod tunc et toties, bene liceat et licebit majori et capitalibus burgenſibus burgi prædicti, adtunc remanentibus, vel ſuperviventibus, vel aliquibus quinque eorum quorum majorem burgi prædicti, pro tempore exiſtentem unum eſſe volumus*, to elect one or more of the burgeſſes and inhabitants of the ſaid borough, in the room or rooms of ſuch capital burgeſs, or burgeſſes, dying, or removed; and thoſe excepted to, were elected by a leſs number, than was required by the charter.

And the queſtion in this election depending, in a great meaſure, upon the ſix perſons demanding their poll, which being fully proved; the other matter was not controverted.

Whereupon the committee reſolved,

That John Trewbody had a right to vote in the laſt election of burgeſſes to ſerve in parliament for this borough.

That Humphrey Spiller, Nicholas Hobb, John Taprell, Nevil Styles, and Henry James, had a right to vote in the laſt election of burgeſſes to ſerve in parliament for this borough.

That John Hawkey, James Martin, William Curtis, Stephen Tomkin, Chriſtopher Philips, Edward Lee, Chriſtopher Clemeſe, and John Libby, had not a right to vote at the laſt election of burgeſſes to ſerve in parliament for this borough.

That Robert Moleſworth, eſquire, is not duly elected a burgeſs to ſerve in this preſent parliament for this borough.

That James Kendall, eſquire, is duly elected a burgeſs to ſerve in this parliament for this borough.

The ſaid reſolutions, being twice read, were agreed unto by the houſe; and the return ordered to be amended.

Nov. 25, 1708. A petition of Francis Robartes and Ruſſel Robartes, eſquires, was read; ſhewing, that at the late election of members to ſerve in this parliament for this borough, the petitioners were duly choſen by a great majority of legal votes; yet Alexander Johns, the mayor, hath made a return, contrary to his duty, of James Kendall and Joſeph Addiſon, eſquires: and praying &c.

Ordered to be heard on the 26th of February next.

A petition of the chief magiſtrates and aſſiſtants of this borough was read; ſhewing, that the right of election to chooſe parliament-men for this borough, is in the mayor, ſix chief magiſtrates, and ſeventeen aſſiſtants, making in the whole twenty-four; one whereof died before the election, and the remaining twenty-three gave their votes as follows:

For the honourable Francis Robartes	20,
the honourable Ruſſell Robartes	17,
James Kendall, eſquire, —	5,
Joſeph Addiſon, eſquire, —	4.

Notwithſtanding, Alexander Johns, the mayor, made a return for James Kendall and Joſeph Addiſon, to the great violation of the rights of the ſaid borough, and the petitioners: and praying &c.

Ordered to be heard on the 26th of February next.

Nov. 16, 1709. The petition of Francis Robartes and Ruſſell Robartes, eſquires, was again read.

Ordered, that it be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

Alſo, the petition of the chief magiſtrates and aſſiſtants was read; and ordered to be referred in the like manner.

Ordered, that it be an inſtruction to the ſaid committee, that they do examine, whether the petitions, to them referred, be the ſame, and ſigned by the ſame parties, as thoſe preſented the laſt ſeſſions of parliament.

23d. Mr. Compton reported from the ſaid committee, the matter relating to the variation, in the ſigning the petitions preſented to the houſe this ſeſſion, from thoſe preſented the laſt ſeſſion, complaining of an undue election and return for this borough:

That the ſaid committee, purſuant to the inſtructions given them (to examine whether the petitions, to them referred, be the ſame, and ſigned by the ſame parties) have examined the ſaid petitions, and find,

The petition of the chief magiſtrates and aſſiſtants of this borough, complaining of an undue election and return of James Kendall and Joſeph Addiſon, eſquires, preſented the laſt ſeſſions, was ſigned by William Taprell, and eighteen other perſons; and the petition, under the ſame title, preſented this ſeſſion, is ſigned by the ſaid eighteen perſons, without the ſaid William Taprell.

Ordered, that the ſaid committee be directed to proceed to hear the matter of the petition, complaining of an undue election and return for this borough, and to report the ſame, with their opinion therein, to the houſe, although William Taprell, who ſigned the firſt petition, be dead.

Ordered, that they do hear the ſame, at the time appointed for hearing the petition of Francis Robartes and Ruſſell Robartes, eſquires, complaining of the ſaid election and return.

Dec. 19. Ordered the report to be received on the morrow morning.

20th. Mr. Compton, according to order, reported from the ſaid committee, the matter, as it appeared to them, upon the ſaid petitions:

That it was agreed, that this borough is a corporation by preſcription; and that the right of electing members to ſerve in parliament for this borough, is in the mayor, ſix capital burgeſſes, and ſeventeen aſſiſtants.

But, for the petitioners, it was inſiſted, That the mayor and capital burgeſſes always choſe, or confirmed the aſſiſtants annually, viz. on Tueſday after Michaelmas, being the day appointed for the election of a mayor by the charter; and that, before the election of a new mayor, it is in the power of the mayor and capital burgeſſes to continue the aſſiſtants, or diſplace them, at pleaſure; and that no perſon has a voice in the election of members to ſerve in parliament, but ſuch as had a right to vote in the preceding election of a mayor.

But, for the returned members, it was inſiſted, that when an aſſiſtant was once choſen, he continued to be an aſſiſtant without any confirmation, and could not be diſplaced by the mayor and capital burgeſſes, without juſt cauſe.

And the charter being produced, it appeared to be a charter of confirmation, granted *anno* 6° *Jac. I.* and the following clauſe was read:

Ex ulterius volumus ac per præſentes pro nobis, hæredibus, et ſucceſſoribus noſtris, concedimus præfato majori et burgenſibus burgi prædicti, et ſucceſſoribus ſuis, quòd major et capitales burgenſes burgi prædict. aut major pars eorum, quorum majorem pro tempore exiſtent. unum eſſe volumus, de tempore in tempus perpetuis futuris temporibus, poteſtatem et authoritatem habeant et habebunt, eligendi et nominandi, et quòd eligere et nominare poſſunt et valeant annuatim, et quolibet anno, in perpetuum, in die martis prox. feſt. Sancti Michaelis Archangeli, duos de capitalibus burgenſibus burgi prædicti; ex quibus duobus, ſic, ut præfertur eligend. major, capitales burgenſes, et 17mi alii de inhabitantibus, et burgenſibus burgi prædicti, per præfatum majorem et capitales burgenſes burgi prædicti, vel per aliquos quinque eorum, quorum majorem burgi prædicti pro tempore exiſtentem, unum eſſe volumus ad hoc de tempore in tempus eligend' et nominand' eligere poſſint et valeant unum, fore et eſſe majorem burgi prædicti, pro uno anno integro, &c.

That the petitioners counſel, to prove the frequent alteration, and annual election of the ſeventeen aſſiſtants, at the pleaſure of the mayor and the ſix capital burgeſſes, on the next Tueſday after Michaelmas, yearly, called

Mr. Hawkey and Mr. Stevens, town-clerks of this borough; who produced ſeveral of the borough-books; whereby it appeared, that ſeveral of the ſeventeen aſſiſtants have been left out, and others put in their places; particularly one Webber, who appeared to be an aſſiſtant in 1670, was left out in 1671, and the next year was choſen a capital burgeſs.

Mr. Cole ſaid, he had known the borough about thirty years; and that upon Tueſday next after Michaelmas, yearly, the mayor and the ſix capital burgeſſes met in their council-chamber; and then the liſt of the ſeventeen aſſiſtants is read over before the mayor and the capital burgeſſes; and they are continued or diſplaced, and others choſe in their places, as the mayor and capital burgeſſes think fit.

Mr. Stevens, and Mr. Baker, miniſter of the town, ſaid, they have talked caſually with ſeveral old capital burgeſſes, ſince dead, about the conſtitution of the town; and they informed them, that the mayor, together with the ſix capital burgeſſes, always had a power, yearly, to confirm the ſeventeen aſſiſtants, or to diſplace them, and chuſe others in their places, as they ſhould think fit.

The counſel for the returned members, to juſtify their allegation, produced a copy of a report out of the Journal of the houſe, of the 17th of January 1705; whereby it appeared, that ſix perſons, one whereof was a capital burgeſs, and the five others aſſiſtants, who had been removed by the then mayor and the other burgeſſes (and eight others choſen in their places) were reſtored to their votes of electing members to ſerve in the laſt parliament, and the other eight perſons votes excluded by the reſolution of the houſe: but it did not appear, by the ſaid report, whether the ſaid perſons were diſplaced on the Tueſday after Michaelmas, or by ſuch a number of capital burgeſſes, as the charter requires to be preſent at the election of a mayor: and called

Mr. Hicks; who ſaid, he had lived ſeveral years near this borough, and knows the manner of electing members to ſerve in parliament for this borough; but knows little of the conſtitution of the borough; and never knew any of the ſeventeen aſſiſtants removed, and others choſe in their places, but of late years, but upon account of death, or removal from the town; and in that caſe, upon their return, they uſed to be admitted into their places of aſſiſtants again.

Mr. Burt ſaid to the ſame purpoſe: whereupon the committee reſolved,

That the right of electing burgeſſes to ſerve in this preſent parliament for this borough, is in the mayor and ſix capital burgeſſes, together with the ſeventeen aſſiſtants, annually choſen, and who had a right to vote at the preceding election of a mayor.

Then, for the petitioners, was produced a copy of the poll, as follows; viz.

For Mr. Kendall — — 13,
For Mr. Addiſon — 13,
For Mr. Francis Robartes 6,
For Mr. Ruſſel Robartes — 4.

But it appeared by the corporation-books, that, according to the reſolution of the committee, nine perſons, who voted for the returned members, had no right to vote; and that fourteen other perſons had a right to vote, and offered their votes for the petitioners, but were refuſed: whereupon the committee reſolved,

That Joſeph Addiſon, eſquire, is not duly elected a burgeſs to ſerve in this parliament for this borough.

That James Kendall, eſquire, is not duly elected a burgeſs to ſerve in this parliament for this borough.

That Francis Robartes, eſquire, is duly elected a burgeſs to ſerve in this parliament for this borough.

That Ruſſell Robartes, eſquire, is duly elected a burgeſs to ſerve in this parliament for this borough.

The ſaid reſolutions, being twice read, were agreed unto by the houſe; and the return ordered to be amended.

23d. Mr. Ruſſell Robartes being alſo elected for Bodmyn, a new writ iſſued for this borough.

Jan. 28. A complaint being made to the houſe, that although the election for the borough of Leſtwithiel, in the county of Cornwall, was upon the 10th inſtant, yet no return was made thereof;

Ordered that the ſheriff of Cornwall do, on Wedneſday morning next, by himſelf or deputy, give the houſe an account, why the return for this borough is not made.

Feb. 1. The houſe being informed, that there is not any return yet made of the late election of this borough, the Stat. of 10 and 11 Will. chap. 7. for preventing irregular proceedings of ſheriffs, and other officers, in making the returns of members, choſe to ſerve in parliament, was read.

That the ſheriff, or his deputy, not attending (as ordered the 28th of January laſt) to give an account why the return is not made;

After debate,

Ordered, that the ſheriff of the county of Cornwall, or his deputy, do attend the houſe on this day fortnight, to give account why the return is not yet made.

15th. The houſe being informed, that the deputy of the high-ſheriff of Cornwall attended, according to order; and the clerk of the Crown attending with the return for this borough; the ſheriff's deputy was called in, and examined touching the not making the return before the 7th of February inſtant: and alſo the ſerjeant's meſſenger was called in, and gave an account of the ſervice of the order of the houſe upon the high-ſheriff, and of a letter ſent by him to the clerk of the houſe; which letter was produced, and read: and one Mr. Roger Couch attending, was called in, and examined, touching the mayor of this borough's ſending the indenture of return for the ſaid borough to the ſheriff; who acquainted the houſe, that the mayor ſent the return the afternoon of the election-day.

Ordered, that Paul Orchard, eſquire, high-ſheriff of Cornwall, do attend at the bar of the houſe on this day fortnight.

March 1. The houſe being informed, that the ſaid high-ſheriff attended, he was called in, and at the bar examined in relation to the not making the return for this borough; and the houſe being ſatisfied of the account he gave of that matter,

Ordered, that the ſaid high-ſheriff be diſcharged from any farther attendance.

Dec. 2, 1710. A petition of Ruſſell Robartes, eſquire, was read; ſhewing, that at the election of burgeſſes to ſerve in this parliament for this borough, Alex. John, the mayor, was guilty of many indirect practices, and admitted perſons to vote for Hugh Forteſcue, eſquire, who (according to the reſolution of the laſt houſe of commons) had no right to vote; and others alſo, who were not qualified; and refuſed ſeveral legal votes for the petitioner; and hath wrongfully returned Mr. Forteſcue, tho' the petitioner had the majority: and praying &c.

A petition of the chief magiſtrates and aſſiſtants of this borough was read; ſhewing, that by the conſtitution of this borough, a new mayor ought to be elected every year; yet one Alexander John hath, by indirect means, continued in, and acted as mayor for about ſix years; and at the laſt election for members to ſerve in parliament, he was guilty of illegal practices, in rejecting ſeveral legal voters for Ruſſell Robartes, eſquire, and who were ſo adjudged by parliament; and though Mr. Robartes had eighteen votes, and Hugh Forteſcue, eſquire, but three, yet the ſaid mayor hath returned the ſaid Mr. Forteſcue, in violation of the rights of this borough: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter thereof, and to report the ſame, with their opinion.

Dec. 8, 1711. The petitions of Mr. Robartes and the chief magiſtrates and aſſiſtants were again read.

Ordered to be referred to the committee of privileges and elections to examine the matter thereof, and to report the ſame, with their opinion.

Feb. 4. Ordered the report to be received on Thurſday next.

7th. Mr. Freeman reported the matter upon the ſaid petition:

That the right of election was agreed to be in the mayor, ſix capital burgeſſes, and ſeventeen aſſiſtants:

That, for the petitioner, it was alledged, the aſſiſtants ſhould be annually choſen; but this was denied on behalf of Mr. Forteſcue:

That for the petitioner was offered an engroſſed parchment, as a charter for this borough, without ſeal or date, therefore not admitted by the committee:

That then they read the reſolution of the houſe the 20th of December, 1709, in the then controverted election for this borough; when it was reſolved, that the right of electing burgeſſes to ſerve in parliament for this borough, is in the mayor, and ſix capital burgeſſes, together with the ſeventeen aſſiſtants annually choſen, and who had a right to vote at the preceding election of a mayor: and called

Caſtile; who ſaid, that about forty years ago, upon the election of a mayor, the Tueſday after Michaelmas-day, he was diſmiſſed from being one of the aſſiſtants; that the town people have always told him, the mayor and aſſiſtants are annually choſen; but that he was an aſſiſtant above ſix years, and elected but once.

Clenock ſaid, he had known the borough twenty-five or twenty-ſix years; that the aſſiſtants are choſe as the mayor is, annually, upon Tueſday after Michaelmas-day; and that Alexander Johns, the preſent mayor, has been mayor ſeven years.

The petitioners counſel declared, that having failed in their evidence as to the charter, on which they relied their caſe, they waved their complaint, and would give the committee no further trouble.

Whereupon the committee reſolved;

That Hugh Forteſcue, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament: whereunto, upon its being twice read, the houſe agreed.

June 21, 1712. Ordered a warrant for a new writ for electing a burgeſs for this borough, in the room of John Hill, eſquire, made lieutenant-general of the Ordnance.

June 11, 1720. Ordered a warrant for a new writ for electing a burgeſs for this borough, in the room of Edward Elliot, eſquire, made one of the commiſſioners of Exciſe.

Oct. 19, 1722. A petition of Sir Thomas Hardy, knight, and Charles Legh, eſquire, was read; ſhewing, that at the election of members to ſerve in parliament for this borough, the petitioners, and the right honourable William Cavendiſh, eſquire, commonly called the Marquis of Hartington, and the right honourable Philip Dormer Stanhope, called Lord Stanhope, ſtood candidates; at which time John Johns, one of the capital burgeſſes, without any lawful authority, but by being poſſeſſed of the precept, did take upon himſelf to act as mayor, by executing the precept, taking a poll, and making a return accordingly: that Alexander Johns, who was mayor at that time, took a poll, by which it will appear that the petitioners had the majority of legal votes; and the ſaid mayor drew up an indenture with the town-ſeal affixed to it, by which the petitioners were juſtly returned members; but the ſheriff refuſed to accept of it, as not being annexed to his precept, although the ſaid return was tendered to him by the ſaid Alexander Johns, the mayor; by theſe and many other corrupt and unwarrantable practices of the ſaid John Johns, and his agents, a falſe return was made of the Marquis of Hartington and Lord Stanhope, to the great prejudice of the petitioners: and praying &c.

A motion was made to hear the ſaid petition at the bar of the houſe; but diſagreed to.

Ordered to be referred to the committee of privileges and elections, to examine the matter thereof, and to report the ſame, with their opinion.

A petition of Alexander Johns, mayor of this borough, was read; ſhewing, that Edward Hoblyn, eſquire, ſheriff of the ſaid county, did deliver his precept to one John Johns, one of the capital burgeſſes, who proclaimed the ſame, and took upon him to appoint the day of election, and took upon him the office of mayor, without any authority ſo to do; the petitioner, notwithſtanding theſe illegal practices of the ſaid Mr. Hoblyn and John Johns, and others their agents, thought it his duty to attend at the Guild Hall of the ſaid borough, in order to have proceeded after a regular manner in the ſaid election: but the ſaid John Johns repairing to another place of the town, took a ſeparate poll; upon notice whereof, the petitioner, and the major part of the free-burgeſſes, attended where he repeated . . . . .. of having the precept delivered to him as legal mayor; which the ſaid John Johns, not only denied, but refuſed to accept the votes of the petitioner, and fourteen other free-burgeſſes, who offered the ſame for Sir Thomas Hardy, knight, and Charles Legh, eſquire; whereof a return was made in favour of the Marquis of Hartington, and Lord Stanhope: notwithſtanding theſe great irregularities committed by the ſaid John Johns, the petitioner proceeded in the taking a poll: upon the numbers, for Sir Thomas Hardy, and Mr. Legh, ſtood ſixteen; and for the Marquis of Hartington, and Lord Stanhope, five each; whereby the petitioner tendered an indenture to the ſheriff, with the town-ſeal affixed to it, by which Sir Thomas Hardy, and Mr. Legh, were returned as burgeſſes for the ſaid borough; which ſaid indenture the ſheriff refuſed to accept of: by theſe illegal practices of the ſaid Mr. Hoblyn and John Johns, a falſe and undue return was made, in violation of the rights of the petitioner, and the major part of the burgeſſes of the ſaid borough: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter thereof, and report the ſame, with their opinion.

22d. A motion was made, that it be an instruction to the ſaid committee, That they do hear the matter of the ſaid petition upon Wedneſday next come ſix weeks: but it was diſagreed to.

Jan. 27, 1723. Ordered a warrant for a new writ for electing a burgeſs for this borough, in the room of Philip Dormer Lord Stanhope, made captain of the yeomen of the guard.

March 11th. A petition of Thomas Diggs, eſquire, was read; ſhewing, that on the 25th of February laſt, the petitioner, with Sir Orlando Bridgeman, and Henry Parſons, eſquire, were candidates at the election of members to ſerve in this preſent parliament for this borough; and the petitioner had a great majority of legal voters; but by the partial proceedings of one John Johns, who took upon him to act as mayor, got the precept, and refuſed to poll ſeveral good voters for the petitioner, and polled many who had no right for Sir Orlando Brigdeman, and Mr. Parſons; and has wrongfully returned them, in prejudice of the petitioner: and praying &c.

Ordered the ſame to be referred to the committee of privileges and elections, to examine the matter thereof, and to report the ſame, with their opinion.

Feb. 8, 1726. (Borough of Leſtwithiel in the county of Cornwall.)

A petition of Darell Trelawney, eſquire, was read; ſhewing, that on the 26th day of January, 1726, there was an election for a member to ſerve in this preſent parliament for this borough, in the room of Henry Parſons, eſquire; and Sir William Stanhope, knight of the Bath, and the petitioner, were candidates: that the precept for ſummoning the election was, by the ſheriff, or his agent, contrary to all right, delivered to one John Johns, who had not been mayor of the ſaid borough ſince 1705; and he appointed the day of election to be on the ſaid 26th day of January: that upon that day, Francis Johns, the legal mayor of the ſaid borough, demanded the precept of the ſaid John Johns; which he abſolutely refuſed to deliver, becauſe he thought the ſaid Francis was in the petitioner's intereſt: that Francis Johns was duly elected mayor, on Tueſday the fourth of October laſt, being the charter-day appointed for that purpoſe, and had the *regalia* of the ſaid borough delivered to him; and hath ever ſince exerciſed the office of mayor without interruption till this day: and that upon the poll, the petitioner had nine legal votes, and Sir William Stanhope had only two, and the mayor declared the petitioner duly elected; and he and the other eight electors, ſigned an indenture under their hands, and fixed the ſeal of the ſaid borough thereto; notwithſtanding which, John Collins, eſquire, high-ſheriff of the ſaid county, hath refuſed to accept of the ſaid indenture, and to make due return of the ſame: and praying &c.

Ordered it be referred to the committee of privileges and elections, to examine the matter thereof, and to report the ſame, with their opinion.

March 10. Ordered it be an inſtruction to the ſaid committee, that the matter of the ſaid petition, which is appointed to be heard on the 29th of March inſtant, be heard before the ſaid committee, on the 17th day of April next.

LEWES.

THIS borough is ſituate in the county of Suſſex; was of the King's demeſne, and hath returned burgeſſes to parliament, from the 26th of Edward the firſt. I meet with no antient memoirs of its elections, or burgeſſes in that reſpect, before the Reformation: but in the beginning of King Charles the firſt's reign, I find the firſt conteſted return; of which, and thoſe ſubſequent, I ſhall give the following account.

Brady, 13
4 Regiſt.
1028.

March 29, 1628. Mr. Hackwyll reporteth from the committee of privileges and elections, the caſe of this borough— No mayor or bailiff there, but only conſtables—Agreed, the election to be made by the inhabitants—Two indentures returned: Sir George Goring and Sir George Rivers, by one; Sir George Goring, and Mr. Stapeley, by another. —22, that neither Sir George Rivers, nor Mr. Stapeley, well elected—27 *contra*—The concluſion of the committee, that Mr. Stapeley well elected, and ought to be returned.

Reſolved to leave the debate of this buſineſs, till Tueſday morning next.

April 3. Reſolved upon the queſtion, that the election of Mr. Stapeley for this town is a good election — The indenture, wherein Sir George Goring and Sir George Rivers are returned, to be taken off the file.

May 26, 1685. A petition of Sir John Stapeley, knight and baronet, touching the election for this borough, was read.

Ordered, that it be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

Dec. 1, 1710. A petition of Nathanael Trayton, eſquire, was read; ſhewing, that at the election of members to ſerve in this preſent parliament for this borough, the petitioner, with Thomas Pelham and Peter Gott, eſquires, were candidates; that Mr. Gott, in order to procure votes, was guilty of bribery, and other illegal practices, whereby he procured himſelf to be returned, though the petitioner had the majority of legal votes, and ought to have been returned: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine and report the matter thereof, with their opinion.

July 15, 1717. Ordered a warrant for a new writ for electing a burgeſs to ſerve for this borough in parliament, in the room of Thomas Pelham, eſquire, made a commiſſioner of Trade and Plantations.

LYMINGTON.

THIS borough is ſituate in the county of Hants. It is a mayor town, but was never repreſented in parliament, until the 27th of Queen Elizabeth; from which time to the preſent it has ſo continued. The memoirs of its elections are not met with, till ſince the Reſtoration; which I here ſet down, as follow.

March 24, 1689. A petition of Thomas Jervoiſe and Oliver Cromwell, eſquires, was read; ſhewing, they were duly elected burgeſſes for this borough; yet the mayor, contrary to all juſtice, hath returned Thomas Dore and John Burrard, eſquires, in prejudice to the petitioners: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Oct. 13, 1690. A petition of the ſaid Mr. Jervoiſe and Mr. Cromwell, to the ſame effect, was again read; and referred in like manner.

Oct. 30, 1691. Another petition of the ſaid Mr. Jervoiſe and Mr. Cromwell, to the ſame effect, was read; and referred in like manner.

December 12. Ordered the report to be made on Tueſday next.

17th. Ordered the report to be made on the next morning.

18th. Ordered the report to be made on the morrow morning.

19th. Ordered the report to be made on Tueſday ſevennight.

29th. Serjeant Trenchard reported the matter touching the ſaid election. The queſtion was, whether the election was in the mayor and burgeſſes, or in the mayor, burgeſſes and commonalty: if in the former, the ſitting-members were duly elected; if in the latter, the petitioners. For the petitioners, were read the following returns, viz. 26 *Eliz.* the election by the mayor, five burgeſſes, and four more in the return named, and others of the community, elected — the return under their ſeal: 28, 30, 39, and 43 *Eliz.* the ſame.

For the ſitting-members, were read, copies of indentures, 1 *Jac.* The mayor and burgeſſes, naming twelve, did elect under their ſeals: 21 *Jac.* The mayor, and eight therein named, and other burgeſſes, did elect under their ſeals: 18 Jan. 1. *Car.* I. The mayor and burgeſſes generally, elected.—The return under their ſeals: 1 *Car.* I. the ſame.—The return under the common-ſeal of the borough. 3 *Car.* I. the mayor and burgeſſes elected, the return under their ſeals: 15 *Car.* I. the ſame: 16 *Car.* I. mayor and burgeſſes, elected.—The return under the common-ſeal of the borough.

Chriſtopher Cleves ſaid, he had known the borough ſixteen or ſeventeen years: and in his time, the mayor and burgeſſes always elected; and particularly has known Mr. Burrard elected four or five times by them; and never knew the commonalty elect.

It was alſo alledged for the ſitting-members, That in the reign of the late King James II. a *quo warranto* was brought againſt the corporation: to which the mayor and burgeſſes pleaded, they were a corporation by preſcription; and thereupon the King's counſel did not proceed further: whereupon the committee reſolved, That this corporation is a corporation by preſcription.—That the mayor and burgeſſes, only, of this borough have the right to elect burgeſſes to ſerve in parliment for this borough.

That John Burrard and Thomas Dore, eſquires, are duly elected burgeſſes, to ſerve in this preſent parliament, for this borough: whereto (upon their being twice read) the houſe agreed.

Nov. 25, 1695. A petition of John Pitt and William Clark, eſquires, was read; ſhewing, That on the 20th of October laſt, the petitioners were duly elected burgeſſes, to ſerve in this preſent parliament, for this borough; but the mayor hath unjuſtly returned John Burrard and Thomas Dore, eſquires: and praying &c.

Ordered, that it be referred to the committee of privileges, to examine and report the matter, with their opinion.

Feb. 13. Ordered the report to be made on Tueſday morning next.

18th. Colonel Granvill reported the matter touching this election. That for the petitioners it was inſiſted, this borough was a borough by preſcription, and the right of election in the mayor, burgeſſes and commonalty of the borough, paying ſcot and lot.

On the other ſide it was inſiſted, it was a corporation by preſcription; and the right of election in the mayor and burgeſſes only: and it was agreed, if the right was as the petitioners alledged, they were duly elected; if as the ſitting-members alledged, they were duly elected.

For the petitioners, were read ſeveral returns, viz. 26 Eliz. mayor and five burgeſſes, and four more to the return named, and others of the commonalty, elected: 28, 30, 39, 43 Eliz. the ſame.

For the ſitting-members, 1 *Jac.* mayor and 13 burgeſſes, therein named, elected; and returned under their ſeals: 21 *Jac.* the mayor and eight therein named, and other burgeſſes, elected; 18 Jan. 1 *Car.* I. mayor and burgeſſes generally elected; and the return under the common-ſeal: 12 April 1 *Car.* I. mayor and burgeſſes elected, return under their ſeals: 3 *Car.* I. the ſame: 15 and 16 *Car.* I. the ſame; but the latter under the common-ſeal.

To prove it a corporation by preſcription, were read two ancient deeds; 1ſt dated 7 Edw. III. being a grant from the burgeſſes and community of the town of Southampton to William Littlecare and Roger Guſt of new Limington, and the burgeſſes of the ſaid town, and their ſucceſſors, of certain privileges: Deed of 10 Henry IV. a grant by Robert Draper, who is called *Præpoſitus novæ Lymington*, and the burgeſſes of the ſaid town, of a piece of ground to John Pepwhit, his heirs, and aſſigns: This grant was under the common-ſeal. Upon the whole the committee reſolved,

That the right of electing burgeſſes, to ſerve in parliament, for this borough, is not in the mayor, burgeſſes and commonalty of the ſaid borough, paying ſcot and lot.

That the right of electing burgeſſes, to ſerve in parliament, for this borough, is in the mayor and burgeſſes of this borough.

That John Burrard and Thomas Dore, eſquires, are duly elected burgeſſes, to ſerve in parliament, for this borough: whereto, upon their being twice read, the houſe agreed.

Feb. 14, 1700. A petition of James Worſley and Thomas Foullerton, eſquires, was read; ſhewing, the petitioners were duly choſen burgeſſes, to ſerve in this preſent parliament for this borough, by a majority of qualified electors; but the mayor hath returned Thomas Dore, and Paul Burrard, eſquires, to the prejudice of the petitioners: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter and report the ſame, with their opinion.

Nov. 18, 1707. Ordered a warrant for a new writ to elect a burgeſs, in the room of Paul Burrard, eſquire, he having been a ſub-commiſſioner of prizes, ſince the commencement of this preſent parliament.

December 1, 1710. A petition of John Walter, eſquire, and William Forbes, eſquire, was read; ſhewing, that the petitioners were duly elected burgeſſes, to ſerve in this preſent . . . . . . for this borough; tho' the mayor refuſed to take the petitioners legal votes, or to give them a copy of the poll; and he and divers burgeſſes uſed many illegal practices; and hath returned the Lord William Pawlett and Paul Burrard, eſquires, in wrong to the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame with their opinion.

Jan. 5. Ordered to be reported on Thurſday next.

11th. Mr. Freeman (according to order) reported the matter upon the ſaid petition as follows.

That the queſtion was, whether the right of election is in the mayor, burgeſſes, and commonalty, or in the mayor and burgeſſes of this borough.

If in the latter, it was admitted the Lord William Pawlet and Mr. Burrard were elected;

That the poll of burgeſſes taken in the town-hall, was,

For the Lord William Pawlet,	31.
Mr. Burrard,	33.
For the petitioners, each	7.

That the populace polled themſelves out of the hall, and 87 voted for the petitioners only.

For the petitioners, to prove the right in the mayor, burgeſſes, and commonalty, were produced copies of the returns 26 Eliz. which ſets forth the mayor, five burgeſſes, and four more, named in the return, and others *de communitate burgi* elected members, who *ab ipſa communitate* had their power.

The return is mentioned to be under the parties ſeals, and two ſeals are affixed. 28, 30, 38, 43 Eliz. in the ſame form.

The returns are ſaid to be under the parties ſeals, and one ſeal is affixed to them.

And the following reſolution in the caſe of Boſton in Lincolnſhire was inſiſted on; viz.

May 8. 4 *Car.* I. "Agreed by the committee, that "the election of burgeſſes in all boroughs, did, of "common right, belong to the commoners; and that "nothing could take it from them, but a preſcrip-"tion and conſtant uſage beyond all memory."

Edwards ſaid, he had been a burgeſs fifteen years, and had known the borough above thirty five years; that about the time of the convention he was a ſcot and lot man, and that ſeveral of the burgeſſes ſent to him, and told him, he had a right to vote for members of parliament; and aſked him, why he did not try that right? that at two elections the votes of the populace have been aſked, viz. by Mr. Jervoiſe and Mr. Cromwell; and by Mr. Pitt and Mr. Clark, the then candidates, who ſtood by the populace; and in both theſe elections Mr. John Burrand was candidate, by the mayor and burgeſſes: that thoſe elections were conteſted; the votes of the populace were then rejected by this houſe, and the perſons choſe by the ſelect number, ſat in parliament; and ſince that, the populace have not voted.

Sic origin.

Sir Robert Smith ſaid, when he was mayor of this borough (above twenty years ago) he refuſed to make honorary burgeſſes, and his deputy David Edwards, aged above 80, commended him for it; for he ſaid it had never been well with the town, ſince the inhabitants had loſt their right of voting: that Edwards meant it would never be well with the town, till that right was reſtored; but did not ſay he ever knew they had ſuch right: that the inhabitants thought they had right, and that the honorary burgeſſes took it from them.

Hackman ſaid, there are about ſeventy burgeſſes of which fifteen or ſixteen are inhabitants; and there are near one hundred other houſekeepers inhabitants, who are not burgeſſes, but generally in as good condition as the burgeſſes; and all pay to church and poor, except about four of them: that at the laſt election the conſtables refuſed the petitioners admittance into the town-hall; and it is uſual to ſhut out all candidates, and others, who are not burgeſſes.

For Lord William Pawlet and Mr. Burrard.

To prove the right of election were produced,

1 *Jac.* I. which ſays, the mayor and thirteen burgeſſes therein named, elected: the power given to the members is *ab ipſa communitate*, and under the parties ſeals.

18 *Jac.* I. The mayor and burgeſſes generally elected: the power is *pro ſe et dict' villa ſive burgo:* the return under the common-ſeal.

21 *Jac.* I. The mayor and eight therein named, and other burgeſſes elected: the power is *ab ipſa communitate:* the return under the parties ſeals.

1 *Car.* I. the mayor and burgeſſes generally elected: *pro ſe et dict' burgo* the power is the return: under the common-ſeal.

3 and 15 *Car.* I. the ſame form, under the parties ſeal.

16 *Car.* the ſame, under the common-ſeal.

And read the reſolutions of the houſe 29 Dec. 1691; and 18 Feb. 1695. (which ſee before) whereby the right of election is determined to be in the mayor and burgeſſes; upon which the committee reſolved,

That the right of election of burgeſſes to ſerve in parliament for this borough, is not in the mayor, burgeſſes and inhabitants of the ſaid borough, not receiving alms.

That the right of election of burgeſſes for this borough, is in the mayor and burgeſſes of the ſaid borough only.

That the ſaid Will. Pawlet, eſquire, is duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

That Paul Burrard, eſquire, is duly elected a burgeſs, to ſerve in this preſent parliament, for this borough.

The ſaid reſolutions, being twice read, were agreed to by the houſe.

City of LINCOLN.

THIS is the capital or ſhire town of the county; and had letters to ſend two citizens to the parliament in the 49th of Henry III. and was afterwards regularly repreſented until this time. In the 15th of Edward II. I meet with a remarkable return

4th Regiſt. 1034.

return by the mayor and commonalty; which, as it ſeems to ſhew the right of election, I thought proper to inſert.

1 P. R. p. 277. *A tres nobles hom. et ſages Sire William de Erymyne, meire, et la cominalty de Nicole, ququil devent et peent Dors et reverences, pour ceo Sires, qui nous auioms eſlutz Henry de' Hakethorn, et Thomas Gamel, nos conciteyns devenir au parliament noſtre Seignr. le Roy, par la cittee; Nicole ſelonc le peirports le breifs ledyt noſtre Seignr. le Roi et eux meſmes le graunterent, et ore ledyt Thomas ne ſe deygne, venir pur riens que nous ſauoins faire, par quoy ſire nous auois eſlutz Alayn de Hodeſton, en le lieu ledyt Thomas afout et aſſentir pur la dice citee ſolonc le tenure ledyt breifs, et vous prious cher Sier, ſil vous pleſt, que ledytz Henr. et Allayn voillets reſceiuire pur la citee au ant dite. En teſtmoygnance de quele choſe a ceſtez preſents auous mys le ſeal de noſtre Meretee. Don a Nicole le ij jour de May Lan du Reigne noſtre Seignr. le Roy Edward que orieſt, qui dieu Garde Quinzain.*

This moſt extraordinary return ſhews the election in the mayor and commonalty, and alſo a conditional election of another, in caſe one ſhould not ſerve, without new writ or precept. How it was received, I have no evidence, or of what was done thereupon.

And in the 9th of Henry V. it appears, the election was made in a county-court, held for the ſaid city by the citizens (ſee Appendix); after which I find no other memoirs until very modern times, which are theſe following.

Dec. 5, 1695. A petition of Sir Edward Huſſey, baronet, was read; ſhewing, the petitioner was duly elected a citizen, to ſerve in this preſent parliament, for this city; but by the partiality of the mayor, in making ſeveral perſons free, on purpoſe to vote againſt the petitioner, and refuſing to make others, who had a right to their freedom; and by other corrupt and undue practices, Sir John Bolles, baronet, is returned, as duly elected for this city, in wrong to the ſaid city and the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

LINCOLNSHIRE.

THIS county hath been repreſented in parliament from the time of the firſt ſummons of knights of ſhires. 4th Reg. 1034. Mr. Prynn gives his liſt of knights of it, from the 26th of Edward I. I meet with no ancient, and but few modern memoirs relating to its elections, or repreſentatives in that reſpect. Thoſe, which have occurred, here follow.

D'Ewe's Journal, p. 355. Feb. 23, 1584. Sir Edward Dymock, knight of the ſhire for this county, was appointed ſheriff thereof, and ſtill continued his ſeat in parliament; and was licenſed to attend the office by the houſe.

Ibid. 436. February 21ſt. 1588. Upon motion made, that . . . . St. Pole, eſquire, one of the knights in this preſent parliament for this county, being alſo ſheriff of this county, might have licence by this houſe to depart into the country about the attendance of his ſaid office of ſheriffwick; it was granted, and agreed he might do ſo accordingly.

Dec. 5, 1695. A petition of Sir John Bolls, baronet, was read; ſhewing, the petitioner was duly elected a knight of the ſhire for this county; but, by reaſon of many illegal and undue practices, the Lord Caſtleton and Sir Thomas Huſſey were returned knights to ſerve for the ſaid county; though, in juſtice, the petitioner ought to have been returned with the ſaid Lord Caſtleton: and praying &c.

Ordered, the conſideration of it be referred to the committee of privileges and elections, to examine and report the matter with their opinion.

LITCHFIELD.

THIS city became ſo, I apprehend, by the ſettling the biſhop's ſeat here in the year 656. Dr. Willis writes, it was repreſented in parliament in the 33d of Edward the firſt: Willis Notitia, 1749. 50. but Mr. Prynn writes, it was in the 4th of Edward the ſecond, and that it returned to the three ſucceeding parliaments; Prynn's 4th Reg. 1034. then ceaſed to the 20th of that King. After this, it returned in the 1ſt, 14th, 27th, and 33d of Edward the third; and from thence intermitted, till the reign of King Edward the ſixth, when it was reſtored, and he incorporated it. I meet with no memoirs of its elections, or repreſentatives in that reſpect, till the year 1660; of which, and others ſince, are theſe following.

June 27, 1660. Mr. Turner reported, from the committee of privileges and elections, the caſe upon the return for this city; That, upon examination of the fact, it appeared to the committee, that the ſheriff of the county of the ſaid city had carried himſelf partially, in the election, in behalf of Mr. Watſon, who is returned (together with Michael Biddulph, eſquire) to ſerve in the preſent parliament, againſt Mr. Thomas Minors the petitioner; by not only denying the poll on the part of Mr. Minors, but ſaying, that Mr. Watſon had made ſuch a party at the committee of privileges, that, though Mr. Minors had a thouſand witneſſes, he ſhould not carry it: and that the committee found, Mr. Minors had a greater number of voices than Mr. Watſon; and were of opinion, that the ſaid Mr. Minors is duly elected, together with the ſaid Mr. Biddulph, to ſerve for the ſaid city, and ought to ſit in the houſe: whereto the houſe agreed.

Reſolved, that the ſheriff of the county of this city, in reſpect of his undue carriage at the election of members to ſerve in this preſent parliament for this city, be forthwith taken into the cuſtody of the ſerjeant at arms attending this houſe.

March 7, 1677. A petition of Michael Biddulph, eſquire; complaining of the return of Sir Henry Littleton, to ſerve for this city in parliament, in the room of Mr. Dyot, deceaſed; in injury of the petitioner, who was duly elected by the majority of voices, and ought to have been returned.

Ordered, that it [illegible] referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

May 28, 1678. A petition of Michael Biddulph, eſquire, to the ſame effect with the former, was preſented; and the like order made.

March 24, 1680. A petition of George Rodney Bridges, eſquire, touching the election for this city, was read.

Ordered to be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

May 25, 1685. A petition of Sir Francis Lawley, touching the election for this city, was read.

Ordered to be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

Dec. 14, 1698. A petition of Humphrey Wyrley, eſquire, was read; ſhewing, that the petitioner was a candidate at the late election of members to ſerve in parliament for this city; but, by menaces and divers illegal practices, many of the petitioner's electors were diſcouraged, and hindered from voting for him; and others were gained to Mr. Dyot and Sir Michael Biddulph; whereby they are returned to ſerve for the ſaid city, to the great injury of the petitioner: and praying &c.

Ordered to be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

Feb. 13, 1700. A petition of Humphrey Wyrley, eſquire, was read; ſhewing, that the petitioner was duly choſen a member to ſerve in this preſent parliament for this city; but, by threats and promiſes, and many undue practices, the petitioner's voters were diſcouraged, and hindred from voting for him, and many were admitted to vote for Captain Dyot, who were not qualified ſo to do; and the ſheriff refuſed to take the votes of ſeveral for the petitioner, which were never refuſed before; and hath returned Captain Dyot, in wrong to the petitioner: and praying &c.

Ordered to be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

A petition of Sir Michael Biddulph, baronet, was read; ſhewing, that the petitioner was deſired, by ſeveral citizens of this city, to repreſent them in this preſent parliament; and was a candidate accordingly: but by bribery, and divers other illegal practices, William Walmſley, eſquire, hath procured himſelf to be returned, in prejudice of the petitioner: and praying &c.

Ordered to be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

May 6, 1701. Ordered the report to be made on Saturday morning next.

10th. Sir Rowland Gwyn, according to order, reported, from the ſaid committee, the matter upon the ſaid petitions; viz. upon the petition of Mr. Wyrley againſt Mr. Dyot; and alſo on Sir Michael Biddulph's againſt the undue return of William Walmeſly, eſquire.

The firſt point, which was controverted, was the right of election: and this being formerly a borough, and now for ſome time paſt a city and county, it was inſiſted for Mr. Wyrley, that the right was under a threefold capacity; viz. In ſuch as held by burgage-tenure: freeholders of forty ſhillings yearly, and freemen not receiving alms. The two firſt were agreed to: but, as to the third, it was inſiſted for Mr. Dyot, that it was reſtrained to thoſe who paid ſcot and lot.

On the poll, for Mr. Dyot 179,—for the petitioner 167: but Mr. Wirley's counſel inſiſted, they ſhould take off as many from Mr. Dyot's poll, and add ſo many to theirs, as ſhould give them a majority; and ſhould alſo inſiſt upon ſeveral indirect practices by Mr. Dyot. But the firſt thing was the point of right; particularly as to the qualification of freemen paying ſcot and lot: and called

John Matlock; who ſaid, he had known this city twenty years; John Lamb, twenty-five years; William Frogatt, remembered three elections; and George Harding, who had known this city thirty years: who all ſaid, That ſuch who did not pay ſcot and lot, had all along voted; nor did they ever know any refuſed, till this election.

For Mr. Dyot, were called Hammond, who had known this city forty years; and Wakefield, the town-clerk, 30 years: who ſaid, That ſuch, as did not pay ſcot and lot, had voted; but ſeveral times had queries put upon them: and at this election, thoſe not paying were excepted to, both by the petitioner and Mr. Dyot; and the books were called for by both ſides, and ſuch as did not pay were ſtruck out. That it did not appear, the right of election for this city had ever been ſettled in parliament: wherefore the committee reſolved,

1. That the bailiff, magiſtrates, freeholders of forty ſhillings yearly, and all that hold by burgage-tenure, have a right to vote in the election of citizens to ſerve in parliament for this city.

2. That ſuch freemen only of the ſaid city, as are inrolled, and pay ſcot and lot, have alſo a right to vote in the election of citizens to ſerve in parliament for this city.

For the petitioner, the counſel next proceeded to give account of ſeveral who would have (as they alledged) voted for Mr. Wyrley, and were refuſed: and firſt as to freeholders, and called Lambe; who ſaid, Remembrance Aſhford would have voted for Mr. Wyrley and Mr. Walmſley, and was refuſed; and had a freehold of fifty ſhillings yearly, being part of an houſe; but it had been divided ſome time.

That John Lees would have ſo voted, and had a freehold-houſe of fifty ſhillings yearly; and has been owner of it; ſix or ſeven years, and was refuſed. Martin junior would have ſo voted, and had a freehold of fifty ſhillings a year; and his father voted for it; but it had never been let: and all theſe would have ſworn to their freeholds.

That Edward Merry would have ſo voted; and was refuſed.

And Matlock ſaid, Merry had two houſes for three lives, worth four pounds a year.

That Dr. Bincks, a canon, Mr. Kimberly, and Mr. Gretton, would have ſo voted; and were refuſed.

And Mr. Chandler ſaid, there was a common eſtate, of about thirty-five pounds *per annum*, divided amongſt five; whereof Dr. Bincks and Mr. Kimberley were two: but it was owned, they refuſed to ſwear; but they ſaid, the Dean was admitted without it.

Matlock ſaid, Dr. Bincks and Mr. Kimberlye's predeceſſors had voted; particularly Mr. Hutchins and Mr. Comyns.

That as to Mr. Gretton, it was agreed, he had a freehold; but it was as he was a truſtee, with others, for a charity.

Matlock ſaid, that Coxon, the election before this, had voted for the ſame freehold he now had in poſſeſſion, and was then ſworn; and would have ſworn now, and would have been for Mr. Wyrley and Mr. Walmſley; and was refuſed:

And that Mr. Bayly behaved partially; and if any would vote for Mr. Wyrley and Mr. Walmſley, he would cry, " Down with them; down with " them."

Lamb ſaid, Holmes had an houſe of five pounds yearly; was never denied but once before this; and has alſo an acre of land worth twenty pounds; and would have been for Mr. Walmſley and Mr. Wyrley: but it was owned, his eſtate was mortgaged for thirty pounds; and he wore a cap and coat, given to poor men.

That Jennings had a freehold of about four pounds yearly, and would have ſo voted; but was refuſed: It was believed, he had a coat and cap.

They then proceeded to add ſeveral freemen, who were refuſed: and the firſt was Ch. Gee, taylor, who was enrolled in the old book of the taylors company; but he was excepted to; and it was inſiſted upon, that none were entitled, but ſuch as were inrolled in the new book.

As to that it did appear, this company had their by-laws, and they were allowed and approved by the juſtices of aſſize 18 Eliz.; and had kept a book, wherein the freemen are entered, which is called the old book: and that, 3d of May, 9th of the preſent King, on petition of the taylors, there was a new regulation and conſtitution of the ſaid company by the corporation of Litchfield; and thereupon they made another book, for inrolling the names of the freemen of the ſaid company: and upon reading the inſtrument, whereby the by-laws were approved, as before ſaid, and the new conſtitution, made by the corporation of this city; and hearing counſel for both parties; the committee reſolved,

3. That ſuch freemen of the taylors company, as are inrolled in the old book of conſtitutions of the taylors company, in this city, have not a right to vote in the election of citizens to ſerve in parliament for this city.

4. That ſuch freemen only of the taylors company, as are inrolled in the new book of conſtitutions of the taylors company, in this city, have a right to vote in the elections of citizens to ſerve in parliament for the ſaid city.

Then the petitioner's counſel proceeded to give an account of other perſons, who were qualified to vote, and were refuſed.

Stubbs ſaid, Richard Stubbs had an annuity of 14 pounds *per annum* for life, being a rent-charge.

Lamb and Howard ſaid, Baggaley is free, and charged four-pence to the church, and four-pence to the poor, at Tamworth; but his landlady was, by contract, to pay the latter.

Lamb ſaid, Emery had a burgage-houſe, which his father lived in; and is now on the burgage-jury.

Lamb and Frogat ſaid, Markland has alſo the like, and would have voted for Mr. Wyrley.

Rothbone ſaid, Mr. Wyrley would have polled for himſelf; Sir Michael Biddulph and Mr. Dyot had polled for each other: but it was owned, Mr. Wyrley had given a ſingle vote for Mr. Walmeſley; and ſome perſons had polled between his voting for Mr. Walmeſley, and his deſiring to vote for himſelf.

They then proceeded to take off from Mr. Dyot's poll.

Henry Rothbone ſaid, his brother Edmund had ſurrendered his freehold to him, and accepted a bond for a certain ſum of money for life; and ſhewed a leaſe granted to himſelf; but he allowed him to take part of the profits of the eſtate. As to Sprat, a ſurrender was produced to the committee; alſo a leaſe to Richard Deane, for twenty-one years; alſo a leaſe, for forty years, to John Bruiton; which Lamb ſaid, was by aſſignment come to George Plymmer: but theſe perſons all ſwore, they had freeholds. Lamb ſaid, Luinator's houſe was but twenty-eight, or thirty ſhillings *per annum*; Dunſter's about thirty ſhillings yearly.

That it was agreed, Gollard, Spencer, Hink and Emery, were taylors, and not in the new book; but Mr. Dyot's counſel ſaid, they were freeholders.

Matlock ſaid, John Blake did not pay the rate, and was poor; but it was owned, he was a town-ſerjeant: that Charles ſenior, Aſhmole, Hill, and Maſon, were not rated; but Charles was gaoler.

They excepted to Mr. Dyot's vote for himſelf.

It was allowed, Harvey did not pay to church and poor. Frogat ſaid, Burton doth not pay to the church, but doth to the poor: that William Spencer pays to the church, and not to the poor.

The next exception was, Inmates.

Frogat ſaid, Bennet and Wright were no houſekeepers, and paid to neither rate.

As to indirect practices by Mr. Dyot and the magiſtrates, Harding ſaid, it was ſaid in the corporation, that the mayor ſhould vote as the major part agreed.

Harding and Stubbs ſaid, ſome one telling the ſheriff, if he did juſtice, he muſt return Mr. Wyrley and Mr. Walmeſley: to which he anſwered, "No, but one;" or, "They might have one of them."

Sir Thomas Lawley ſaid, the ſheriff was partial, brow-beating, and keeping down Mr. Wyrley's friends, and countenancing Mr. Dyot's in a violent manner; and changing his place: that ſome freeholders, who would have ſworn, were rejected; ſome were helped up, who were for Mr. Dyot; and ſome puſhed down, who after voted for Mr. Wyrley.

Matlock ſaid, the ſheriff acted partially: that Matlin came, with ſome cover for a blemiſh he had on his face, and offered to ſwear; but Mr. Wakefield ſaid, he would not ſwear any one in a maſk: and that Captain Dyot acted as a juſtice of peace, and committed Acton upon common fame, as having been convicted of horſe-ſtealing, and eſcaping fourteen years ſince.

Frogat ſaid, thoſe, who would vote for Mr. Wyrley and Mr. Walmeſley, were more ſtrictly examined as to their freeholds, and deeds aſked for; whereas ſeveral, who voted otherwiſe, were not aſked for their deeds; but only, if they would ſwear, they had forty ſhillings yearly.

Rothbone ſaid, that Jennings and Holmes were refuſed, though they offered to ſwear.

Sharp ſaid, ſeven or eight days before the election, Mr. Dyot and Mr. Monſley and others aſked his vote; and upon his ſaying, he had promiſed it, Mr. Dyot bid him be as good as his word; but Monſley told him, if he would vote for Mr. Dyot, he would make it worth forty pounds to him, by excuſing him from offices.

Howard ſaid, Monſley aſked his vote; and told him, it was his beſt way, for he ſhould be excuſed town-duties; otherwiſe, he ſhould be choſen overſeer of the poor.

Matlock was called, to prove Mr. Dyot was choſen ſenior bailiff the day before the former ſenior bailiff's year expired; but it was admitted.

Mabel Acton ſaid, Mr. Dyot and Mr. Wakefield came to aſk her huſband's vote, which ſhe told them was diſpoſed of; whereupon Mr. Dyot ſaid, it ſhould be the worſe for him: and the next day, upon the ſame anſwer, Mr. Dyot threatned, he would fling her huſband into gaol: that Lamb was aſked for his vote, who gave the ſame anſwer; to which it was replied, if he would not go with the corporation, he would be turned out of his houſe: and Wakefield aſked for her huſband, and ſaid, there was a charge againſt him for breaking Ruthin-gaol; and, ſaid he, this he has got by voting: and on the election-day (Acton) her huſband coming to vote, Mr. Dyot did commit him to Litchfield-gaol, for ſuſpicion of breaking the gaol at Ruthin, after conviction for horſe-ſtealing; though her huſband had lived in this town twenty-one years, and voted for Sir Michael Biddulph and Mr. Dyot at the laſt election; and Mr. Dyot cauſed her to be whipt, for taking ſome peaſe, ſhe being with child, and longing for them, though not worth above two-pence, and ſhe would have paid ten ſhillings for them; and by reaſon thereof, ſhe miſcarried ſoon after.

As to threats, Gennet ſaid, Monſley threatned to pull down his ſtanding, becauſe he voted againſt the corporation, unleſs he paid twelve-pence *per* day, for which he paid before but three-pence; and they did pull it down after the election.

Nightingale ſaid, becauſe he would not promiſe Mr. Dyot his vote, he was arreſted by Mr. Hacker; who told him, if he would have voted with the corporation, it would not have been ſo; and Wakefield laid an action againſt him at Mr. Wriah's ſuit, whereby he was hindred from voting.

Vernon ſaid, Lord Stanhope aſked his vote; and he ſaid, he had been engaged two months: and his ſon having had the misfortune to ſhoot a man, Lord Stanhope offered to write to the proſecutor, that he was not in the country; and Lord Stanhope's man came again, and threatned him, if he would not vote; but the next day, Lord Stanhope ſent word, he would not have his vote, if he would give it.

Woolley ſaid, Mr. Spencer told him, if he would vote for Sir Michael Biddulph and Mr. Dyot, he would get Lord Stanhope's and Sir Michael's cuſtom for him; and ſaid, he ſhould be abated half his rate; but Mr. Dyot ſaid, if he had promiſed, he could not deſire it.

Barber ſaid, that Mr. Dyot ſaid, Rawthorn the poſt maſter had been violent againſt him; and he had taken away his employment in the exciſe, and would take away the poſt-office; but owned, he was to have the profit of the office, as long as he was tenant in the houſe: and it was ſaid, Mr. Dyot's, and others letters had been opened and detained.

Jennet ſaid, he was in company with ſome countrymen, where Sir Michael Biddulph and Mr. Dyot were, and had ale, &c. and did not pay; nor could he ſay who did.

Rothbone ſaid, he was at a publick-houſe, where were Lord Stanhope, Mr. Dyot, and others, and all drank three ſhillings and ſix-pence; whereof Lord Stanhope paid two ſhillings and ſix-pence, and Mr. Wakefield one ſhilling: and one of them ſaid, if he would not vote for Mr. Dyot, they would fine him on information, for calling Sir Michael Biddulph names; and Sir Michael brought an action for five hundred pounds damages; and his man ſaid, his maſter would ruin him.

Smith ſaid, he was at Webb's houſe, the Monday before the election, and Martin ſaid, he treated that night; and one Hughes aſked his vote for Sir Michael Biddulph and Mr. Dyot, and ſaid, he would croſs him two ſhillings and ſix-pence out of his book; and Speller ſaid, he might come to his ſhop, either with or without money.

Tabitha Eagle ſaid, her father was offered, by Mr. Bourne of the corporation, to be abated twenty ſhillings in his rent, if he would vote for Mr. Dyot; and Mr. Bourn and Mr. Dyot the Thurſday before the election threatned to take away his ground.

Harris ſaid, Mr. Dyot of London, and Mr. Hinton, gave him one ſhilling each; and promiſed him ten ſhillings more, if he would vote for Mr. Dyot; but he did not go for it: that he intended to vote for Mr. Dyot, but Mr. Dyot refuſed his vote, he not being rated.

Mabel Acton ſaid, Lord Stanhope promiſed Cowper, if he would be for Sir Michael Biddulph and Mr. Dyot, he would maintain him as long as he lived.

Pretty ſaid, he engaged to Mr. Grimley to vote for Mr. Walmeſley; at which he was uneaſy, having never voted againſt Sir Michael Biddulph: and afterwards Mr. Ruſſell, Lord Stanhope's ſteward, aſked him his vote for Mr. Dyot; and he ſaid he could do no leſs, for his tenter was on Lord Stanhope's ground; and after he voted, Ruſſell gave him a receipt for ſeventeen ſhillings without paying any money; but there was no promiſe previous to his vote.

That Mr. Grimley, to engage him to vote for Mr. Walmeſley, ſaid it was the beſt day's work he ever did; and Mr. Walmeſley was a charitable man, and ſaid he believed, he could get him forty ſhillings: and Weal threatned to ſue him for the money he owed him, if he did not vote as he did.

Barber ſaid, he heard one Quinborough ſay, that Parker was indebted to him, and he had promiſed to forgive him the debt, if he would vote for Sir Michael Biddulph and Mr. Dyot; but could not ſay whether this was ſaid before or ſince the election.

The counſel for Mr. Dyot, firſt anſwered as to thoſe the petitioner would have added to his poll.

Hammond ſaid, that Remembrance Aſhford lived with his father, who voted; but Lamb ſaid, Remembrance had a leaſe from his father for life:

That Lee's eſtate is not worth thirty ſhillings *per annum*;

That Merry would have voted and was refuſed, though it was owned he had two houſes of about three pounds rent, but his father had ſome part of it; and would have voted as a taylor, though not in the new book.

Monſley and Wakefield ſaid, Martin's eſtate was but three acres, valued ten ſhillings each. That Dr. Binks and Mr. Kimberly would have voted, but would not ſwear: that Mr. Gretton was only a truſtee, and received twenty ſhillings yearly for his trouble; and Wakefield and the other tenants paid the rent to Gretton and others, as truſtees: Coxon's freehold was not above ſix ſhillings yearly: that Holmes is an ideot reputed; and begs, and lives with his mother.

Knight ſaid, there was a contract with Stubbs to have a certain ſum of money to leave off trade; but no land bound, and he heard the contract read.

Farmer ſaid, Baggaley was a common beggar, only rated for a turn.

Wakefield ſaid, Emery had an houſe; but it was mortgaged, and the mortgagee in poſſeſſion.

Bayly ſaid, Markland had half a burgage; but was poor, and had a cap and coat, but not in the laſt year; and he has collected for his wife upon her lying in: and Wakefield ſaid, Markland had Finney's charity in 1699; that Mr. Wyrley did not offer to vote for himſelf, when he gave the firſt vote.

They then went on to juſtify their own votes excepted againſt by Mr. Wyrley.

That Rothbone, Sprote, Deane, and Phinner, have ſworn to their freeholds: no anſwer as to Linnator. Wakefield ſaid, Denſton had ſworn to his freehold.

Spencer ſaid, Gollard had a freehold in two houſes of three pounds yearly. Mr. Hammond and Monſley ſaid, Spencer had a freehold, but would not tell what it is worth: that Blake and Charles were excuſed their rates as officers, not on account of their poverty. Hammond ſaid, Maſon paid to the church: that Hill paid both to church and poor laſt year.

Mr. Hammond and Wakefield ſaid, Harvey and Burton pay to the church; and Spencer both to church and poor.

Wakefield ſaid, Bennet paid ſcot and lot.

Hammond ſaid, there was no rate made ſince Wright was out of his time; but he was worth three or four hundred pounds.

Monſley ſaid, Oliver Jennet is a ſpunging fellow, and will force himſelf into company and not pay: That Lord Stanhope is a generous man, and often pays two ſhillings and ſixpence, where another pays two pence; and they paid twopence each towards Wakefield's one ſhilling.

Marſhal ſaid, Mabel Acton was ordered to be whipt for ſtealing corn, worth 20 ſhillings, but very gently; and had before been whipt privately, for ſtealing a watch out of Sprat's pocket.

Wakefield ſaid, a warrant was made againſt Acton, before the election, on Mr. Gamble's aſſerting, that he was convicted of ſtealing his horſe, and broke the gaol the day of his execution; Mr. Gamble being unwilling to act in his own cauſe.

Siſſilby ſaid, John Bird, Humphrey Bird,—Spencer and Milner, had church bread laſt year.

Mr. Wakefield ſaid, that he believes John Lamb has a freehold; but he voted as a freeman, and does not pay to the rate.

That John Mozgill, William Bateman, John Burton, William Fleming, Robert Hartill, Edward Shakeſpeare, Thomas Morgan, Edward Wood, George Woolley, Richard Worrall, Ralph Barber, were freemen, and did not pay to the rate; but William Bateman, Edward Shakeſpeare, Thomas Morgan, Edward Wood, George Woolley, and Richard Worrall, were journeymen.

That Samuel Morgitt and Richard Stubbs were put into the poors rate; but were ſo poor, the pariſh agreed to put them out; yet would officiouſly pay a little before the election: and that Thomas Oſborne, and Heny Oſborne, though they were in the rate, did not pay.

As to bribery, the counſel for Mr. Dyot called Bennet; who ſaid, Mr. Walmeſley deſired his vote for Mr. Wyrley; and Mr. Walmeſley, about twelve months ſince, ſent a letter by him to Mr. Harding, parſon of Newcaſtle; which, the carrier told him, was, that the carrier ſhould turn him out of his employment, if he did not vote for Mr. Walmeſley; and Mr. Wyrley and Mr. Walmeſley declared, if they would vote for them, their markets ſhould be free from tolls and arreſts; and ſaid, he had given two hundred pounds in two years for poor tradeſmen; but he ſuppoſed it was out of the commutation money, for his own eſtate would not afford it.

Cary ſpoke much to the ſame purpoſe, as to his charitable declarations. Ralph Spencer ſaid, Mr. Walmeſley ſaid the ſame, as to his charitable declarations, at a meeting of the taylors company.

Bond ſaid, that Mr. Walmeſley offered him, if he would vote for him and Mr. Wyrley, two, three, four, or five pounds; but owned, he had no money; that he owned this in court; was called turn-coat raſcal, he offering to vote for Sir Michael Biddulph and Mr. Dyot: that he was turned out of his work by Twyford as Taylor; becauſe he did not vote for Mr. Wyrley and Mr. Walmeſley.

Siſſilby ſaid, he was offered by Mr. Walmeſley, 1. to place his trade in a ſea-port town. 2. becauſe he thought not to vote at all; Mr. Walmeſley promiſed to give him five pounds, if he loſt that ſum by it. 3. He would lend him five pounds, as he had to others, if he would vote for him.

Knight ſaid, Mr. Walmeſley aſked his vote, which, he ſaid, he had promiſed to Mr. Dyot, and, ſhould he fail him, Mr. Dyot would make him build a wall; Mr. Walmeſley told him, he would build the wall, which he did, and it might coſt forty or fifty ſhillings: and he ſaid, he was aſſured his rates would be raiſed; and Mr. Walmeſley told him, what loſs he ſuſtained, he would make up; and ſaid, "John, "doſt think that I, who have diſtributed ſo many "hundred pounds, cannot make good thy loſs?" but Mr. Lamb denied, Mr. Walmeſley made a promiſe to build the wall.

In reply, for Mr. Wyrley was called Lamb; who ſaid, his ſon was a freeholder of above 40 ſhillings yearly in this city; and had ſwore, and voted ſo three times.

Chandler ſaid, Bond contradicted himſelf in court, when he charged Mr. Walmeſley as before. Lamb ſaid, he was at Mr. Walmeſley's, when Knight ſaid he could not be for Mr. Walmeſley, becauſe Mr. Dyot had threatned to turn a ſpout, and take the timber off his houſe, which was fixed on Mr. Dyot's wall; and ſaid, the charge would be fifty ſhillings; but when Mr. Lamb ſaw it, he ſaid, it might be done for thirty ſhillings; but owned, Mr. Walmeſley ſent, to ſee what coſt it would be.

Smith ſaid, Knight owned, he had promiſed Mr. Wyrley and Mr. Walmeſley, but he would be for his own intereſt; and Bond ſaid, he was put upon to ſay, Mr. Walmeſley had given him money, but he had not.

Gee ſaid the ſame, as to Mr. Bond; and ſaid that Mr. Walmeſley never gave any money; that Siſſilby was of bad reputation, and robs fiſh-ponds.

Upon the whole, the committee reſolved,

5. That Richard Dyot, eſquire, is duly elected a citizen, to ſerve in this preſent parliament, for this city.

Upon the petition of Sir Michael Biddulph, complaining of the return of Mr. Walmeſley, the petitioner's counſel inſiſted upon indirect practices by Mr. Walmeſley; and called the ſame witneſſes, as upon the former petition, viz. Bennet, Cary, Bond, Siſſilby, and Knight, who gave the ſame evidence; and alſo Rochford, who proved, that Mr. Walmeſley made the declaration of freeing their markets, if they would chooſe him and Mr. Wyrley.

Smith ſaid, Mr. Walmeſley aſked his vote; and he ſaid, he could not, becauſe he owed Mr. Ruſſell eighteen pounds: Mr. Walmeſley ſaid, it did not ſignify, for Mr. Ryder or ſome other might take the mortgage, which he promiſed; but did not, and Ruſſell arreſted him: Ruſſell had before aſked him to be for Sir Michael Biddulph and Mr. Dyot, and ſaid he would be kind to him.

Hill ſaid, Mr. Walmeſley gave him a guinea, which Mr. Walmeſley owned at the election: that P. Tomkins ſaid, if he would vote for his maſter and Mr. Wyrley, they ſhould have ten pounds: and Lamb ſaid, if he would vote for Mr. Walmeſley, he ſhould have an apparitor's place: and Mr. Walmeſley and Mr. Wyrley bid him go to Nightingale's, the night before the election, and he ſhould be treated; and he went and drank there. Clewleys ſaid, Mr. Walmeſley aſked his vote; and ſaid, he would be kind to him; and lent him thirty ſhillings on his note, and then aſked his vote; but owned, he promiſed it before:—that he was arreſted in Chriſtmas holy-days; and Tomkins ſaid, he would tell his maſter and Mr. Wyrley of it; and Mr. Haus brought him ſeventeeen ſhillings, and ſet him at liberty; and for to repay it, he gave his note.

Hicks ſaid, Mr. Walmeſley promiſed him an apparitor's place, to vote for him and Mr. Wyrley; which he did, but had not the place.

Moncaſter ſaid, he was at the Swan, with ſome Birmingham people, who were voters; who ſtaid there two days: and he told Davis, Mr. Wyrley's clerk, what the reckoning was; who ſaid, they ſhould not have left any thing to pay, becauſe they had money to come: and at the time of the election, ſeveral were treated; viz. Carteret and Herſe, by Tomkins; and Hincks, by Mr. Wyrley; and Matlock bid him ſay nothing about the election, but what he could juſtify above.

Hammond ſaid, Mr. Wyrley ſent about twelve months ſince, an ox, and twelvepence apiece to drink: and Cotterell ſaid, he muſt vote for Mr. Walmeſley, for he had lent him ten pounds; but could not ſay when it was lent. Quinborne ſaid, Parker owed him ſix ſhillings; and one Mr. Harding, who was for Mr. Walmeſley and Mr. Wyrley, paid it; and ſaid, he had paid debts for this perſon, to the amount of thirty pounds;

And Lamb being aſked about the election, why the old members would not do? he ſaid, Mr. Walmeſley had been very kind; for he, Lamb, had diſtributed near an hundred pounds for him.

Kitwell ſaid, he had a ſon who lived with Mr. Heathcot; and upon his not being willing to vote for Mr. Walmeſley and Mr. Wyrley, his ſon was ſent home; but afterwards voting for them, he was received again: that he would otherwiſe have voted for Mr. Dyott and Mr. Walmeſley.

Mr. Baker ſaid, Mr. Walmeſley ſent him a letter by Mr. Chaundler (he being divinity-lecturer at Litchfield) and Mr. Chaundler told him, Mr. Walmeſley had obſerved ſomewhat in relation to him againſt the uniformity act; and if he would not vote for Mr. Wytley and him, he would put him out of his place.

Sir Michael Biddulph would have proceeded to have proved a majority on the poll; but this not being part of the petition, it was not admitted.

For Mr. Walmeſley, was called Gee, who ſaid, John Bond ſaid, a report had been raiſed, he had money of Mr. Walmeſley, but he had not: and Chaundler ſaid the ſame, as when examined before; and Lamb ſaid the ſame as to Knight. Gee alſo ſaid, he met Hill in the hall; who ſaid, he intended to vote for Mr. Wyrley and Mr. Walmeſley; but being low in circumſtances, he was threatned, if he did not vote for the others; but did not ſay by whom. Harding ſaid, Hill ſaid, he could not vote for Mr. Walmeſley and Mr. Wyrley; for he was threatned by the other ſide to be ſent to gaol. Green ſaid, Hill told him, he was to come to London, and the corporation to pay his charges, and he was to have five pounds more; but did not ſay of whom.

Nightingale ſaid, Hill told him, he could not vote for Mr. Walmeſley, though he promiſed; for fear of being ſued by Mr. Monſley.

Smith gave the ſame evidence, as to Knight, as before. Lant ſaid, a week before Chriſtmas, and a week before Eaſter, he diſtributed two five pounds for Walmeſley; and was directed to give it, as he thought fit, to poor houſekeepers, but not to beggars; and John and Michael Lamb had the like orders for other money: and eight of Sir Michael Biddulph's and Mr. Dyot's voters had part of his (Lant's) money, and only four, who were for Mr. Walmeſley and Mr. Wirley: and the whole was diſtributed, to about two hundred and fifty people. Upon the whole, the committee reſolved,

6. That William Walmeſley, eſquire, is not duly elected a citizen, to ſerve in this preſent parliament for this city.

7. That Sir Michael Biddulph is duly elected a citizen, to ſerve in this preſent parliament, for this city.

The firſt five reſolutions, being twice read, were agreed to by the houſe.

The ſixth reſolution being read, the conſideration was put off till the next day.

May 12. Ordered, the conſideration of the ſaid report be on the morrow morning.

13th. The houſe conſidered it, and reſolved to diſagree with the committee in the ſixth reſolution, in regard to Mr. Walmeſley's not being elected.

March 17, 1717. Ordered a warrant for a writ for electing a citizen in the room of Walter Chetwynd, eſquire, made paymaſter of the penſions.

Nov. 13, 1718. A petition of Walter Chetwynd, was read; ſhewing, that at the laſt election of a member to ſerve in this preſent parliament for this city, the petitioner and William Sneyd, eſquire, were candidates: that Jonathan Mallett, ſheriff of the ſaid county, in taking the poll at the ſaid election, had no regard to the laſt determination of the houſe of commons, of the right of election of the ſaid city and county, notwithſtanding notice given thereof: that the ſaid ſheriff rejected ſeveral perſons who had a right to vote, and tendered their votes for the petitioner; and admitted ſeveral perſons to vote for the ſaid Mr. Sneyd, who had no right to vote, notwithſtanding which, the petitioner had a majority: but the ſaid ſheriff, under pretence of a ſcrutiny, did alter the ſaid poll, and made a majority for the ſaid Mr. Sneyd: and praying &c.

Ordered it be referred to the committee of privileges and elections, to examine the matter thereof, and to report the ſame, with their opinion.

Dec. 9. Ordered, that it be reported to-morrow.

10. Mr. Hampden reported, according to order, the matter of the ſaid election; viz. that the right of election was agreed to be in the bailiffs, magiſtrates and freeholders of forty ſhillings *per annum*; and all that hold by burgage-tenure; and in ſuch freemen only as are enrolled, paying ſcot and lot, with this difference;

The petitioners counſel inſiſted, it was neceſſary the freemen ſhould pay ſcot and lot at Litchfield; which was denied by the ſitting-members counſel; who inſiſted, that they paying ſcot and lot where the freemen lived, though not at Litchfield, was ſufficient.

The laſt determination of the houſe upon the 10th of May, 1701, was produced; when it was reſolved, that the bailiff, magiſtrates, and freeholders of forty ſhillings *per annum*, and all that held by burgage-tenure; and ſuch freemen only of the ſaid city as are inrolled, and pay ſcot and lot, have a right of voting.

The committee reſolved,

That the right of election of citizens to ſerve in parliament for the ſaid city is in the bailiffs, magiſtrates,

giſtrates, freeholders of forty ſhillings *per annum*, and all that hold by burgage-tenure; and in ſuch freemen only of the ſaid city as are inrolled, paying ſcot and lot there. The poll was

For the petitioner,	255.
For Mr. Sneyd,	254.

That the petitioner's number having been leſſened by a ſcrutiny, the petitioner's council produced witneſſes, who diſqualified ſeveral of the ſitting-member's voters.

But the ſitting-member interrupted their proceedings by waving his election; declaring he would give the committee no farther trouble.

The committee reſolved,

That William Sneyd, eſquire, is not duly elected a citizen to ſerve in this preſent parliament for this city.

That Walter Chetwynd, eſquire, is duly elected a citizen to ſerve in this preſent parliament for this city.

The ſaid reſolutions being twice read, were agreed unto by the houſe, and the return ordered to be amended.

Oct. 19, 1722. A petition of Thomas Clark, eſquire, was read; ſhewing, that for the election of citizens to ſerve in parliament for this city and county of the city: the petitioner Walter Chetwynd and Richard Plummer, eſquires, were candidates: that the citizens which have been returned, have always been choſen at the ſheriffs county-court; which court hath been conſtantly kept once every month, at the diſtance of twenty-eight days from each county-court day: that Mr. Richard Hinckley, the ſheriff, was prevailed upon by the importunities of the ſaid Mr. Chetwynd, and Mr. Plummer, and their agents, to proclaim the election fourteen days ſooner than he ought to do: that not only the petitioner, but ſeveral of the electors, and alſo the under-ſheriff, informed the ſaid ſheriff of his irregular proceedings; and produced to him the county-court book, wherein the county-courts appeared to have been regularly kept every month; and requeſted him to proceed in the uſual method: but the ſaid ſheriff, through the influence and indirect means uſed by the ſaid Mr. Chetwynd and Mr. Plummer, was prevailed to proceed in an arbitrary manner: that the ſaid ſheriff being determined to proceed on a day on which the ſaid county-court ought not to have been held; that the petitioner and many of the principal electors went into the ſaid ſheriffs pretended court, and there proteſted in writing againſt the proceedings to an election on that day; and though he was applied . . . to proceed on the regular and legal day, yet he refuſed ſo to do; declaring, that he had then returned his writ and would not take any other poll; by which means moſt of the electors were deprived of giving their votes, and the petitioner of being elected: and praying &c.

A motion was made to hear the ſaid petition at the bar, and refuſed.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter thereof, and to report the ſame, with their opinion.

A petition of ſeveral of the citizens, burgeſſes, freeholders, and freemen of this ancient city and county of the ſame city, whoſe names are ſubſcribed, on behalf of themſelves and ſeveral other citizens, burgeſſes, freeholders, and freemen of the ſaid city, was read; ſhewing, that the citizens, who had been returned as members of parliament for the ſaid city, have always been choſe at the ſheriff's county-court; that the ſaid county-court has been kept once every month, at eight and twenty days diſtance of time from each county-court day, and not ſooner; that accordingly the ſheriff by his under-ſheriff held his county-court legally, ſo that the following court ought not to have been held till that day month; but the ſheriff having received the writ for electing citizens for the ſaid city, was, by the ſolicitations of Walter Chetwynd and Richard Plummer, eſquires, and their agents, perſuaded to proclaim the ſaid election to be fourteen days ſooner than he ought to have proceeded; whereupon not only ſeveral of the petitioners, but alſo his under-ſheriff, and Thomas Clark, eſquire, one of the candidates, before and after the proclamation made, appriſed the ſheriff of his error in his proceedings; produced to him the county-court book, wherein the county-courts appeared to have been kept regularly as aforeſaid; and deſired he would not proceed to any election contrary to the known uſage of the ſaid city: but the ſaid ſheriff did arbitrarily and illegally proceed to the election upon a day on which the county-court ſhould not have been held; and notwithſtanding the petitioners then came into his pretended court, and in writing proteſted to his proceeding to an election on that day, the ſheriff declaring, that he had then returned his writ, and would not take another poll; whereby the petitioners are deprived of their rights of election: and praying &c.

Ordered to be referred to the committee of privileges and elections to examine the matter thereof, and to report the ſame, with their opinion.

LIVERPOOL.

THIS is a notable ſea port town and borough in the county of Lancaſter; and doctor Willis writes, it ſent burgeſſes to parliament in the 23d and 35th of Edward I. But Mr. Prynn hath not obſerved it, either in his catalogue of names, or returns; nor do I meet with any account of its members till Edward VI's. time, when, doctor Willis writes it was reſtored; but I rather think, the firſt return was at that time.——The ſubſequent memoirs relating to its elections, and repreſentatives in that reſpect, are theſe: Willis, 1749. 30.

June 5, 1678. A petition of Sir Edward Moore, baronet, complaining of an undue return of Sir Ralph Aſhton, baronet, and Richard Atherton, eſquire, to ſerve as burgeſſes for this borough, in injury of the petitioner, who was duly elected, and ought to have been returned, was read.

Ordered, that it be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

December 21, 1694. A petition of ſeveral burgeſſes and freemen, of this borough and corporation, in behalf of themſelves and others, was read; ſhewing, that the petitioners, on the 4th inſtant legally choſe Jaſper Mawdit a burgeſs, to ſerve in this preſent parliament, in the room of the late Lord Colcheſter, now Earl of Rivers; notwithſtanding which, the mayor of the ſaid corporation hath unjuſtly returned Thomas Brotherton, eſquire: and praying &c. Alſo

A petition of Jaſper Mawdit, eſquire, was read; ſhewing, that at an election, the 4th inſtant, for a burgeſs to ſerve in this preſent parliament for this borough, in the room of the Lord Colcheſter, now Earl of Rivers, the petitioner was duly choſen a burgeſs for the ſaid town, by a majority of above two hundred voices of the legal electors; but the mayor of the town, upon pretence that the petitioner was not duly qualified to ſerve, denied a poll; though the ſame was demanded by the electors; and hath returned one Thomas Brotherton, eſquire, who oppoſed the petitioner, in prejudice of the petitioner's right: and praying relief &c.

Ordered, that the ſaid petitions be heard at the bar of the houſe, this day three weeks.

Ordered, that the mayor of this borough do then attend the houſe.

Jan. 11. The houſe proceeded, according to order, to the hearing the ſaid petitions: and the counſel and witneſſes for the parties concerned were called in and heard at the bar.

The queſtion was put, That Thomas Brotherton, eſquire, is duly elected and returned a burgeſs, to ſerve in this preſent parliament, for this borough. It paſſed in the negative.

Reſolved, that Jaſper Mawdit, eſquire, is duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

Ordered, that the mayor of this borough, and clerk of the Crown, attend to-morrow to amend the return.

Reſolved, that Mr. Alexander Norris, mayor of this borough, having taken upon him to judge that Jaſper Mawdit, eſquire, being Coroner of the ſaid borough, was uncapable of being elected a burgeſs to ſerve in parliament, although duly choſen; and having made a falſe return of Thomas Brotherton, eſquire, to ſerve as a burgeſs for this borough; hath therein violated the rights of the commons of England, and hath broken the privileges of this houſe.

Reſolved, that the ſaid Alexander Norris, for the ſaid miſdemeanor, be ſent for in cuſtody of the ſerjeant at arms attending this houſe.

Reſolved, that a committee be appointed to inſpect precedents, what cenſures have been inflicted upon officers for making falſe returns, and to report the ſame to the houſe: and a committee was appointed to meet the next morning, in the Speaker's chamber.

12th. The mayor of this borough, and the clerk of the Crown attended, and amended the return for this borough.

28th. A petition of the mayor of this borough, in cuſtody of the ſerjeant at arms, was preſented to the houſe, and read; by which he acknowledged his crime, and begged pardon of the houſe, and prayed to be diſcharged out of cuſtody.

Ordered, that the committee, to whom it was referred to inſpect precedents, what cenſures have been inflicted upon officers for making falſe returns, and to report the ſame to the houſe; do ſpeed their report, and have power to ſit *de die in diem*.

Feb. 6th. Sir John Bolles reported from the ſaid committee, that they had ſearched ſeveral journals, and had directed him to report to the houſe, "The caſe between Sir Thomas Saville and Mr. Hoyle, touching an election for York, 4 *Car*. I. which he read, and is as followeth; viz.

"Journal, N°. 4. 29° April, 4° Car. I.

"Mr. Hackwell reported from the committee for privileges, the caſe concerning the ſheriffs and aldermen, ſent for from York.

"Sheriff Thompſon cenſured: 1ſt. For precipitating to a ſentence for Sir Thomas Saville's election, purpoſely to put out Mr. Hoyle: and 2dly, For refuſal of the poll when demanded by Mr. Hoyle; alſo, that he acquainted not his fellow ſheriff with it: that he pronounced it within a quarter of an hour after the reading of the writ: that he was admoniſhed not to do it, while doing it; but anſwered, he would do it and juſtify it: that his excuſes were holden idle, and his behaviour at the committee was full of offence: and note, a meſſage was ſent to him by Sir John Saville, that he ſhould be ſaved harmleſs.

"Alderman Hemſworth charged with undue preparations; conventing the ſeveral companies to the end, as it had been for the buſineſs of the city; and there read Sir Thomas Saville's letter to them: his ſolicitations for Sir Thomas Saville, both public and private; and ſaying, he was perſuaded the parliament would not hold, and then they knew Sir John Saville's power; aſſuring them, they ſhould be ſaved harmleſs in chuſing Sir Thomas Saville: purſuaded Atkins to conceal that he had Sir John Saville's promiſe, to ſave the electors of Sir Thomas Saville harmleſs; and unduly procured hands to confirm Sir Thomas Saville's election, and reviled honeſt men for not ſubſcribing it.

"Alderman Cooper and ſheriff Atkins ordered to be diſcharged, paying their fees, by the opinion of the committee, and by the houſe. On the queſtion, Cooper to be diſcharged, paying his fees, without further cenſure; alſo, on the queſtion, ſheriff Atkins to be diſcharged, paying his fees, without further cenſure; upon the queſtion, ſheriff Thompſon and alderman Hemſworth to be recommitted to the ſerjeant at arms, during the pleaſure of the houſe; and not to be diſcharged till ſubmiſſion made, and acknowledgment made at the bar of the houſe of their offence upon their knees; and not to be diſcharged before they have paid their fees.

"Upon the queſtion, Mr. Thompſon and Mr. Hemſworth, now cenſured for their miſdemeanor about the election, to pay the charge of the witneſſes, which came up about the election; and not to be diſcharged till they have paid the ſame.

"Upon the queſtion, four members were appointed to tax the charges, and to return the ſame to the houſe.

"April 30. 4 Car. I. Sir Peter Hayman reported from the committee, for examination of the charges of the witneſſes from York, that they have abated from forty pounds and odd, to twenty pounds.

"Sheriff Thompſon and alderman Hemſworth were called in; and kneeling at the bar, their judgment, as ordered upon the queſtions, were pronounced unto them by the Speaker.

May 2d. 4 Car. I. Alderman Hemſworth and ſheriff Thompſon having paid their fees to the clerk and ſerjeant, and the twenty pounds to Mr. Hoyle, were called in; and kneeling, acknowledged their offence, in unduly preparing and returning Sir Thomas Saville, a citizen for York, to ſerve in this parliament."

Which report being read by the ſaid Sir John Bolles;

Reſolved, that the matter be recommited to the ſame committee; and that they do inſpect the journals; and report what other precedents they ſhall find to the houſe.

Reſolved, that it be an inſtruction to the ſaid committee, that they do inſpect precedents, of what cenſures have been inflicted by the houſe upon perſons

ſons that have broke the privilege of the houſe, and report the ſame.

Feb. 17, 1700. A petition of Sir Cleve Moore, baronet, was read; ſhewing, that at the election of burgeſſes, to ſerve in this preſent parliament for this borough, William Clayton, eſquire, Sir William Norris, and the petitioner were candidates: that Richard Norris, mayor of the ſaid borough, and brother to the ſaid Sir William, with others, did, in favour of him, uſe ſeveral indirect practices, in oppoſition to the petitioner; by threatening the ruin of many freemen, if they voted for the petitioner; by refuſing ſeveral who would have voted for the petitioner; and admitting others to vote for Sir William, who had no right; by refuſing the petitioner's friends to be inſpectors of the poll, and denying a copy thereof: that the ſaid mayor hath returned Sir William Norris, though he had not the majority of legal votes, in prejudice of the petitioner: nor is Sir William capable of being choſen, as adviſed, he having been theſe two years in the Eaſt-Indies, from whence he is not likely to return during this parliament: and praying &c.

Ordered, to be referred to the committee of privileges and elections, to examine the matter thereof, and report the ſame, with their opinion.

Oct. 25, 1722. A petition of Thomas Bootle, eſquire, was read; ſhewing, that at the election of members to ſerve in parliament for this borough William Cleveland, eſquire, Sir Thomas Johnſon, knight, and the petitioners, were candidates: that the ſaid Sir Thomas Johnſon was not qualified, he not having an eſtate ſufficient; and the petitioner does inſiſt, that the return of the ſaid Sir Thomas Johnſon is void: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter thereof, and report the ſame, with their opinion.

Jan. 22. Ordered leave to withdraw the ſaid petition.

Jan. 23. Ordered, a warrant for a new writ for electing a burgeſs, to ſerve for this borough in the room of Sir Henry Johnſon, knight, made collector of the cuſtoms in Rapahamock-river, in Virginia.

Jan. 21, 1723. A petition of Thomas Bootle, eſquire, was preſented to the houſe and read; ſhewing, that a new writ having iſſued, for electing a burgeſs to ſerve in this parliament for this borough, in the room of Sir Henry Johnſon, who had accepted a place of profit ſince his election; the honourable Langham Booth, eſquire, and the petitioner, were candidates; and a poll was taken at the election, on the ſecond of February laſt: that the election was influenced by a peer of the realm, or his agents, contrary to the order of the houſe, and in violation of the freedom of elections to parliament; by which means, and other undue practices, Mr. Booth procured himſelf to be returned; in prejudice to the petitioner, who, upon a free election, would have had a majority of legal votes: and praying ſuch relief in the premiſes, as the houſe ſhall think fit.

Ordered, it to be referred to the committee of privileges and elections, to examine the matter thereof, and to report the ſame, with their opinion.

April 2, 1724. Ordered, leave be given to withdraw the ſaid petition.

City of LONDON.

THIS the metropolis of Great Britain; the mart of Europe; famous for its antiquity, trade, and opulency, was an antient city long before the time of record; and enjoyed many, and great privileges before the Conqueſt, and which were by the Conqueror immediately confirmed to them; or rather, as Dr. Brady writes, covenanted to protect the citizens in the enjoyment thereof: the Saxon words of the charter, or inſtrument of protection, as another has given them, are,

Williem King grets Williem biſceop & Godfred portreſan, & ealle ya burghwarn binnen London, Frenciſe & Engliſh, frendlice. Et ic kiden eoy, yeet ic wille git ben ealra weera lagay-weord, ye get weeran on Eadwerds daege Kings. And ic wille yeet aelc child by his fader yrſnume, after his fader daege. And ic nelle ge wollian yeet adnig man eoy aenis wrang beode. God eoy heald. That is,

See Brady, 16. Pat. 2. Ed IV. part 5. m. 23. per *inſpeximus.*

William the King greets William the biſhop, and Godfrey the portreve; and all the burgeſſes, or rather inhabitants of the burg, within London, French and Engliſh, friendly. And I declare to you, that I will that you be all law-worthy, as ye were in King Edward's days. And I will that each child be his father's heir, after his father's days. And I will not that any man command any wrong to be done to you. God you hold, or keep.

In the year 1191 (2 Rich. I.) John Earl of Moreton, the archbiſhop of Roven, and all the biſhops, earls, and barons, with the citizens of London, met in St. Paul's church-yard on the 11th of October, depoſed the chancellor, William Longchamp biſhop of Ely, (the King then in the Holy Land) and made Walter, archbiſhop of Roven, chancellor in his ſtead; and the ſame day, the ſaid earl and archbiſhop, and other the King's juſtices, granted to the citizens of London, to have their community. *Et eodem die Comes Moretonii, et Archiepiſcopus Rothomagenſis, et alii Regis juſtitiarii, conceſſerunt civibus Londoniarum habere communiam ſuam.* And the ſame year, the Earl of Moreton, and the archbiſhop, and almoſt all the biſhops, and earls and barons of the kingdom, did ſwear firmly and ſtedfaſtly to defend and preſerve that community, ſo long as it pleaſed the King. *Et eodem anno Comes Moretonii, & archiepiſcopus Rothomagenſis, et fere omnes epiſcopi et comites et barones regni juraverunt communiam illam firmiter, et inconcuſſe ſervaturos; quamdiu Domino Regi placuerit.*

Hoved. f. 399. b. n. 20. 30. 40.

Dr. Brady writes, they had not a mayor till the firſt year of Richard the firſt; but ſeems doubtful, whether they had not a community before, which was taken from them by King Henry the ſecond for rebellion againſt his mother Maud the empreſs, and himſelf; and now by King Richard reſtored. However, it appears by the city books, they had it in King Edward the firſt's time, and the ſucceeding Kings; and that it conſiſted of two in every ward, in all forty, who were elected by the *probi homines* of the ward; which *probi homines* are explained by theſe words, *diſcretiores, ſapientiores, et meliores de warda*; the moſt diſcreet, knowing, and beſt men of the ward.

Brady, 21.

But the liberties of the city became the care of the ſubject, before King Edward the firſt's reign; for in the *Magna Carta libertatibus Angliæ*, 9 Hen. III. it was enacted, *Quod civitas London. habeat omnes libertates ſuas antiquas et conſuetudines ſuas.* The moſt remarkable memoir thereof, was in the parliament 1 Edw. III. That King, by his charter, *de aſſenſu prelatorum comitum baronum et totius communitatis regni ſui*, and by authority of the ſame parliament (having recited, that the ſame citizens, at the time of the making *Magna Carta*, and alſo in the time of Edward the Confeſſor, William the Conqueror, and other his progenitors, had divers liberties and cuſtoms) wills and grants, by authority aforeſaid, that the ſame citizens ſhall have their liberties according to *Magna Carta.*—And that for any treſpaſs *alicujus miniſtri ejuſdem civitatis; libertas civitatis illius in manus ejuſdem Domini Regis Edw. III. vel heredum ſuorum non caperetur, ſed hujuſmodi miniſter prout, qualitatem tranſgreſſionis puniretur.*

Upon the whole, they are, and time out of mind have been, a body politic and corporate, as well by the name of the mayor, commonalty, and citizens, *quam per nomen civium London.* and King John, by his charter in the 5th year of his reign, granted them the power of electing, making, and conſtituting the ſheriffs of London and Middleſex *imperpetuum.*

The corporation conſiſts of a lord mayor (who is right honourable by his office) 26 aldermen (with the mayor) a recorder, two ſheriffs, and 236 common-council-men, who are annually elected out of the ſeveral wards.

It hath been repreſented in parliament from the 23d of Edward I. (as I apprehend); though Mr. Prynn has not taken any notice of the returns, until the 26th year of that reign; which he avers to be the firſt ſummons: this may be the firſt directed to the ſheriffs, but I cannot ſuppoſe that the general writ, in the 23d of Edw. I. could be miſtaken by the ſheriffs of ſo great a city. However, without granting Mr. Prynn his aſſertion, I ſhall proceed to obſerve, that from the ſaid 26th year, until the 1ſt of Edward II. he has given no account of any returns. The writs were at firſt in this form; viz.

2d Regiſt. 40. *Quod de civitate prædicta duos cives de diſcretioribus et ad laborandum potentioribus ſine dilatione eligi, &c.* and thus returned;

Secundum quod injunctum eſt nobis per iſtud mandatum, eligi fecimus Walterum de Fynchyngfeld, et Adam de Fowham, ad eſſend. coram vobis ad diem et locum in brevi contentos, vobis collocatur, et ſuper negotiis veſtris tractatur. Quibus ad hoc plenam et ſufficientem poteſtatem dedimus nomine noſtro, prout præcipitur in brevi. The next writ is this of *an.* 1 Edw. II. the contents and retorn whereof are as follow; viz.

Br. Parl. Red. 374. *Edwardus Dei gratia Rex Angliæ, Dominus Hiberniæ, et Dux Aquitaniæ, vicecomitibus London, ſalutem: quia ſuper quibuſdam negotiis nos in iſta recenti ſuſceptione regiminis regni noſtri, tam viz. ſuper huminatione corporis celebris memoriæ Domini Edwardi quondam Regis Angliæ genitoris noſtri, cujus animæ propitietur Deus, quam ſuper ſolemnitate noſtrorum ſponſalium, et coronationis noſtræ, authore Domino, celebrand.: aliiſque arduis negotiis ſtatum ejuſdem regni contingentibus, cum prelatis, et magnatibus de eodem regno, habere volumus colloquium ſpecialiter et tractatum, vobis præcipimus firmiter injungentes, quod de civitate prædicta duos cives de diſcretioribus et ad laborandum potentioribus, ſine dilatione eligi, et eos ad nos apud Northampton. in quindena Sancti Michaelis proximo futuro venire faciatis. Ita quod dicti cives plenam et ſufficientem poteſtatem, pro ſe et communitate civitatis prædictæ, tunc et ibidem habeant ad faciendum quod tunc de communi conſilio ordinabitur in premiſſis. Ita quod pro defectu hujuſmodi poteſtatis, negotia prædicta infecta non remaneant quovis modo. Et habeatis ibi nomina dictorum civium et hoc breve, teſte meipſo apud comenocks,* xxvi *die Auguſti, anno regni noſtri primo.* The retorn endorſed is,

Mittimus vobis Willielmum de Coumbemartyn et Henricum de Dunolmia, concives noſtros, ſufficientem habentes poteſtatem ſecundum quod in brevi continetur.

The ſubſequent writs, to the 29th of Edward III. are of the ſame tenor, but I find they made different returns frequently; ſometimes they returned 2, ſometimes 3, and ſometimes 4: the firſt of theſe was the return 6 Edward II. in theſe words; viz. Ibid. 369.

Mittimus ad vos Reginaldum de Conductu, Johannem de Cauſton, Auketum de Giſortio, et Thomam de Chetington, tres, vel duos eorum electos eſſendi ad inſtans parliamentum veſtrum ad diem et locum in brevi contentos plenam et ſufficientem poteſtatem habentes pro ſe et communitate civitates London. ad faciend. et conſentiend. iis quæ in dicto parliamento ordinari contigerit.

This is the firſt return of this ſort, though afterward there were ſeveral others; ſome of which, ſomewhat differing in form, I ſhall mention.

8 Edw. II. *Johannes de Giſertio, Willielmus de Leire, Robertus de Keleſey, et Riſherum de Reſham vinetarium, concives noſtros vel duos eorum ſufficientem habentes poteſtatem ad faciendum &c.*

1 Edw. III. *Richardus de Betoigne, Robertus de* Ibid. 372. *Keleſey, Johannes de Grantham, Johannes Prior jun. cives London. electi ſunt eſſendi ad inſtans parliamentum Domini Regis, qui omnes tres, vel duo eorum venient cum plena et ſufficient. poteſtate, prout in brevi præcipitur.*

The return to the writ, in the 12th of the ſame King, is extraordinary. *Excellentiſſimo Principi et* Ibid. 374 *Domino ſuo Kimo. Domino Edwardo Dei gratia illuſtriſſimi Regi Angliæ, Domino Hiberniæ, et Duci Aquitaniæ; Johannes de Wengrave, major civitatis London. aldermanni, vicecomites, et tota communitas ejuſdem civitatis ſe et ſua, noverit excellentia veſtra nos aſſignaſſe dilectos concives noſtros Johannem de Cherlton, Willielmum de Flete, et Rogerum de Palmer, vel duos eorum ac eiſdem vel duobus eorum plenam et ſufficientem poteſtatem dediſſe per præſentes ad faciendam in hoc inſtanti parliamento veſtro a die Sancti Michaelis, ultimo præterito in ſeptimanas apud Ebor. quod de communi conſilio ordinabitur in parliamento prædicto, juxta formam brevis veſtri nuper nobis inde directi. In cujus rei teſtimonium, has literas noſtras eiſdem fieri fecimus patentes ſigillo communitatis noſtræ prædictæ ſignatas. Dat. London. ſexto decimo die Octobris, anno regni veſtri duodecimo.*

In this manner were the returns, until the 26th of Edward III. when I meet with this moſt remarkable one.

Adam Francis, Johannes Bittle, duos cives provec- Ibid. 37 *tioribus, ad eundem vero parliamentum, omnes com. civitates et burgi præter unum militem, civem et burgenſem non mittebant, nec per breve regium plures mittere poſtulabantur.*

This return was the occaſion of altering the writ, in the next parliament but one; that being the firſt whereby they are impowered and required to ſend four. It was in theſe words.

Edwardus Dei gratia Rex Angliæ, et Franciæ, et Ibid. 37 *Dom. Hiberniæ, vic. London ſalutem: licet nuper pro arduis negotiis nos et regnum noſtrum Angliæ concernentibus, parliamentum noſtrum apud Weſtm. ad diem Jovis in craſtino Sancti Martini, prox. futur. tenere ordinavimus, ex certis tamen cauſis evidentibus dictum parliamentum uſque ad diem Lunæ prox. poſt feſtum Sancti Edmundi Regis et Martyris prox. futur. duximus prorogand. per quod cives quos ad veniend. ad dictum parliamentum ad dictum craſtinum tenend. per vos ſummoneri præcipimus, ad locum prædictum attendere non oportet iſta vice; vobis nihilominus præcipimus firmiter injungentes, quod de civitate prædicta* QUATUOR CIVES *de diſcretioribus et probioribus civibus ejuſdem civitatis eligi, et eos ad dictos diem Lunæ* *et locum venire fac. Ita quod iidem cives plenam et ſufficientem pro ſe et communitate civitatis prædictæ habeant ad faciend. et conſentiend. iis quæ tunc de communi conſilio favente Domino ordinari contigerit ſuper negotiis antedictis, ita quod pro defectu poteſtatis hujuſmodi, ſeu propter improvidam electionem civium prædict: dicta noſtri, et regni noſtri negotia infecta non remaneant. Et habeatis ibi nomina prædictorum civium et hoc breve, teſte meipſo apud Sandwicum* xxii *die Octob. anno regni noſtri Angliæ viceſimo nono, regni vero noſtri Franciæ ſexto decimo.*

On the dorſe thereof was returned,

Ibid. 376. *Eligi fecimus Adam Franceys, Johannem de Stodey, Simonem de Bedington, Adam de Acres,* QUATUOR CIVES *civitatis London. eſſend. coram vobis ad diem Lunæ et locum in brevi iſto content. ad intereſſend. in inſtanti parliamento, plenam et ſufficientem poteſtatem pro ſe et communitate civitatis prædictæ habentes ad faciend. et conſentiend. iis quæ in eodem parliamento de communi conſilio favente Domino ordinari contigerit, prout interim præcipitur.*

However, in the next parliament but one, viz. 32d of Edward the third, they only returned two; the writ being as formerly, *Quod de civitate prædicta duos cives de diſcretioribus et ad laborandum potentioribus eligi, et eos ad dictos diem et locum venire faciatis.*

But the next writ, 34 Edw. III. again directs the chooſing four; viz. *Quod de civitate prædicta* QUATUOR CIVES *de diſcretioribus et probioribus civibus ejuſdem civitatis eligi et eos ad dictos diem et locum venire facias. Ita quod cives in Huſtingo prædictæ civitatis elegantur:* which was the form that continued ever after.

Thus much of the original conſtitution, and method of election: I come now to more modern times; viz. after the houſe of commons exerted their right of being judges of their own elections; and the memoirs I have met with, are theſe.

April 2, 1690. A petition of Sir Thomas Pilkington, Sir Robert Clayton, Sir Patience Ward, and Sir William Aſhurſt, was read; ſhewing, that members, to ſerve in parliament for this city, ought to be choſen only by the lawful livery-men of the ſeveral companies in the ſaid city: that, on the 19th of February, a common-hall (which conſiſts of the ſaid livery-men) was ſummoned for the election, and a poll granted to determine the choice, and a ſcrutiny was demanded; but before the ſame could be ended, the ſheriffs declared the election in prejudice of the petitioners: that the ſcrutiny being ſince ended, the petitioners are informed the majority of thoſe voices who had a right to vote, fell upon the petitioners: and praying the conſideration of the houſe.

Ordered, that it be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

Feb. 14, 1700. Upon reading of a petition, relating to the election for Sandwich;

The houſe entered upon a conſideration of a clauſe, in the act made in the 5th and 6th years of the reign of the preſent King William and late Queen Mary, for granting duties upon ſalt and beer, &c. whereby no member is to be concerned in farming, collecting, or managing any monies, duties, or aids, granted to their Majeſties, except as therein is mentioned.

Reſolved to conſider it on Monday next.

17th. Ordered, that the ſaid clauſe be conſidered on Wedneſday next.

Ordered, that the laſt contract, for circulating Exchequer-bills, be laid before the houſe.

19th. Mr. Lowndes, according to order, preſented the ſaid contract: and the matter, relating to Sir Henry Furneſſe, debated and conſidered:

And Mr. Furneſſe expelled. See Sandwich.

20th. Reſolved, that the houſe will, on Saturday next, take into farther conſideration the ſaid clauſe.

Ordered, that Gilbert Heathcott, eſquire, do then attend in his place.

22d. The houſe proceeded to conſider the ſaid clauſe; and Mr. Heathcott attending, acquainted the houſe, That he was choſen by the people, who were ſubſcribers for advancing of money for circulating Exchequer-bills, to take care of their money; and was informed, and adviſed, that he was not within the ſaid clauſe; and hoped, that he having acted in the ſaid truſt honeſtly, he ſhould have the favourable conſtruction of the houſe.

And the contract between his Majeſty's commiſſioners of the Treaſury and the ſaid ſubſcribers, dated the 15th of April 1700; and alſo the conſtitution of the ſaid commiſſioners of the Treaſury to the truſtees for the circulating Exchequer-bills, dated the 7th of May 1697; were read.

Reſolved, that Gilbert Heathcott, eſquire, a member of the houſe of commons, having, ſince his being elected a member, been concerned, and acted, as a truſtee for circulating Exchequer-bills, is guilty of a breach of the act made in the 5th and 6th years of the reign of his preſent Majeſty King William, and the late Queen Mary, intitled, An act for the granting their Majeſties certain rates and duties upon ſalt, beer, ale, and other liquors, for ſecuring certain recompences and advantages, in the ſaid act mentioned, to ſuch perſons as ſhall voluntarily advance the ſum of ten hundred thouſand pounds, towards carrying on the war againſt France.

Reſolved, that the ſaid Gilbert Heathcott, eſquire, be, for the breach of the ſaid act, expelled the houſe.

Ordered a warrant for a new writ, to elect a citizen for this city, in the room of the ſaid Gilbert Heathcott, eſquire.

March 5, 1713. A petition of ſeveral aldermen, and of great numbers of livery-men, free of this city, was read; ſhewing, that at the election for the ſaid city, John Ward, Thomas Scawen, Robert Heyſham, and Peter Godfrey, eſquires, were candidates: that the ſheriffs, in favour of the ſitting-members, adjourned, and unduly kept open the poll, without conſent of the candidates: that ſeveral were admitted to vote, who had no right; and others, more than once; with great tumults raiſed, on purpoſe to obſtruct the freedom of this election; and without any notice taken, and in view of the ſheriffs: that things were carried on, without regard to juſtice: that great numbers of the candidates voters were rejected, without reaſon; and many allowed, in prejudice of the candidates, who ought to have been refuſed: the ſcrutiny ſerved only to cover the abuſes; and was, without examining a ſixth part of the poll, broke off; and a return made of Sir Richard Hoar, Sir William Withers, Sir John Caſs, and Sir George Newland, notwithſtanding the ſaid candidates had a majority: and praying &c.

A motion was made, and the queſtion put, to hear the matter of the ſaid petition at the bar; but diſagreed to. After which,

Ordered, that it be referred to the committee of privileges and elections, to examine and report the ſame, with their opinion.

6th. A petition of John Ward, Thomas Scawen, Robert Heyſham, and Peter Godfrey, eſquires, was read; ſhewing, that at the election for the ſaid city, the petitioners, Sir Richard Hoar preſent mayor, Sir William Withers, Sir John Caſs, and Sir George Newland, knights, were candidates: that the ſheriffs of the ſaid city adjourned the poll, without conſent of the petitioners; by which means tumults aroſe, to the great prejudice of the petitioners: that ſeveral other notorious practices were uſed; in wrong of the petitioners, who were duly elected, and ought to have been returned: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine and report the ſame, with their opinion.

23d. A motion was made, that it be an inſtruction to the ſaid committee, to hear the matter of the ſaid petition on the 29th day of April next: but diſagreed to.

LUDGERSHALL.

Willis 1749. 63. B. P. R. 218. 4 Regiſt. 1048.

THIS borough is in the county of Wiltſhire. Dr. Willis writes, it returned members to parliament in Edward the firſt's time: Mr. Prynn writes, it was in the 28th of that reign; but his Catalogue begins in the 7th of Edward the ſecond; in which reign it returned three times, as alſo to as many parliaments of Edward the third; then ceaſed to the 2d of Richard the ſecond; after whoſe tenth year it ceaſed, until the 9th of Henry the fifth; from which time, I apprehend, it has conſtantly been repreſented: but I meet with no memoirs, until ſince the Reformation, when theſe following occur.

March 10, 1625. Sir John Finch reporteth, from the committee of privileges and elections, for this borough, That Sir William Walter, Mr. Maſon, and Sir Thomas Jea, are returned for this borough: that fourteen of twenty-ſix electors gave their votes for Sir Thomas Jea, Mr. Maſon fifteen voices; and queſtionable, whether one Biſhop gave his voice for Mr. Maſon; ſo as very doubtful, whether of theſe to ſtand. At laſt agreed by the committee, the election of Sir William Walter, good; but for the other, a new election.

Ordered a new writ ſhould iſſue, for choice of one burgeſs for this borough.

May 3, 1660. Mr. Turner reporteth, from the committee of privileges and elections, the double return for this borough; The opinion of the committee, that Sir John Evelyn, knight, is returned by the proper officer, and ought to ſit, until the merits of the cauſe, upon the double return, be determined: whereto the houſe agreed.

23d. Mr. Turner reported, from the ſame committee, the caſe of the ſaid return. Upon examination of the fact, the queſtion appeared to be, whether the freeholders alone, or the freeholders and inhabitants, have right to elect members to ſerve in parliament for this borough; and the committee are of opinion, that the freeholders and inhabitants of this borough have right to elect; and that William Thomas, eſquire, returned by one of the indentures, having a greater number of voters than Sir John Evelyn, knight, who is returned by the other indenture, is duly elected, and ought to ſit: whereto the houſe agreed.

July 12. Sir Edward Turner reports, from the ſame committee, That upon examination of the buſineſs, touching the miſcarriage of the writ formerly iſſued, for the election of a burgeſs to ſerve in this preſent parliament for this borough, in the place of Mr. Prynn, who hath made his election to ſerve for the city of Bath; and that, upon the examination of the caſe, they find the writ was delivered by the clerk of the Crown in Chancery to the perſon that brought the warrant; but no notice was taken of his name.

Ordered, that a new writ be iſſued for an election, as aforeſaid.

March 24, 1680. A petition of Thomas Neal and John Garrard, eſquires, touching the election for this borough; and alſo another petition of Sir John Talbot, knight, and John Smith, eſquire, touching the ſame election; were read.

Ordered, they be referred to the committee of privileges and elections, to examine and report the matter, with their opinion. Never heard.

May 23, 1685. A petition of Challoner Chute, eſquire, complaining of the undue return for this borough, was read.

Ordered to be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

April 3, 1690. A petition of Edmund Harriſon, merchant, was read; ſhewing, that the petitioner was duly elected to ſerve in this preſent parliament for this borough; but William Munday junior, bailiff there, hath unduly returned another perſon, in prejudice of the ſaid borough, and the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

Octob. 16. Another petition of the ſame Mr. Harriſon, to the ſame purpoſe and effect, was read; and referred in like manner.

Dec. 12, 1698. A petition of John Webb, eſquire, was read; ſhewing, that the petitioner, with Thomas Neal, eſquire, and Mr. Kent, were candidates, to ſerve in this preſent parliament for this borough; and that the petitioner was duly elected to be one of the burgeſſes for the ſaid borough, by a majority of votes fairly obtained; but Edward Florey, the then bailiff of the ſaid borough, hath returned Mr. Neal and Mr. Kent, in prejudice of the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and to report the ſame, with their opinion.

Feb. 9. Ordered the report to be made on the morrow morning.

10th. Ordered, that the ſaid report be made on the morrow morning.

11th. Sir Rowland Gwyn reported from the ſaid committee, the ſaid matter; viz. that the candidates were Mr. Kent, Mr. Neal, and the petitioner; and the poll was, for Mr. Kent—71,—for Mr. Neal—58,—for Mr. Webb—47.

But the petitioner's counſel inſiſted, they could take from Mr. Neal's poll many of his voters; and that ſeveral corrupt ways had been made uſe of to gain votes for Mr. Neal: and called

Hilton; who ſaid, Mr. Neal ſent fifty pounds to this borough by his ſervant Franſhram, a little before the laſt parliament was diſſolved; and Franſhram, and one Bullock, who was agent for Mr. Neal, diſpoſed of it by ten ſhillings to each voter, who would be for Mr. Neal: that, two or three days before the writs came out, he (Hilton) and four others, had ten ſhillings each, and he ſaw ten or twelve pounds paid, at ten ſhillings each; and he put his mark to a paper, promiſing to vote for Mr. Neal, and ſhould not have voted for him, had not he had the ſaid ten ſhillings, though he owned he had voted ſo formerly; and Filmore and Marſh had not the ten ſhillings, becauſe they would not ſet their hands.

Richard Hilton ſaid, he ordered his brother to ſign a paper that he would vote for Mr. Neal, and he received ten ſhillings of him, or would not have voted for Mr. Neal; though he owned he had voted for Mr. Neal formerly, ſeveral times. Crowch ſaid, Mr. Bullock ſent him ten ſhillings by Robert Dewey, to vote for Mr. Neal; but he ſaw no paper, nor gave order to ſet his name: that Bullock, before he received it, told him, he would ſend him ſome money; and had it not been for this ten ſhillings, he had not ſo voted.

Filmore ſaid, Bullock, three days before the parliament was diſſolved, offered him ten ſhillings, if he would ſign; but he refuſed to promiſe his vote to Mr. Neal, ſo had not the money; and Bullock ſaid they gave it to none but friends. George Noyce ſaid to the ſame purpoſe; but ſaid he ſaw no one ſign: That Richard Edwards had the ten ſhillings, and voted for Mr. Neal and Mr. Kent. He alſo ſaid, three days before the election, he had ten ſhillings offered him by Mr. Beal, Mr. Neal's friend, to be for Mr. Neal, but he voted for Mr. Kent and Mr. Webb.

Bagnold ſaid, the night before the election, Bullock gave Cox ten ſhillings of Mr. Neal's money, to throw away his vote from Colonel Webb, and he voted for Thomas Kimbury.

Colonel Webb ſenior, ſaid, his ſon, finding himſelf diſappointed, taxed Mr. Neal with giving money; and he replied, if he meant the ten ſhillings each man, he owned it.

The counſel for Mr. Webb then proceeded to the right of election: and called Mr. Flory, the bailiff, who produced the original poll; at the top whereof was wrote—"That, before any proceeding was made in election, it was declared and agreed by the freeholders, leaſeholders, and other inhabitants of the ſaid borough, and the candidates at the ſaid election; that no party, not inhabiting within the ſaid borough, hath, or ought to have any vote or votes in chooſing the ſaid burgeſſes:" which declaration and agreement was ſubſcribed by all the three candidates. That Flory ſaid, there were a great many queries upon the poll: that ſome perſons inſiſted, the right was in the freeholders; but ſince his time, the inhabitants have been admitted, and accordingly he made the return; yet he owned Mr. Neal had a greater number of the freeholders than the petitioner; however, the petitioner ſaid he would petition. That four who have freeholds within the borough, but live without, would have polled for Colonel Webb and Mr. Kent, but were diſallowed: and he has known out-burgeſſes ſent for to vote; and has known the inhabitants at large ſometimes allowed, and ſometimes refuſed.

Erle and others, who had known the borough many years (one of them about ſixty) ſaid, the right was in ſuch as had freeholds and freehold-leaſes.

Erle ſaid, when he was bailiff, he acted accordingly; only at the Oxford parliament he made a double return, to ſatisfy Mr. Neal, thinking it beſt the parliament ſhould determine it; and when Mr. Chute and Mr. Neal were candidates in King Charles the ſecond's reign, Mr. Neal carried it by the freeholders and freehold-leaſes: that he has known out-freeholders vote upon conteſts; and never denied, but in an election or two laſt paſt. Hilton ſaid, he had heard his father, who died twenty years ago, ſay, an hundred times, he never voted, having only a chattel-leaſe.

Erle and Hilton ſaid, the out-freeholders had right, though the freeholders of the town pretended to keep them out: and Hilton named three who were out-freeholders, for whom Mr. Neal formerly ſent, to vote for him in this borough.

To diſqualify ſeveral voters for Mr. Neal, they called John Hilton, who ſaid, Samuel Marſh, Robert Hutchins, John Penton junior, Matthew Monday, Roger Barrett, John Penton ſenior, Richard Blackmore, Cuthbert Kenton, Robert Dewy, Edward Joyles, Edward Biggs, John Lanſkett, Charles Bullock, Evan Daniel, Edward Batt, John Betridge, Thomas Paſchall, and Thomas Jevy junior, were no freeholders.

Mr. Neal's counſel differed as to the right of election; and ſaid, the petitioner was bound by the agreement before the election; and read the reſolution of 23d of May, 1660, where the houſe agreed with the committee; that the freeholders and inhabitants have right to elect: That as to the fifty pounds, and diſpoſing it by ten ſhillings to each man, they did not deny, but that ten ſhillings were given to ſeveral perſons; but it was before the diſſolution of the parliament, and without any condition: and called

Vide ante.

Franſom; who ſaid, he carried the fifty pounds to Ludgerſhall from Mr. Neal, with orders to take up bills and forbid future expences; and to diſtribute it amongſt the inhabitants at ten ſhillings each; and he invited the inhabitants to a publick houſe, where Mr. Derby and Mr. Bullock were preſent.

Franſom, Derby, and Bullock, ſaid, they gave, on the 6th of July, ten ſhillings each to about ſeventy perſons; but the money was given indifferently to any houſekeeper, as a token of Mr. Neal's love, and to drink his health; and none were refuſed, and no agreement was made with any for votes, or papers offered to be ſigned; only Franſom put down the names of thoſe to whom he gave ten ſhillings, in order to account how he diſpoſed of the money.

Franſom ſaid, Wince would not take it, yet voted for Mr. Neal; and Muſprat had it, but voted for Mr. Kent and Mr. Webb.

Bullock ſaid, Noyce might have had ten ſhillings, but would not, ſaying he did not know whether he ſhould be for Mr. Neal; ſeveral had it who voted againſt Mr. Neal; ſome who voted for him, and others who did not vote at all: that Franſom left five pounds in his hands, when he went away; and Richard Edwards and John Daw had ten ſhillings each, after he ſo went away; but he gave to none after that night; and Colonel Webb made no objection at the poll.

Edwards and Daw ſaid, they were preſent when the ten ſhillings were offered Noyce, who would not have it, and he was not aſked his vote; but did ſay, he did not know whether he ſhould be for Mr. Neal's friend; whereupon Bullock told him, he might have it if he did not.

Bettridge and Daw ſaid, when the poll ended, and the bailiff declared Mr. Neal fairly elected, the petitioner ſaid, then he had fairly loſt it.

As to corruption by the petitioner, they called

Newman, who ſaid, Richard Erle, of Chute, offered to make his day's work worth two guineas, if he would be for Mr. Webb.

Mary Belſton ſaid, two or three days before the election, the petitioner offered her a guinea, to get her father to vote for him. Daw ſaid, Colonel Webb aſked him his vote, and offered his wife to keep his child, who was the petitioner's godſon. John Bettridge ſaid, Batt offered him a load of ſtraw, to vote for the petitioner; but he voted for Mr. Neal and Mr. Kent.

Newman ſaid, the night after the election, Colonel Webb bound over four who voted for Mr. Neal, viz. himſelf, Crowch, Edwards, and Paſchall. Muſpratt ſaid, he had Mr. Neal's ten ſhillings given him freely with the reſt; that he voted for Colonel Webb and Mr. Kent, and ſaw no one ſign any paper.

Mr. Neal's letter was read by his own counſel; viz.

"Mr. Bullock.

"This comes to put an immediate end to all expence in the town, leſt any ſhould be made after the writs come out, which abſolutely would ſpoil all, and it is not yet known when they will. Pray aſſiſt the bearer in taking the bills from each houſe for what is paſt; which I will pay, but no growing expence: But the better to enable ſuch as will drink my health, I have ſent each voter, that will accept it, half a piece, for that purpoſe. I thank you for your kindneſs, and am,

July 5, 1698.

Your very loving friend,
THOMAS NEAL.

"Pray diſpatch Franſum ſo early, that he may come part of the way back on Wedneſday, for he muſt be here Thurſday before night."

Upon the whole the committee reſolved,

1. That the right of electing members, to ſerve in parliament, for this borough, is in the freeholders and inhabitants, not receiving alms.

2. That Thomas Neal, eſquire, is not duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

3. That John Webb, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for this borough.

The firſt queſtion was read a ſecond time; and it was propoſed to amend by leaving out the words, "freeholders and inhabitants not receiving alms," and inſerting inſtead thereof, "ſuch perſons who have any eſtate of inheritance of freehold or leaſehold, determinable upon life or lives, within this borough:" and the queſtion was put thereupon, and agreed to by the houſe.

Reſolved, that the houſe do agree with the committee in the ſaid reſolution ſo amended; That the right of electing members, to ſerve in parliament, for this borough, is in ſuch perſons who have any eſtate of inheritance of freehold or leaſehold, determinable upon life or lives, within the borough.

The ſecond and third reſolutions were read twice, and agreed to by the houſe: and the return ordered to be amended.

Nov. 2, 1705. A petition of Edmund Webb and John Webb, eſquires, was read; ſhewing, that at the election for members to ſerve in this preſent parliament for this borough, the petitioners, Walter Kent and Thomas Powell of London, merchants, were candidates; that the ſaid Mr. Kent and Mr. Powell, by illegal practices, prevailed on John Noyes, the then bailiff, to become their agent, and return them whether they were duly elected or not; having for that purpoſe, before hand, entered into agreement with Noyes, and alſo having prevailed with a ſmall number of the electors to vote for them: that Noyes privately prepared a liſt of ſuch perſons as he thought fit to allow to vote, and without following the uſual order of former elections, polled only the perſons named in his liſt, among whom were ſeveral unqualified perſons; and as ſoon as he had gone through his liſt, he proceeded to declare the election without polling a great number of qualified perſons, who offered to poll for the petitioners; and the ſaid bailiff hath returned the ſaid Mr. Kent and Mr. Powell, although the petitioners were duly elected by a majority of good votes: and praying &c.

Ordered it be referred to the committee of privileges and elections, to examine the matter thereof, and to report the ſame, with their opinion.

3d. A petition of John Dobbs, William Bayley, and other perſons, duly qualified to give their votes in the election of members to ſerve in parliament for this borough, was read; ſhewing, that at the late election for members to ſerve in this parliament for this borough, Edmund Webb, John Webb, eſquires, Walter Kent and Thomas Powell, citizens and merchants of London, were candidates: that John Noyes, then bailiff and chief officer of the ſaid borough, (being a known agent for Mr. Kent and Mr. Powell) contrary to the uſage of the ſaid borough, privately prepared a liſt of ſuch perſons, as he pretended, had a right to vote at the ſaid election, amongſt which were ſeveral that had no right to vote. However, Noyes called and polled only thoſe named in his liſt, although a great number of the petitioners, who had a right to vote, and in due time offered to vote and poll for the Webbs; yet he the ſaid Noyes refuſed to poll them, and hath returned Mr. Kent and Mr. Powell, although Mr. Edmund Webb and Mr. John Webb were duly elected by a great majority of legal electors, according to the cuſtom of the ſaid borough, and the laſt determination in parliament; by which illegal practices the rights of the ſaid borough are not only manifeſtly invaded, but alſo it is not rightly repreſented in parliament to the petitioners extreme wrong: and praying &c.

Ordered, it be referred to the committee of privileges and elections to examine the matter thereof, and to report the ſame, with their opinion.

Dec. 1. Ordered, that the cauſe touching the ſaid election, be heard before the ſaid committee on Wedneſday next.

Jan. 8. Ordered, that the report be made on Thurſday come ſevennight.

17. Mr. Compton reported from the ſaid committee, the matter touching the ſaid election, as follows.

That the right of election was agreed to be in the freeholders and leaſeholders of the ſaid borough, for life or lives. On the bailiff's poll the numbers were,

For Mr. Kent —— 54,
Mr. Powell —— 48,
Mr. Edmund Webb 42,
Mr. John Webb —— 42.

It was alledged for the petitioners, they ſhould add ſo many to the poll, and diſqualify ſo many as polled for the returned members as would make a majority for the petitioners, and they ſhould give ſome evidence of corrupt practices—That as to thoſe who offered to poll, they were, viz. five, who offered before the bailiff went away; and twenty-ſix who polled after he went away.

That as to the firſt five,

Collins and Hopgood ſaid, that four perſons offered their poll for the petitioners, whilſt the bailiff was in court, and another offered his vote as the bailiff was going away; though as to one of the four, viz. Rawlins Hillman, there was no proof of his right to vote.

John Foyle, and nine others, ſaid, that the twenty-ſix, polled after the bailiff went away; and all of them, but John Day, who voted for Colonel Edmund Webb and Mr. Powell, voted for both the petitioners.

That deeds were produced, and proved by witneſſes, as to the freeholds of twenty-ſix perſons; but as to two of them, viz. Crouch and Stevens, it did not appear that livery and ſeiſin had been given.

Norbourn, and four others, proved ten of the returned members voters had no right: and they ſaid

John Noiſe came into his freehold by a forcible entry, and was ejected by his brother before the election; that Brown's tenement was out of town; that Bennet rented his tenement from year to year, and never voted before; that Dobbs, Mat. Kenton, and Edward Lines had no eſtate at preſent, it being their mothers; that Muſpratts, William Noiſe, and Collins, had only part of tenements; and Beates' leaſe was for years abſolute.

As to corruption and ill practices,

Paſcall gave an account that Mr. Powell read a paper, which he called articles, by which the bailiff undertook to return him, if he would ſpend as much money at his houſe as he had done at the George; and Mr. Powell and Mr. Dowling (who appeared for him) had promiſed to help his kinſman to an exciſeman's place, if he the ſaid Paſcall would vote for Mr. Powell: Paſcall owned he could neither read nor write.

Taylor ſaid, bailiff Noiſe declared, he would return Mr. Kent and Mr. Powell, though the petitioners had a majority.

That as to the bailiff's behaviour, they called

Mitchell and others; who ſaid, the bailiff called over by a liſt the electors names; after which he went away without caſting up the numbers on the poll, or making proclamation for others to come and poll; that at the time he went away there was ſeveral perſons to be polled, particularly Hunt, who had often polled; and the bailiff was told by Colonel Webb, there were more to poll.

In anſwer, as to the liſt,

Kenton and others ſaid, ſuch liſt had been made before; and that the bailiff in making this liſt, was aſſiſted by ſix of the moſt antient inhabitants of the borough; and that great care was taken in it, and all, that they believed to be good votes, were inſerted in it: but it appeared, that the ſix, were all voters for Mr. Kent and Mr. Powell.

It was alſo inſiſted, that there was an agreement between the candidates, to poll none but old votes; and called

Nicholſon, and others; who ſaid, that Colonel Webb at firſt coming to the place of election made a ſhort ſpeech, and took notice of a report, that he intended to poll ſome new or ſplit votes; and declared he had no ſuch intention: that the bailiff called all that were in the liſt and made three O Yes; afterwards Col. Webb prevailed with him to poll two more with a quære; but ſaid, if he offered any more ſuch, he would not comply with it: that no more offering to poll, the bailiff and Mr. Dowling caſt up the poll, and declared the majority for Mr. Kent and Mr. Powell.

Jones ſaid, Paſcall deſired him to ſpeak to Mr. Powell to lend him ten pound, and he did aſk it, but Mr. Powell refuſed it; and ſaid, he would neither give, or lend ſix-pence, though he loſt his election.

The next thing on behalf of Mr. Kent and Mr. Powell, was to diſqualify twenty of the twenty-ſix, who were endeavoured to be added to the petitioners poll, viz. Penton, Kenton, Dockwra, Thornbuck, Blackman, Batt, Mackrell, Lawrence, Drury, Marſh, Cook, Newman, Dobbs, Daniel, Day, Edmyton, Lawrence, Culley, and Crouch: and they called ſeveral witneſſes, who ſaid to this purpoſe, that their mothers were in poſſeſſion, or that they were ſplit tenements, and the deeds made juſt before the election; and ſome of them have ſince ſaid, they did not know for what they voted.

They then proceeded to juſtify ten votes objected to by the petitioner; and as to five of them, they produced deeds to prove their titles; and as to the other five, they called

Kenton and Marſh; who ſaid, they were heirs to their fathers, or had voted for the ſame eſtate before.

As to ſeven of the petitioner's voters, they called,

Kenton, and others; who ſaid, Muſpratt lived with his father; and as to Mackrell, William Crouch, Cook, and Dobbs junior, the tenements they voted for were their mothers; and Munday and Belſon owned, they had no right to vote.

They then inſiſted, that ſixteen perſons, under the like qualifications with thoſe inſiſted to be added by the petitioners, were ready to poll for Mr. Kent and Mr. Powell when the bailiff went away, and

Daw, and others, ſaid, they were preſent at the election, and declared they came to vote for Mr. Kent and Mr. Powell; and they produced and proved ſeveral deeds, which paſſed a freehold to them.

They then proceeded to ſhew Mr. Kent and Mr. Powell had an intereſt in the borough, from Mr. Kent's having formerly ſerved for it; and called

Mr. Cook; who ſaid, he employed one hundred and fifty or two hundred poor inhabitants, whoſe chief ſubſiſtence was ſpinning; and ſeveral of the voters came to him to have a character of Mr. Powell, and he recommended him to them.

Cully ſaid, the town hearing Mr. Powell was much concerned in the woollen manufacture, were willing to chooſe him.

Dowling produced two letters from many of the voters, to invite Mr. Powell to be a candidate.

As to bribery they called,

Charles Crouch; who ſaid, Thomas Poulton offered the bailiff fifty guineas and a bell, if he would be for the petitioners.

John Lay ſaid, Thomas Appleford, on the 3d of May laſt, offered him ten guineas, if he would turn himſelf, and three others, to be for the petitioners; but he voted for Mr. Kent and Mr. Powell.

Newman ſaid, Bayley told him, if he would be for the petitioners he might have five pound; but he was for Mr. Kent and Mr. Powel.

Eliz. Newman ſaid, Bayly offered her one guinea, to turn her father to be for the petitioners.

Naſh ſaid, Mr. Weſton, Colonel Webb's ſteward, offered him five guineas to be for the Colonel; and told him the two Muſpratts ſhould have the like ſum each, on the ſame terms.

Evan Muſpratt ſaid, William Weſton told him he ſhould have ſix guineas, if he would be for both the petitioners.

Lymes ſaid, that Mr. Summer, of Andover, told him, he ſhould have a guinea, if he would vote for Colonel Webb.

Evan Muſpratt ſaid, Richard Crouch declared, he would not be for the petitioners, unleſs he had three pound.

And Charles Crouch and John Lay ſaid, they heard Richard Crouch own, he had received it.

Drury ſaid, that Robert Crouch, owned he had promiſed Mr. Kent; but ſaid, he durſt not, becauſe the brigadier threatened to ſend him to ſea.

Thomas Powell ſaid, Dobbs declared he had a guinea of Colonel Webb to vote for him.

Cocks and Cully ſaid, the conſtables threatned they ſhould go for ſoldiers, if they would not vote for the petitioners: and Blackman ſaid, to the ſame purpoſe as to Cully.

Mackrell ſaid, he having denied the brigadier to vote for him, the brigadier threatened he ſhould repent it in ſix months.

Upon the whole the committee reſolved.

That Walter Kent, eſquire, is duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

That Thomas Powell, eſquire, is not duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

That Edmund Webb, eſquire, is not duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

That John Webb, eſquire, is duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

The ſaid reſolutions being twice read were agreed to by the houſe; and the return ordered to be amended.

March 4, 1713. A petition of Henry Skylling, eſquire, was read; ſhewing, that the honourable J. Webb, Rob. Ferne, eſq; and the petitioner were candidates for this borough; that ſeveral were admitted to poll for Mr. Ferne who had no right, and many for the petitioner who had a right were refuſed; by which illegal proceedings of Mr. Ferne and his agents, he the ſaid Mr. Ferne, is unduly returned: and praying &c.

Ordered it be referred to the committee of privileges and elections, to examine the matter thereof, and to report the ſame, with their opinion.

March 30, 1715. A petition of Thomas Webb, eſquire, was read; ſhewing, that at the election for this borough, the petitioner, John Ivory Talbot, and John Webb, eſquires, ſtood candidates; that John Batt, bailiff of the ſaid borough, has been by bribery, promiſes &c. prevailed upon .... the ſaid Mr. Talbot to act as agent for him; and alſo prevailed upon other perſons to vote for him: and that the ſaid bailiff appointed the day of election, without giving due notice of it; and although the petitioner had a majority of legal votes, yet the ſaid bailiff returned the ſaid Mr. Talbot and Mr. Webb to be duly choſen: and praying &c.

Ordered to be referred to the committee of privileges and elections, to examine the matter thereof, and report the ſame, with their opinion.

April 20, 1716. Ordered leave be given to withdraw the ſaid petition.

Oct. 18, 1722. A petition of Thomas Webb, ſerjeant at law, was read; ſhewing, that at the election of members to ſerve in parliament for this borough; the petitioner, John Webb and Borlaſe Webb, eſquires, were candidates: that the ſaid J. Webb and Borlaſe Webb did by themſelves ... their agents, give divers conſiderable ſums of money to great numbers of voters, to give their votes for them; and did by threats, intimidate divers other perſons who had a right of voting .... force them to give their votes for them; and the ſaid John Webb, under the colour of being the owner of many tenements within the ſaid borough, and in order to qualify many perſons to vote at the ſaid election, fraudulently made a great many conveyances thereof to his relations, ſervants, and dependents; to the prejudice of the rights of the electors: that Roger Hutchence, who acted as bailiff, not only acted as an agent for the ſaid John and Borlaſe Webb; but admitted divers perſons to be polled for them, whoſe qualifications the petitioner objected to; and the ſaid John Webb and Borlaſe Webb were returned members for the ſaid borough, in prejudice of the petitioner: and praying &c.

Ordered it be referred to the committee of privileges and elections, to examine the matter thereof, and to report the ſame, with their opinion.

Jan. 23, 1723. A petition of Thomas Webb, ſerjeant at law, was read; ſhewing, that at the late election of members to ſerve in parliament for this borough; John Webb, eſquire, Borlaſe Webb, eſquire, and the petitioner were candidates; that Roger Hutchence, butcher, a perſon appointed by and dependent on, J Webb, eſq; preſided and acted as bailiff at the election; and the ſaid J. Webb and Borlaſe Webb, eſquires, did, by themſelves and agents, corruptly give divers ſums of money to ſeveral voters for their votes; and by threats deterred others from voting for the petitioner; and, ſome ſhort time before the election, fraudulently made a great many conveyances of tenements, within the ſaid borough, to the relations and ſervants of the ſaid John Webb, in order to qualify them to vote for him; and by the partiality of the ſaid bailiff, they were polled, and many others who had no right, and were objected to; and many that had a right were not ſuffered to poll for the petitioner; by which, and other unfair practices of the ſaid bailiff, he hath returned Mr. John Webb and Borlaſe Webb, as duly elected, though the petitioner had a majority of good votes: and praying &c.

Ordered, it be referred to the committee of privileges and elections, to examine the matter thereof, and report the ſame, with their opinion.

Nov. 25, 1724. The petition of Thomas Webb, eſquire, the ſame in ſubſtance with the laſt, was read.

Ordered, it be referred to the committee of privileges and elections, to examine the matter thereof, and report the ſame, with their opinion

Dec. 2. Ordered leave be given to withdraw the ſaid petition.

LUDLOW.

THIS borough is ſituate in the county of Salop. It was incorporated by King Edward the fourth; and, in the 12th year of his reign, firſt ſent members to parliament. The memoirs of its elections, and matters relating thereto, I have met with, are theſe.

Willis, 1749. 42. Charter 12 Ed. IV.

Nov. 12, 1597. Sir George Moore reported from the committee for privileges and returns.—Shewed the differences for the returns for this borough before the committee, which grew from the ſheriff's

D'Ewe's Journal, 556.

directing his precept to the bailiff of the borough in the ſingular number; whereas it ſhould have been to the bailiffs thereof, in the plural: and thereupon the houſe was divided, whether the ſheriff, who might through haſte, or want of experience, run into that error, ought to be puniſhed; or the town, which had, as might well be concluded, wilfully made uſe of that his error? Mr. Francis Moore, Mr. Nathanael Bacon, Mr. Edward Lewkenor, and others, urging, that the town ought to be amerced; and Mr. Bourchier, Mr. Recorder of London, Mr. Pelham, and others, urging that the ſheriff ought to be amerced: it was, upon the queſtion, referred to the former committee, and if it cannot be decided by them; then they are to learn the opinion of ſome of the judges.

April 14, 1614. Mr. Fuller reporteth, that, by a general conſent, Mr. Berry, bailiff of Ludlow, who hath returned himſelf, ſhould be removed. But for other mayors and bailiffs which have returned themſelves; becauſe the caſes might differ, and the particulars then not examined, that the committees thought not fit farther to proceed in any reſolution for any of them.

For Berry. Queſtion, he ſhall be removed and a new choice; reſolved affirmatively, principally, becauſe he confeſſeth openly he was a bailiff &c.

Sir Robert Hitcham, Sir George Moore, and Mr. Duncombe,—to have all removed that are in Berry's caſe.

Mr. Wear:—*Queſtio juris et facti*; for the law they reſolved, no mayor or bailiff, that returns himſelf, can ſerve here: But the queſtion of the fact; if it appear not by the return, or by their own confeſſion, no proof againſt them; where proceeded againſt Berry by his own confeſſion.

Mr. Aſhley moveth, there may be a queſtion, whether any mayor, or bailiff, that returneth himſelf, may ſerve as a member of this houſe.

Queſtion, Whether all mayors, and bailiffs, that are in Berrye's caſe, ſhall be removed? Reſolved, yea.

Feb. 26, 1661. Serjeant Charleton reported from the committee of privileges and elections; That the committee had conſidered of the petition of Samuel Baldwyn, eſquire, againſt Serjeant Littleton; and the queſtion was, touching the manner of ſummons; and whether the right of election was in a ſelect number of twelve aldermen, and twenty-five others of the common-council; or in them, and all the common burgeſſes reſiant in the town: and that the committee was of opinion, that the ſummons, being according to the uſual manner, was good; and that all the common-burgeſſes reſiant had right of election, with the twelve and 25; and that Serjeant Littleton had the majority of voices; and was duly elected and returned as a burgeſs for the ſaid town, and ought to ſit in the houſe:

Whereto the houſe agreed.

March 24, 1689. A petition of Fitton Gerrard and Francis Lloyd, eſquires, was read; ſhewing, that this town, being a borough by preſcription, was incorporated by Edward IV. in the firſt year of his reign; and that the late Chancellor Jeffreys, when chief juſtice of Cheſter, extorted a ſurrender from the ſaid town, of all its powers of electing bailiffs, aldermen, and all other ſubordinate officers, down to the very attornies of the town-court; which ſurrender was acknowledged and inrolled by one Cole, as head-bailiff of the ſaid town, though he was then out of office, and another ſworn in his place: whereupon the late King James incorporated the ſaid town, by the name of the mayor, aldermen, and common-council-men (whereas it was before incorporated by the name of the mayor, burgeſſes, and commonalty) with a reſervation of a power to remove ſuch officers at pleaſure; and confining the election of members of parliament to a ſelect number of twelve aldermen, and twenty-five common-council-men, contrary to all former cuſtom; and the ſaid King, in order to reſtore the town to its ancient privileges, removed the mayor, and all other the members, and officers of this new corporation: but nevertheleſs, Mr. Francis Charleton aſſumes the mayorſhip, by colour of the new charter, though diſſolved; and, by combination with the preſent ſheriff, having the precept directed to him, proceeded to an election by the new corporation-men, and about twenty eight new burgeſſes, made by virtue of the new charter about the laſt prorogation; and hath returned his own brother-in-law Thomas Hanmer, eſquire, and William Gower, eſquire, as members; though the petitioners on the ſame day were fairly choſen before the bailiffs, by the unanimous conſent of voices who were qualified by the ancient charter: and the bailiffs have made a return by indenture to the ſheriff, who refuſed to accept thereof; but took the ſame and tore it: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

Oct. 6, 1690. A petition of the ſame Fitton Gerrard and Francis Lloyd, eſquires, was read; ſhewing, the petitioners were returned by the proper officers, and electors of this town, to the ſheriff of the county of Salop; yet the ſaid ſheriff at the inſtigation of Francis Charleton, who pretends to have a right of return by colour of the late King James's charter, contrary to the right and cuſtom of the town, hath returned Thomas Hanmer and William Gower, eſquires, againſt right, and in prejudice of the petitioners; and praying the conſideration of the premiſes: and that theſe being matters that relate chiefly to the right of return and the charter, and who are the proper officers and electors, that the ſame may be heard at the bar of the houſe.

Ordered, that it be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

14th. A petition of the inhabitants of this borough was read; complaining of an undue election of burgeſſes, to ſerve in this preſent parliament, for this borough.——But the petitioners not having made their complaint the beginning of this parliament, nothing was done upon the ſaid petition.

Dec. 17. Ordered the report to be made, concerning this election, on Monday next.

22d. Mr. Gray reported, the ſtate of the caſe was thus:

That the borough of Ludlow is a very antient corporation; and in Edward the fourth's time, the ſaid borough was incorporated, by the name of the bailiffs and burgeſſes, and commonalty, of Ludlow, with a grant, *burgenſibus villæ de Ludlow*, to ſend members to parliament: that this corporation, being ſerved with a *quo warranto*, did, on the 27th of October 36 Car. II. make a ſurrender of their franchiſe, Richard Cole, and Rowland Erſly, being then bailiffs. On the 28th of October is the time for electing bailiffs in the ſaid borough, and John Bowdler, and George Houghter, were then elected, and ſworn bailiffs.—This ſurrender was after, viz. on the 5th of November following, acknowledged before Sir Miles Cook, a maſter in Chancery, and inrolled as of that day.

That afterwards, the late King James, in the firſt year of his reign, granted to the ſaid borough a charter, and conſtitutes a mayor; and therein names their firſt officers; and appoints the election of officers, and particularly of burgeſſes to parliament, to be by twelve aldermen, and twelve capital burgeſſes. In the ſaid charter, there is reſerved to the ſaid King a power, by any order or direction, ſignified to the Lord Preſident of the council of Wales, to remove any of the officers named in the charter, or thereafter to be elected; and ſo often as the Lord Preſident ſhould, upon ſuch order or direction, declare ſuch officers to be removed, they ſhall be, *ipſo facto*, removed accordingly. In execution of this power, King James, by writing under his ſign manual, bearing date the 11th of November 1688, did require the Lord Preſident to remove and diſplace all the officers, that ſo the then corporation might be diſſolved: one Smallman, with others of the corporation, carried this writing to the Duke of Beaufort, then Lord Preſident.

That Smallman ſaid, the Duke of Beaufort then delivered them a letter, directed to Sir Job Charlton, then recorder of this borough; which, the ſaid Duke ſaid, would do their buſineſs: in this letter was incloſed, as they perceived, ſome paper with a ſeal; but the ſaid paper was not ſhewed them: that they delivered this letter to Sir Job Charlton, but he refuſed to open the letter before them, nor did proceed to act any thing in the diſſolving the ſaid corporation; but afterwards Sir Job aſked him,why he would deſtroy a mayor-corporation? that afterwards, he, with ſome others, went again to the Duke of Beaufort, and thereupon the Duke, by a writing under his hand and ſeal, bearing date the 10th of December 1688 (which was produced to the committee) taking notice of the ſaid order and direction of King James, under his ſign manual, did actually (in obedience to the ſame) remove and diſplace the ſaid officers.

That it appeared to the committee, that the old bailiffs had returned the members to this houſe in the convention:

That the precept on this election was directed to Francis Charlton, eſquire, mayor of Ludlow, who is mayor under King James' charter; and the election and poll was ordered by the mayor: but it was agreed on, by the poll ſo taken by the mayor, that the ſitting-members had the majority of the old and new burgeſſes, made before, as well as after, King James' charter.

Upon the whole matter, the committee reſolved, That the new charter, granted to this borough by the late King James, whereby the antient method of electing burgeſſes for parliament is altered, is illegal and void.

That Thomas Hanmer, eſquire, is not duly elected a burgeſs to ſerve in this preſent parliament for this borough.

That William Gower, eſquire, is not duly elected a burgeſs to ſerve in this preſent parliament for this borough.

That Fitton Gerrard, eſquire, is not duly elected a burgeſs to ſerve in this preſent parliament for this borough.

That Francis Lloyd, eſquire, is not duly elected a burgeſs to ſerve in this preſent parliament for this borough.

To all which reſolutions, being twice read, the houſe agreed: and ordered a writ for a new election.

Oct. 22, 1691. A petition of Thomas Hanmer and William Gower, eſquires, was read; ſhewing, that they, on the 14th of January laſt, were elected by the majority of legal voters of this borough; notwithſtanding which, the bailiffs have returned Colonel Titus and Francis Lloyd, eſquires, and rejected the petitioners: and praying the conſideration &c.

Ordered, that it be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

Dec. 3. Ordered, the report be made on Tueſday morning, at ten o'clock.

8th. Serjeant Trenchard reported, the caſe was thus:

The antient government of this borough was, by the twelve and twenty-five; which they called the Chamber.

36 Car. II. The franchiſes of this town were ſurrendered, and a new charter granted by King James, in the firſt year of his reign; with a reſervation of a power to himſelf, to remove and diſplace any officer by his privy-ſignet, directed to the Lord Preſident of Wales; and in 1688, according to this power reſerved, King James removed all the officers, and reſtores the antient corporation.

It was moved, whether the burgeſſes under the new charter had voices; but it appearing, they were made free after the diſſolving the charter, they were waved by the counſel on both ſides.

As to the right of election, it was alledged, that it was in the Chamber, conſiſting of thirty-ſeven, and in the free-burgeſſes, reſient and non-reſient.

Ketleby, and others, ſaid, they had been preſent at ſeveral elections of burgeſſes, to ſerve in parliament for this borough; and both non-reſient, as well as reſient burgeſſes, had been admitted to give their votes.

For the ſitting-members, it was alledged, the right of election was in the Chamber, and reſient burgeſſes only: and called John Coleback, an antient burgeſs and inhabitant; who ſaid, he was preſent at the elections in 1660 and 1661, and that the reſient burgeſſes were only admitted; but, ſince 1679, the out-burgeſſes had given their votes, contrary to the antient cuſtom.

They alſo read the reſolution of the houſe of commons, 14 Car. II. That all the reſient common burgeſſes of this town have right of election, as well as the twelve and twenty-five.

As to the poll; Ketleby and Buſton ſaid, they took a poll for the petitioners; and that of the old burgeſſes, Mr. Hanmer had 41, Mr. Gower 39, Mr. Titus 25, and Mr. Lloyd 32.

By the town-clerk's poll, Mr. Lloyd 57, Mr. Titus 49, Mr. Hanmer 41, and Mr. Gower 39.

But of thoſe for Mr. Lloyd and Mr. Titus, it appeared, 22 or 23 were made free after the teſte of the writ,which was dated the 24th of December, and their freedom was on the 26th; ſo that the main queſtion was, whether thoſe had a precedent right; and whether they were qualified to vote at this election.

Cole, and others, ſaid, that the ſons of freemen, and ſuch as married freemen's daughters, claimed a right to be made free; but that they applied to the Chamber by petition, and the Chamber had a right to admit them, or not: that they paid a fine for their freedom; and they had known ſeveral rejected: that, by uſage, no admiſſion could be made, unleſs nineteen of the Chamber were preſent; and that now there was not that number preſent.

Coleback and Smallman ſaid, that the ſons of freemen, and thoſe who married freemen's daughters, had right to be made free, upon petition to the Chamber, and paid a ſmall fine; viz. ſixteen-pence for freemen's ſons, and three ſhillings and fourpence for him that married a freeman's daughter: that the Chamber had no right to reject ſuch; and they never knew it done but twice, and then upon private intereſt; and it was looked upon as an injury: that the Chamber met the 26th of December, after the teſte of the writ, to fill up the Chamber, nine of them being dead ſince the ſurrender of their charter; and ſome of the ſurvivors refuſed to act with them: that theſe freemen were admitted on December 27, when about twenty of the old Chamber were preſent; and of the twenty-three excepted to, twenty were qualified as freemen's ſons, or ſuch as had married freemen's daughters.

They read the charter of King Edward the fourth to the town; and there appeared no clauſe, requiring nineteen to be preſent at any act of common-council.

Upon the whole, the committee reſolved,

That Silas Titus, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for this borough.

That Francis Lloyd, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for this borough: whereto, upon their being twice read, the houſe agreed.

Nov. 25, 1695. A petition of Francis Lloyd, eſquire, complaining of an undue election and return for this borough, was read. * * *

Jan. 16. Ordered, that Mr. Lloyd have leave to withdraw his petition, touching the election for this borough.

Dec. 12, 1698. A petition of the honourable Thomas Newport, eſquire, was read; ſhewing, that at the laſt election of members to ſerve in parliament for this borough, ſeveral burgeſſes offered to poll for the petitioner, but were refuſed; and others, who had no votes, and were objected againſt by the petitioner, were polled for Mr. Gower; who is returned, to the manifeſt prejudice of the ſaid borough and the petitioner: and praying &c. Alſo,

A petition of Thomas Farmer, and other burgeſſes of this town, was read; ſhewing, that, by antient cuſtom of the ſaid town, every ſon, and the huſband of every daughter, of a burgeſs, hath a right of burgeſs-ſhip within the ſaid corporation; and, upon requeſt to the bailiffs, aldermen, and common-council, of this borough, have always been admitted ſworn burgeſſes: that the petitioners are under thoſe qualifications; and long ſince (by their ſeveral petitions, as in like caſes) requeſted to be admitted, ſworn burgeſſes of the ſaid town, but were refuſed the ſame; and on the 30th of July, 1698, they went to give their votes for members to ſerve in this preſent parliament; but they were refuſed to poll, although they demanded it, in behalf of Mr. Newport againſt Mr. Gower; who is returned a repreſentative for this borough, to their manifeſt prejudice: and praying &c.

Ordered, that the ſaid petitions be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

Feb. 25. Ordered the report to be made upon Friday next.

March 1. Sir Rowland Gwyn reported the matter upon the ſaid petitions; viz. That upon the poll there were, for Mr. Newport 82—for Mr. Gower 89. But the right of electing for this borough being in the burgeſſes, the counſel for Mr. Newport inſiſted, that the ſons of burgeſſes, and ſuch as married burgeſſes daughters, have a right to demand being made burgeſſes; and that ſeveral, to the number of thirty-four, who had ſuch right, demanded to be made burgeſſes, according to their right, but were not admitted; and offered to poll for Mr. Newport, but were refuſed.

That as to the right of election, it appeared, that heretofore it was in the twelve and twenty-five; but, ſome time after, the election was in the ſworn burgeſſes inhabiting within the town; but, in *1667, Mr. Baldwyn was candidate, and choſen by the 12, 25, and ſworn burgeſſes at large; and the houſe agreed, that Mr. Baldwyn was elected; and ſince that time, the electing of burgeſſes has been by the ſworn burgeſſes at large.

* Query 1660.

As to the method of making of burgeſſes, it appeared, they were generally made upon petition: that there were three conſiderations, in making burgeſſes: that the common form of the petition was to ſet forth, that he was ſon of ſuch a burgeſs, and praying, that he might be admitted a burgeſs for the accuſtomed fee; and upon ſuch admiſſion, the burgeſs pays ſixteen-pence; but there was one inſtance of ſuch burgeſs paying three ſhillings and four pence, which was in 1695: that the common form of the petition of the huſband of a burgeſs' daughter, was to ſhew he had married ſuch a burgeſs' daughter; praying to be admitted for the accuſtomed fee; for which he pays ſix ſhillings and eight-pence.

But the petition of any other perſon, not ſo qualified, is to admit him a burgeſs, upon ſuch conſideration as ſhall be thought fit; and ſuch pay a fine of three, four, five, or ſix pounds.

That the firſt queſtion was, whether the ſons of burgeſſes, or ſuch as married burgeſſes daughters, had right to be made burgeſſes; and this ſeemed to ariſe in the practice of the borough, to admit ſuch perſons upon petition; which petitions are drawn by the town-clerk, and by him delivered to the head-bailiff.

It was alſo ſaid, if ſuch perſon has the benefit of his petition, and be made a burgeſs, the petition is preſented to the Chamber; whereof there muſt be nineteen preſent, to elect a burgeſs; who, upon the queſtion, do elect, or admit perſons ſo qualified: and only one or two inſtances of refuſal were given. But ſometimes the head-bailiff doth pocket theſe petitions, and they are not preſented; pretending, as he has a right of calling a Chamber, ſo of bringing what buſineſs he pleaſes before them.

And Mr. Smallman ſaid, before King James' time, he never knew above two or three in the year refuſed; and this year there were above ſixty pocketed by the head-bailiff: and no one ſaid, any ever polled, but ſworn burgeſſes.

Edward Robinſon (a witneſs for the petitioner) ſaid, he had known more than 16 pence paid; and it has been voted, whether admitted, or not.

For Mr. Gower,

Richard Cole (who came into the corporation in 1660) ſaid, he had known ſuch petitions refuſed, but gave no inſtance: but in the leſſer Ledger-book, fol. 85. *ult Junii* 1698, it is entered, thus; *viz.* "Then " Thomas Rice, and two others, having ſeverally " a right, were ſeverally admitted free burgeſſes of " this corporation, paying the accuſtomed fees:" but Mr. Cole ſaid, the petitions did not ſet forth any right; and the queſtion in the Chamber was, Whether ſuch an one ſhould be admitted? and the petitioner muſt have the majority by nineteen, or elſe his petition was rejected; and he thought it the right of the corporation to elect.

Mr. Long ſaid, he had two ſons ſo admitted, who paid three ſhillings and four-pence, and a bottle of wine; and ſix or ſeven others were admitted at the ſame time, upon the ſame terms; and upon ſuch petitions, the queſtion is put, Whether ſuch ſhall be admitted? which is carried by the majority of the Chamber, which muſt be nineteen at leaſt; and they ſet down the fine: and Edmund King was refuſed, ſeven or eight years ago; but why, he could not tell. He ſaid, he believed, that ſuch ſons of burgeſſes, and huſbands of their daughters, had right; but it was not of any uſe, unleſs the Chamber conſented, and they were ſworn.

Mr. Charles Pierce ſaid, when perſons were refuſed to be admitted burgeſſes, it was indorſed on the back of the petitions; and the Chamber either refuſed, or admitted burgeſſes, as they thought fit: and Luke York was refuſed, and never admitted: and he had ſearched all the antient books, and found no pretence of right, till the 27th of December 1690, when Mr. Smallman was town-clerk, and a conteſt about an election.

That the ſmaller Ledger, fol. 61. was produced; where it was ordered, 14th of September 1695, "That Thomas and Edward, the ſons of Mr. Roger Povy; George, the ſon of Mr. George Long; Nathanael, the ſon of Mr. Edm. King; William, the ſon of William Reynolds; Edward York the elder; Richard, the ſon of Thomas Coates; John, the ſon of Nicholas Carr, doctor in phyſick; having ſeverally a right to be burgeſſes of this corporation, be admitted accordingly, paying three ſhillings and four-pence apiece, the accuſtomed fees." And in the ſame Ledger, fol. 40. 18 Decemb. 1652, Thomas Coates paid ten ſhillings; and is ſaid to be admitted for the accuſtomed fee. And Mr. Pierce ſaid, the orders are read in the Chamber, before they riſe.

That the low bailiff, declared, Mr. Newport would poll none but ſworn burgeſſes; and he was preſent with Lord Newport and Mr. Newport, when this matter was debated; and Smallman gave only liſts of the ſworn burgeſſes.

Mr. Baldwyn ſaid, he was very converſant in the corporation, and elected a burgeſs for parliament thrice, and never heard, till now, of a burgeſs' right, as a burgeſs' ſon, or having married a burgeſs' daughter; and if the Chamber favours a burgeſs' ſon to be admitted, they uſually pay 16d. and tho' they ſet forth in their petitions, they are burgeſſes ſons, it is only an inducement, but it did not conclude their right: and about a year and an half ſince, out of eleven, who offered to be made burgeſſes, one only was admitted; and the conſequence of admitting this claim of burgeſſes ſons, and the huſbands of their daughters, would be, five hundred, or a thouſand burgeſſes more than now; and the town-clerk would get an hundred pounds by it.

That the committee then reſolved,

1. That the ſons of burgeſſes of this borough, and thoſe who marry the daughters of burgeſſes, have a right to be made burgeſſes of this borough.

The next point conſidered was, whether the petitions of ſuch perſons, ſo claiming, ought to be ſigned by the petitioners:

The counſel for Mr. Gower inſiſted, they ought to be ſo ſigned.

The town-clerk ſaid, not one petition in an hundred was ſigned; and he knew of no order for ſigning them; nor a petition rejected, for not being ſo ſigned. But the petitioner's counſel read the following order in the Ledger-book, fol. 216. *anno* 1663, "That no petition be preſented at any time of meeting, or read, but ſuch as are drawn by the town-clerk, or his deputy, or town-clerk's allowance; and that Mr. Bailiff, for the time being, be made acquainted therewith, before they be read publickly; and the ſame be ſubſcribed under the petitioners hands." But Mr. Smallman ſaid, he did not remember this order, and the practice was otherwiſe; yet he knew of no order to revoke it; and all perſons, who come into the Chamber, do ſwear to obſerve orders made, or to be made.

Mr. Brown, who had been burgeſs eight years, and two others of the Chamber, ſaid, they knew ſeveral admitted upon petitions not ſigned.

Mr. Richard Brown, who owned himſelf no member of the Chamber, ſaid, they were generally not ſigned.

And Mr. Thomas Savery ſaid, he had preſented petitions to the Chamber that were not ſigned.

Richard Brown junior, who had drawn ſome few petitions for the town-clerk, ſaid, he had known ſome petitions put into the Chamber not ſigned.

Sir Charles Lloyd ſaid, he was complimented by the Chamber, and made burgeſs, without ſigning any petition.

For Mr. Gower, was called

Richard Cole; who ſaid, he was preſent, when the order was made for ſigning petitions; and it was always diſcourſed, and obſerved as a ſtanding order; and if the Chamber diſcovered there was not an hand, or a mark to any petition, to be made a burgeſs, or for a leaſe, it was rejected: that the Chamber were ſworn to obey orders; and Sir Edward Leighton was an honorary burgeſs, and no fees were taken of perſons of quality: that the corporation never granted burgeſs-ſhips of right.

Mr. Carver ſaid, he had known petitions rejected for not being ſigned; but ſome have been admitted, that have been verified to be by the parties conſent; but has known petitions of all ſorts rejected.

Price ſaid, in his time, perſons always put their name or mark to petitions: that he had not ſeen the order, but had heard it talked of.

Carver and Pierce ſaid, Mr. Smallman, the town-clerk, had threatened to ſue them for drawing petitions to the Chamber, and told Pierce there was an order for it.

Mr. Pierce, who is of the chamber, ſaid, that he heard the matter of ſigning petitions talked of in the Chamber, and that if they were not ſigned they ought to be rejected; and the town-clerk was preſent; that he knew none received, but what were ſigned, becauſe the corporation had a great deal of land, and would not be impoſed on as to the perſon; and that the two Browns kept an outward office, and are not admitted into the chamber.

Kettleby ſaid, the town-clerk's ſon told him, his ſon muſt ſign a blank paper, for a petition to be wrote over; he having not time then to write a petition, in order to his being made a burgeſs: and the town-clerk agreed he could not be admitted, unleſs he ſigned a petition.

Whereupon the committee reſolved,

2. That every perſon, having a right to be made a burgeſs of this borough, ought not to demand ſuch his right by petition, ſigned by the petitioner,

according to the by-law made in 1663, and not otherwiſe.

Upon theſe reſolutions, the counſel for the petitioner proceeded to make out his caſe: and, as to the right of thoſe that the petitioner inſiſted ought to be polled;

The town-clerk ſaid, that Thomas Farmer, Waldron, Lewis, and Sheppard, have ſeverally married burgeſſes daughters; and had petitioned to be made burgeſſes, once or oftner, before; that William Harding, John Symonds, Thomas Dymock, Luke York, Walter Houghton; William Pierce, Samuel Reynolds, William Woodhall, Richard Cole, William Vernoll, Thomas Edwards, John Taylor, Samuel Short, and Charles Woodhall, were ſons of burgeſſes; and had ſeverally, once or more, petitioned to be made burgeſſes; but of theſe, William Peirce and Samuel Reynolds were under age, when they petitioned.

That, as to demanding the poll, Smallman and others ſaid, that in court, after all the ſworn-burgeſſes were polled, and before the caſting up of the poll, Mr. Newport delivered in a liſt of ſeveral, whom he demanded to be polled, which paper was put into Mr. Smallman's hands; who called Farmer, and he voted; but on calling the next, there was a great noiſe and diſturbance; Mr. Pierce and others leaping on the table, by which he was hindered from going on; that the low-bailiff was for polling them, but the high-bailiff was not; that Mr. Newport inſiſted on their right; and ſaid, if it could not be allowed there, he would juſtify it in another place, or to that effect. And Peach ſaid, there were then in the hall, ready to poll for Mr. Newport, againſt Mr. Gower, Walter Houghton, Samuel Reynolds, John Taylor, Luke York, Thomas Lewis, Henry Sheppard, Thomas Dymock, John Symonds, Richard Cole, William Vernall, John Edwards, Samuel Short, Robert Waldrond, William Peirce, William Woodhall, and Charles Woodhall.

That he was employed to look after theſe men, who demanded to poll aloud together, ſo that they might be heard by the bailiff; and Mr. Vernal endeavoured to bring them up to the bar, but was hindered by one Whitney.

Mr. Vernall ſaid, Mr. Newport, ſome time before the election, ſpoke to him and Mr. Savery, and another, to engage ſuch as had a right to be made burgeſſes; and accordingly he ſpoke to ſeveral, ſome at a diſtance from the town, to the number of 20 or 30; and, the night before the election, he made two liſts of them, one whereof he gave to Mr. Newport, and the other to Mr. Smallman; amongſt whom were Thomas Farmer, Robert Waldrond, William Harding, John Simonds, Humphrey Blith, Thomas Edwards, William Vernall, Luke York, Thomas Dymock, and Thomas Lewis, who told him, they had a ſingle vote for Mr. Newport; and when Mr. Farmer was called, they preſſed to the bar, but were hindered by Mr. Whitney and Hatton Hughes; which Whitney pulled back Blyth, and ſtruck him with his elbow, and took him by the collar: that he cannot ſay, they demanded to poll, but he talked with them in court; and the paper was delivered to the town-clerk, after the poll was caſt up.

Savery ſaid, that there were preſent (beſides thoſe named) in the court-hall, Walter Houghton, Samuel Sharpe, John Taylor, and Peter Grove, who had a right, and had petitioned; and he ſaw every man, whoſe name is ſubſcribed to the petition againſt Mr. Gower, ſign the petition.

The counſel for Mr. Gower inſiſted, there had been undue practice in obtaining hands to the petition of the inhabitants againſt Mr. Gower: and called

Mr. Herbert and Mr. Pierce; who ſaid, Ellis Beddo, William Beddo, Joſeph Lane, Henry Sheppard, Peter Crow, Francis Webb, William Woodall, Richard Thomas, Richard Cole, John Simonds, and Luke York, being of the number of thoſe who had petitioned againſt Mr. Gower, had ſigned a paper, which was read diſtinctly to them, before they ſigned it; which paper, being read, appeared to the committee to be the petition offered to the houſe; by which petition they ſay, That Mr. Smallman and Mr. Savery, about fourteen weeks after the election, did ſend for, and perſuade the petitioners to ſet their hands to one or more papers, in order to make themſelves burgeſſes of this borough; and deny they had heard the petition preſented to the houſe, read to them, or the contents thereof told them: and deny they offered to poll, and were refuſed; and if they had been burgeſſes, and had votes, they would have voted for Mr. Gower, and not the petitioner: and Richard Cole, and all the reſt, denied, they ſigned any petition againſt Mr. Gower; but had ſigned a paper, which they were told, would make them burgeſſes; and if they had ſigned any petition againſt Mr. Gower, they were impoſed on in it, by Mr. Smallman and Mr. Savery; and ſaid if they had a right, they would have been for Mr. Gower, and not Mr. Newport: that Houghton, and ſome others, ſaid the ſame, as thoſe who ſigned the paper: and Watkins ſaid, he would not ſign the petition, becauſe Mr. Smallman would ruin him.

Wigley ſaid, he was ten miles from Ludlow at the time of the election: and being ſhewn the petition againſt Mr. Gower, he owned his name; but ſaid, it was not read to him; and Mr. Smallman and Mr. Savery deſired him to put his hand to it, as to a paper that would make him a free burgeſs at the next election.

Pierce ſaid, he took the poll for Mr. Gower, and the burgeſſes were called over by Mr. Smallman by a liſt; and they were polled in the places where they were in the hall: that Farmer ſpoke for none but himſelf, as he heard; and claimed, as marrying Acton's daughter, who was disfranchiſed in 1662, which appeared by the Ledger; but whether the daughter was then born, he could not ſay: that he ſaw Mr. Newport offer a liſt to Mr. Smallman, as perſons to be polled; but Mr. Newport and Mr. Smallman would not let the names be known, though he deſired it: that he went on the table, with his hat off, to compare the poll; and there was no noiſe, but the people crying, "A Herbert and Gower:" that he believes, Farmer might demand to be polled, but after the poll was caſt up; and declared that none but Farmer demanded it; nor did any of the perſons inſiſted on by Mr. Newport, in the hall, though he was in a place, where he could ſee all over the hall; and the town-clerk declared it a fair election.

Mr. Baldwyn ſaid, he was there upon the bench; that Mr. Smallman called over all that he was ſatisfied had right, viz. the ſworn burgeſſes, by a liſt; the copy whereof he had given to Mr. Herbert and Mr. Gower, the night before; and that the poll was carried on and ended quietly: that he could not ſay, whether Farmer offered to poll or not, but Mr. Smallman did not call him: that Mr. Pierce went on the table, and compared the books; and told Mr. Smallman, Mr. Gower had carried it by ſeven, and Mr. Smallman agreed to the number; that he thought the paper was given by Mr. Newport to Mr. Smallman, after the numbers were caſt up; that while the clerks were correcting the poll, there was no pretence that any others were to poll, nor did he obſerve any more than common talk; and though one of the bailiffs voted for Mr. Gower, yet they were both in Mr. Newport's intereſt; that upon the whole, he thought the election fair; and the bailiffs came to him two hours after, and were concerned that Mr. Newport loſt it.

For the petitioner, in regard to ſigning the petition, John Brown junior, who delivered in three petitions; and ſaid, they were ſubſcribed by the parties, and read to them; and by thoſe petitions, Cole, Woodhouſe, and Symonds, ſeverally complain, That they were impoſed on in ſigning the ſecond petition; they being told, it was only to ſhew they were not called to vote at the laſt election, or that the firſt petition was not read to them.

Upon the whole, the committee reſolved,

3. That William Gower, eſquire, is duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

The firſt and ſecond queſtions, being read twice, were agreed to by the houſe; but the third was diſagreed to: and reſolved,

That Thomas Newport, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for this borough.

Jan. 3, 1701. A petition of William Gower, eſquire, was read; ſhewing, that at the election of burgeſſes to ſerve in this preſent parliament for this borough, Sir Thomas Powis, Francis Herbert, eſquire, and the petitioner, were candidates; but Mr. Herbert, and his agents, by illegal practices, and by corrupting and bribing the qualified voters, did thereby procure himſelf to be returned with Sir Thomas Powis, in prejudice of the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

June 8, 1713. Ordered a warrant for a new writ for the electing a burgeſs to ſerve in this preſent parliament for this borough, in the room of Sir Thomas Powis, knight, made one of the juſtices of the King's-Bench.

March 29, 1715. A petition of Acton Baldwyn, eſquire, was read; ſhewing, that the petitioner, together with Francis Herbert and Humphrey Walcott, eſquires, were candidates at the laſt election for this borough: the petitioner was duly choſen by a majority of unbribed votes, and others, duly qualified to vote at the ſaid election; and therefore the petitioner ought to have been returned to repreſent the ſaid borough: but by bribery, and other illegal practices of the ſaid Mr. Herbert and Walcott, and agents, the ſaid Mr. Herbert and Mr. Walcott are returned for the ſaid borough, in wrong to the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections; to examine the matter thereof, and report the ſame, with their opinion.

Feb. 1. Ordered leave be given to withdraw the ſaid petition.

May 10, 1720. Ordered a warrant for a new writ for the electing a burgeſs to ſerve in this preſent parliament for this borough, in the room of Sir Robert Raymond, knight, made Attorney-General.

LYME REGIS.

THIS is a very antient borough in the county of Dorſet; being ſo made by King Edward the firſt, as will appear by his charter in the Appendix. The town was in latter days, incorporated; and the corporation conſiſts of a mayor, and ſixteen capital burgeſſes; two of which, with the mayor, are juſtices. It has returned burgeſſes to parliament ever ſince 23 Ed. I.; and the bailiffs made the returning officers the 35th year of that reign, as appears by the ſheriff of Dorſet's return of his writ, in theſe words, "*Pro duobus burgenſibus eligendis de burgo de Lyme, vicecomes retornavit breve regis ballivis ejuſdem villæ qui habent retorna brevium; at nullum fecerunt executionem.*" I meet with no other memoirs relating to its elections or repreſentatives till ſince the Reformation; after which time, theſe following occur.

2 Willis, Not. 428.

Ib. 430.

Nov. 5, 1605. Sir George Somers, one of the burgeſſes for this borough, bringeth in a certificate of the ſickneſs of the gout of one John Haſſard, the other burgeſs, and deſireth to have him diſcharged.

A committee to conſider of this, and of the granting of writs by the Lord Chancellor during the time of prorogation.

9th. Sir George Moore reports for.

Lyme Regis: The burgeſs Haſſard not able to ſerve, by reaſon of the gout—He came to them, walked in fear only—

Reſolved, That he ſhould ſerve ſtill. Queſtion whether Haſſard ſhall ſtand and ſerve?—Reſolved, He ſhall not be removed.

Feb. 9, 1609. A petition from this borough, touching their burgeſſes, offered by Sir John Jefferys.

14th. Sir George Moor reported from the committee—Haſſard, 69—incurable,—bedrid—a new writ.

May 21, 1689. Colonel Birch reported, from the committee of privileges and elections, the matter upon a petition of Sir William Drake, knight and baronet, againſt John Burridge, eſquire, touching the election of this borough.

The counſel for the petitioner inſiſted, that the right of election was in the mayor, burgeſſes, and freemen at large; and that Lyme Regis was made a borough in the twelfth of Edward the firſt; and at the ſame time a corporation; ſo the corporation was co-evous with the borough: and delivered in a copy of a grant—12 Ed. I. *Quod villa de Lyme in comitatu Dorſ. de cætero liber burgus ſit, et quod homines ejuſdem villæ ſint liberi burgenſes; ita quod habeant Gildam mercatoriam.* 12 Ed. VI. *ſub ſigillo majoris.* 30 Eliz. mayor and burgeſſes elected—Return, under the ſeal of the mayor and burgeſſes. 1 and 2 Philip and Mary, mayor and burgeſſes elected under the common-ſeal.——16 *Car. I. Major, per majorem partem capitalium et aliorum liberorum burgenſium, eligit ſub ſigillo majoris.* 13 *Car. II. Majorem cum aſſenſu reſiduorum burgenſium liberorum hominum villæ prædictæ ſub communi ſigillo.* 31, 32 *Car. II.* mayor and burgeſſes, with the conſent of the whole mind, elected under the hands of the mayor and burgeſſes, and common-ſeal. Upon the poll, there were——for Sir William Drake 29, with himſelf——for Mr. Burridge 30, with himſelf: But it was allowed, that, of the 29, who were for the petitioner, there were five foreign freemen, viz. Alford, Brags, Fry, Floyer, and Henvill: and they called Gregory Alford; who ſaid, he was mayor in 1663, and then came the act for regulations; and then he called in Sir John Strode, Colonel Biſhop, and others to his aſſiſtance, and they gave their voices; and have always ſince, voted in the common-council for mayors and other officers.

That Sir John Strode and Mr. Biſhop were out-burgeſſes, as were the five named; that they have been at elections for parliament-men; and, as he remembers, voted, particularly at the election of the Lord Clarendon: That ſeveral freeholders have claimed, but were never admitted, nor returned: That he believed, particularly when Mr. Burridge was mayor, the freeholders were rejected; and he made a return by the mayor, burgeſſes and freemen: That the freemen of this borough are free of many tolls at Briſtol, and enjoy ſeveral privileges there; but foreigners take not the ſame oath with the others.—That it appeared, the charter had been ſurrendered: and it was agreed, thoſe acts done under the new charter to be void; and thereupon the counſel for the petitioner produced the ſurrender of the charter, October 20, 1684: and called

Bragg; who ſaid, that T. Pitts, Fitz Gerrard, and Robert Fowler, who polled for Mr. Burridge, were made free under the new charter; and James Pitts, another of Mr. Burridge's voters, was a freeman by the old charter, but disfranchiſed for ſome miſdemeanor, and reſtored by the new charter. He was disfranchiſed in a full corporation, for bringing in ſeveral things contrary to his oath: that Caſe and Spragg are both freemen, but live out of town; one ſix, and the other two miles.

For Mr. Burridge, it was inſiſted, the right was in all freemen of this borough, being inhabitants and freeholders of the ſame; and the counſel for the petitioner granted, if the freeholders had right, Mr. Burridge was elected.

They then produced returns, 1 Eliz. mayor, burgeſſes and inhabitants, elected under the ſeal of the mayor and burgeſſes; 1 Mary—mayor, burgeſſes, with inhabitants, elected under the common-ſeal; and 13 Car. produced by the petitioner. Davis ſaid, he had known Lyme from a child; and freeholders had voted, particularly Bragg, Trickey, Short, and Mr. Mincent, at Mr. Henley's and Sir John Shaw's election; but neither freeholders or freemen out of the town were ever admitted. Mr. Short was called, but excepted to, as a witneſs, being a freeholder; but afterwards allowed, as to the right of foreign freemen; and ſaid, he never knew any honorary freemen demand to vote, till this election.

Brayholt ſaid, he had known ſeveral elections of Mr. Henley and others, and freemen and freeholders voted; that Mr. Henley made ſeveral on purpoſe; that he knew, no any outlying freemen had a vote.

Tytherly ſaid, he had been a freeman twenty years, and knew ſome freeholders claim to vote; but they uſed to cry, up with them.

James Pitts ſaid, he knew Spragg, and that he had an houſe in town, and paid to the poor's rate; that Caſe traded as a merchant in the town, but, his mother-in-law dying, he was gone to take poſſeſſion of the eſtate; that Thomas Pitts was made free by the new charter, and it being ſaid he was no freeman, he came to the corporation, and deſired to have his fine, or be re-admitted; and the corporation told him, there was no need; he was a good freeman.

Upon the whole, the committee reſolved,

That John Burridge, eſquire, is not duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

That Sir William Drake, knight and baronet, is duly elected a burgeſs, to ſerve in this preſent parliament for this borough: but the firſt reſolution being twice read, was diſagreed to by the houſe.

Jan. 6, 1701. A petition of Richard Hallet, eſquire; ſhewing, that at the election for burgeſſes, to ſerve in this preſent parliament for this borough, John Burridge, Joſ. Paice, eſquires, and the petitioner, were candidates; and that the right of election is in the mayor, capital burgeſſes, freemen and freeholders, inhabiting within this borough: that, a few days before the election, Nathanael Gundry, eſquire, mayor of the ſaid borough, declared he would admit the freeholders to vote; yet, finding ſeveral to come, intending to vote for the petitioner, he refuſed to let them vote, and declared Mr. Burridge and Mr. Paice duly elected; although the petitioner would have had a majority of legal voters from Mr. Paice, if the mayor would have ſuffered them to poll; and he ought to have returned the petitioner inſtead of Mr. Paice: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

Nov. 26, 1708. A petition of Henry Henley, eſquire, was read; ſhewing, that at the laſt election of burgeſſes to ſerve in this parliament for this borough, the petitioner was duly elected one of the burgeſſes; notwithſtanding which, the mayor hath returned Thomas Freke and John Burridge, eſquires, as burgeſſes, to the petitioner's great prejudice: and praying &c. Alſo

A petition of ſeveral capital burgeſſes, freemen, and freeholders, inhabitants within this borough, in behalf of themſelves and others, was read; ſhewing, that the petitioners having a right to vote for electing burgeſſes to ſerve in parliament for the ſaid borough, did, at the laſt election, appear and demanded to poll for Henry Henley, eſquire; and that the votes of the petitioners, and other the electors, who voted for the ſaid Mr. Henley, made a great majority for him; but the mayor of the ſaid borough refuſed to poll ſeveral of the petitioners who were freeholders, inhabitants therein, and hath returned Thomas Freke and John Burridge, eſquires, in violation of the petitioners rights: and praying &c.

Ordered the ſaid petitions be heard at the bar of the houſe, on the nineteenth of March next.

Oct. 18, 1722. A petition of William Smith, eſquire, was read; ſhewing, that at the election of members to ſerve in parliament for this borough, Henry Holt Henley, John Burridge, Thomas Pariſh, eſquires, and the petitioner, were candidates; that Robert Burridge eſquire, mayor, returned the ſaid Mr. Henley and Mr. Burridge as burgeſſes for the ſaid borough; and the petitioner apprehends the ſaid John Burridge was not qualified in reſpect of eſtate, according to the laws made for that purpoſe: that many perſons were admitted by the ſaid mayor, to poll for the ſaid John Burridge, who had no right ſo to do; and . . . . . many perſons who had a right, and offered to poll for the petitioner; by which unjuſt proceedings of the ſaid mayor, and by divers other illegal practices, the ſaid John Burridge is returned in prejudice to the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter thereof, and to report the ſame, with their opinion.

A petition of Thomas Pariſh of London, merchant, was read; ſhewing, that at the election of members to ſerve in parliament for this borough, Henry Holt Henley, John Burridge junior, William Smith, eſquires, and the petitioner were candidates: that Robert Burridge, eſquire, mayor of the ſaid borough, proceeded to the election without giving regular notice thereof; and the ſaid Mr. Burridge and Mr. Smith, by divers illegal practices, procured ſeveral perſons to vote for them, who had no right; and the mayor refuſed to poll ſeveral perſons who had good right to vote, and offered to poll, for the petitioner: and the ſaid Mr. Burridge prevailed with the mayor, to return him one of the members of the ſaid borough, although the ſaid Mr. Burridge, at ſuch return, was not duly qualified according to law: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine and report the matter thereof, with their opinion.

A petition of ſeveral freeholders, inhabitants within the ſaid borough, was read; ſhewing, that the petitioners did offer their votes at the ſaid election for Thomas Pariſh of London, merchant; but Robert Burridge, eſquire, mayor of the ſaid borough, refuſed their votes, notwithſtanding they have been allowed to vote in former elections; in manifeſt violation of the petitioners rights: and praying &c.

Ordered it be referred to the committee of privileges and elections to examine the matter thereof, and to report the ſame, with their opinion.

March 2. Ordered leave be given to Mr. Pariſh to withdraw his petition.

Jan. 20, 1723. A petition of William Smith, eſquire, was read; ſhewing, that the 24th of March 1721, came on the election of burgeſſes to ſerve in this parliament for this borough, and Henry Holt Henley, eſquire, John Burridge, Thomas Pariſh, eſquires, and the petitioner, were candidates: that Robert Burridge, mayor of the ſaid borough, and father of the ſaid John Burridge, hath returned him and Mr. Henley as burgeſſes duly elected for the ſaid borough, though the petitioner apprehends Mr. Burridge is not qualified in eſtate to ſerve, and inſiſts on it; and many were admitted by the mayor to poll for the ſaid John Burridge, who had no right to vote; and many who had a right, were not ſuffered to vote for the petitioner; who, had he not been guilty of ſuch partial proceedings, ſhould, with Mr. Henley, have had a majority of legal votes of the ſaid John Burridge, and ought to have been returned inſtead of him: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter thereof, and report the ſame, with their opinion.

Nov. 23. A petition of William Smith, eſquire, was read, in ſubſtance the ſame with the laſt petition.

Ordered to be referred to the committee of privileges and elections, to examine and report the matter thereof, with their opinion.

Jan. 27. Ordered leave be given to withdraw the ſaid petition.

LYNN REGIS, or LENN EPISCOPI.

THIS borough is ſituate in the county of Norfolk. It was incorporated in the fifth year of King John, 1204. It was ſummoned to ſend members to parliament in the 26th of Edw. I. but in that year, and the 28th and 30th of the ſame reign, the ſheriff of Norfolk returns, *Ballivus de Hundredo de Frethebrigh de hominibus eorundem nihil michi reſpondet.*——But did return from the 6th of Edward II. The names of the repreſentatives were indorſed on the county writ: but in the 15th of that reign, the ſheriff makes this ſpecial return, *Et reſponſ. prædict. pro burgenſ. prædictæ villæ de Lenn Epi. michi dedit Petrus de Welle ſeneſcallus libertat. præd. villæ de Lenn Epi. qui habet retorna brevium et executiones eorum.* Willis, 1749. 35. Prynn's 4th Reg. 1022. B. P. R. 205. Ibid. 182.

To the ſame effect was the return in the ſixteenth year of that King; but in the ſecond of Henry V. I find an indenture between the ſheriff and ſteward of the liberty; whereby it appears, the election was made in purſuance of the ſheriff's precept (which ſee in the Appendix). But after this, I find, the mayor returns, and not the ſteward; for in the ſeventh of Edward IV. the return was, *major et communitas eligerunt Henricum Birmingham et Willielmum Pilton burgenſes villæ ſive burgi Len:* and ſo in the 12th of the ſame reign; but in the 17th it was *major et burgenſes pro ſe, et communitate eligerunt, &c.* from which time to this, I apprehend, they have been conſtantly repreſented; though I find few memoirs of any complaint concerning its elections until ſince the Reſtoration. The matters relating to its elections, and repreſentatives, which affect the choice, in the Journals, are theſe. Ibid. 183. Ibid. 276. Brady, 71.

May 3, 1675. A petition of Simon Taylor, merchant of this borough, complaining of undue practices in the electing a member to ſerve for this place.

Ordered, that it be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

Jan. 23, 1709. Ordered, a warrant for a new writ for electing a burgeſs for this borough, in the room of Robert Walpole, eſquire, made treaſurer of the navy.

Dec. 21, 1711. The commiſſioners of the public accompts, by their report (an extract of which ſee in the Appendix) having charged Robert Walpole, eſquire, with ſome facts, in regard to the contract for forage for the troops in North-Britain, made by him, whilſt ſecretary at war.

Ordered, the ſaid report be taken into conſideration, on Thurſday the 17th of January next.

Ordered, the depoſitions, mentioned in the report, be laid before the houſe.

22d. Mr. Shippen, from the commiſſioners for ſtating the public accompts, preſented the ſaid depoſitions; viz. amongſt others, the depoſition of John Montgomery, eſquire, proving ſeveral ſums of money taken by Robert Walpole, eſquire, Sir David Dalrymple, and others, on account of contracts for foraging the troops in North-Britain (See the Appendix) alſo Captain William Preſton's depoſition, relating thereto. (See alſo Appendix.)

Ordered, that the clerk do carefully keep the ſaid depoſitions, and not let any perſon have them out of his cuſtody; and that he do deliver copies thereof to any of the members of the houſe, that ſhall deſire the ſame.

Jan. 17. Mr. Lockhart acquainted the houſe, from the ſaid commiſſioners, that Mr. Walpole had laſt Monday brought Mr. Man to the ſaid commiſſioners, with an affidavit ready prepared; and deſired he might be ſworn to it: and that the commiſſioners did ſwear him to the ſame; and afterwards examined him themſelves, and took his anſwer in writing: and that the commiſſioners had directed him to preſent to the houſe.—A depoſition of Mr. Robert Man, proving, that he is agent to Robert Walpole, eſquire, and that he has received ſeveral ſums of money, upon account of two contracts for foraging the troops in North-Britain; and alſo the depoſition of the ſaid Mr. Robert Man. And he preſented the ſame accordingly; (which ſee in the Appendix) and the titles of the ſaid depoſitions were read.

Then the order of the day for taking into conſideration the ſaid report, was read, and the houſe proceeded to take into conſideration that part thereof relating to the contracts for forage in North-Britain; and the ſame was again read; and then the ſaid ſeveral depoſitions of Mr. Robert Man were read. And then Mr. Montgomery was called in and examined, and the two notes mentioned in the ſaid report (which ſee in the Appendix) and ſeveral receipts for money, paid by Mr. Montgomery to Mr. Man, were alſo read (ſee the Appendix:) and then Mr. Montgomery withdrew.

Mr. Walpole was heard in his place, after which a debate aroſe in the houſe; whether Mr. Walpole ſhould withdraw, before a queſtion ſtated, or any debate had, of the matter relating to him.—Whereupon, the Journal relating to Lord Falkland, in the year 1693, and alſo the Journal relating to Mr. Ridge, in the year 1710, were read: whereupon, Mr. Walpole withdrew before any debate was had, or any queſtion propoſed, touching the matter relating to him. After which, a motion was made, and the queſtion being propoſed, that Robert Walpole, eſquire, a member of this houſe, in receiving the ſum of five hundred guineas, and in taking of a note for five hundred pounds more, on account of two contracts for forage of her Majeſty's troops quartered in North-Britain, made by him when ſecretary at war, purſuant to a power granted to him by the late Lord Treaſurer, is guilty of a high breach of truſt, and notorious corruption.

An amendment was propoſed to be made to the queſtion, by leaving out the words, "and notorious corruption:" which being diſagreed to, it was reſolved,

That Robert Walpole, eſquire, a member of this houſe, in receiving the ſum of five hundred guineas, and in taking of a note for 500 pounds more, on account of two contracts for forage of her Majeſty's troops quartered in North-Britain, made by him when ſecretary at war, purſuant to a power granted to him by the late Lord Treaſurer, is guilty of a high breach of truſt, and notorious corruption.

Reſolved, that the ſaid Robert Walpole be, for the ſaid offence, committed priſoner to the Tower of London, during the pleaſure of the houſe.

Reſolved, that the ſaid Robert Walpole be, for the ſaid offence, expelled this houſe.

23d. Ordered, that the Speaker do iſſue his warrant for electing a burgeſs, to ſerve in this preſent parliament for this borough, in the room of Robert Walpole, eſquire, expelled this houſe.

Feb. 23. A petition of the freemen, and free burgeſſes, of this borough, was read; ſhewing, that on Monday, the 11th of February laſt, being appointed for chuſing a member, to ſerve in parliament for this borough in the room of Robert Walpole, eſquire, expelled this houſe, Samuel Taylor, eſquire, was elected their burgeſs; but John Bagg, preſent mayor of the ſaid borough, refuſed to return the ſaid Samuel Taylor, though required ſo to do; and returned the ſaid Robert Walpole, though expelled this houſe, and then a priſoner in the Tower: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report it, with their opinion.

25th. Ordered, that the ſaid committee be diſcharged from proceeding upon the petition of the freemen and free burgeſſes of this borough, complaining of the return of Robert Walpole, eſquire, as a burgeſs, to ſerve in this preſent parliament, for the ſaid borough, notwithſtanding the reſolution of the houſe relating to him; and that Samuel Taylor, eſquire, was duly elected: and praying &c.

Ordered, that the houſe do conſider the ſaid petition on Thurſday ſeven-night.

Ordered, that the clerk of the Crown do then attend, with the return for the ſaid borough.

March 6. The houſe proceeded to take into conſideration the matter of the ſaid petition: and it was moved to call in the counſel; but diſagreed to.

Then the writ for electing a burgeſs for the ſaid borough, in the room of Robert Walpole, eſquire, expelled this houſe; and alſo the ſheriff of Norfolk's precept thereupon; and the indenture of return between the ſaid ſheriff, mayor, and burgeſſes of the ſaid borough, were read.

And then reſolved, that Robert Walpole, eſquire, having been this ſeſſion of parliament committed a priſoner to the Tower of London, and expelled this houſe, for an high breach of truſt in the execution of his office, and notorious corruption, when ſecretary at war, was, and is incapable of being elected a member to ſerve in this preſent parliament.

Reſolved, that Samuel Taylor, eſquire, is not duly elected a burgeſs, to ſerve in this preſent parliament, for the ſaid borough.

Reſolved, that the late election for a burgeſs, to ſerve in this preſent parliament for the ſaid borough, is a void election.

Ordered, that the Speaker do iſſue his warrant to the clerk of the Crown, to make out a new writ for the electing a burgeſs, to ſerve in this preſent parliament for this borough, in the room of Robert Walpole, eſquire; who is adjudged to be incapable of being elected a member to ſerve in this preſent parliament; and the election for the ſaid borough declared void.

March 29, 1712. A complaint being made to the houſe; that, although a warrant for a new writ was ordered, on the 6th inſtant, to iſſue a warrant for electing a burgeſs, to ſerve in this preſent parliament for this borough; and that the warrant iſſued the next day; and a writ ſoon after ſealed, and delivered to Mr. Briſcoe, the meſſenger attending the great ſeal; yet that the precept for the election was not brought to the borough the 26th inſtant; in prejudice of the ſaid borough, and right of elections.

Ordered, that the ſaid Mr. Briſcoe do attend this houſe on Monday morning, to give an account what is become of the ſaid writ.

31ſt. The houſe being acquainted, that Mr. Briſcoe, the meſſenger attending the great ſeal, attended according to order, he was called; and at the bar, examined what was become of the writ for electing a burgeſs, to ſerve in this preſent parliament, for this borough.

He acquainted the houſe, that the writ was ſealed the 10th inſtant; and that, upon the recommendation of ſome gentlemen, who ſaid, they knew one Mr. Cremer, an attorney of that country, to be a very honeſt man, and a man of buſineſs, who was going down, he delivered the writ to him on the 12th; who promiſed to deliver the ſame to the ſheriff on the 17th, and that it was not intended to be delivered ſooner, to avoid the confuſion of having the aſſizes and the election together: that Mr. Cremer had acquainted him by a letter, that he was to enquire for the high-ſheriff at Norwich, but that he was gone into Cambridgeſhire; and that the under-ſheriff was gone into Suffolk. He confeſſed, that Mr. Cremer was not the ſheriff's deputy, and that he did not take a receipt from him for the writ, as he doth not from thoſe he intruſts to deliver writs to ſheriffs, who are to take receipts themſelves from the ſheriffs. And, Mr. Briſcoe being withdrawn, the firſt ſection of the act of the 7th and 8th of his late Majeſty, for the further regulating elections of members to ſerve in parliament; and for the preventing irregular proceedings of ſheriffs and other officers, in the electing and returning ſuch members, were read; and alſo that part of the Journal of the 2d of December 1704, as related to Mr. Briſcoe in another caſe.

Reſolved, that Mr. Robert Briſcoe, having received the writ for electing a burgeſs, to ſerve in this preſent parliament for this borough; and having not delivered the ſame to the proper officer; is guilty of a neglect of his duty, in prejudice of the ſaid borough, and of the right of elections.

Ordered, that Mr. Briſcoe be, for the ſaid offence, taken into the cuſtody of the ſerjeant at arms, attending this houſe.

Oct. 20, 1715. Ordered a warrant for a new writ for electing a burgeſs, to ſerve in this preſent parliament for this borough, in the room of the right honourable Robert Walpole, eſquire, made firſt commiſſioner of the Treaſury, and Chancellor and Under-treaſurer of the Exchequer.

June 10, 1720. Ordered a warrant for a new writ for electing a burgeſs, to ſerve in this preſent parliament for this borough, in the room of the right honourable Robert Walpole, eſquire, made paymaſter of the forces.

June 10, Ordered, a warrant for a new writ for electing a burgeſs, to ſerve in this preſent parliament for this borough, in the room of Sir Charles Turner, knight, made a commiſſioner of the treaſury.

April 3, 1721. Ordered a warrant for a new writ for electing a burgeſs, to ſerve in this preſent parliament for this borough, in the room of the right honourable Robert Walpole, eſquire, made firſt commiſſioner for executing the office of Treaſurer of the Exchequer, and of Chancellor and Under-treaſurer of the Exchequer.

May 17, 1723. Ordered, a warrant for a new writ for electing a burgeſs, to ſerve in this preſent parliament for this borough, in the room of the right honourable Robert Walpole, eſquire, made principal Secretary of State.

MAIDSTONE.

Willis 1749. 28. THIS borough is in the county of Kent. It was incorporated by King Edward VI. and made a mayor town, and imprivileged to ſend members to parliament: but loſt this again on account of Wyat's rebellion, and regained it in the ſecond of Queen Elizabeth, as Dr. Willis writes. The memoirs relating to matters of election, I have met with, are theſe.

March 21, 1552. It is ordered, that Mr. Recorder and Mr. Serjeant Morgan, ſhall peruſe the charter of this borough, whether they may have burgeſſes in this houſe; and in the mean time, the burgeſſes there to be abſent out of the houſe, till it be fully ordered.

Jan. 5, 1701. A petition of Thomas Colepepper, eſquire, was read; ſhewing, that, at the election of burgeſſes, to ſerve in this preſent parliament for this borough, Sir Rob. Marſham, Tho. Bliſſe, eſq; and the petitioner were candidates; and upon caſting up the poll, Sir Robert Marſham had 506 votes, Mr. Bliſſe 339, and the petitioner 337; but Mr. Bliſſe, and his friends and agents, did, after the teſte of the writ, ſeveral times treat and bribe the electors, and in a tumultuous manner, with trumpets and horſemen, rode about the town, and broke open the doors and windows of ſome, and threatned and attempted to fire the houſes of others of the electors, who had declared in favour of the petitioner; whereby they were terrified from voting for him; and divers, that voted for Mr. Bliſſe, received alms, or lived in alms-houſes, and were unqualified to vote; ſo that the petitioner had the majority of legal voters, and ought to have been returned inſtead of Mr. Bliſſe: and praying &c.

A motion was made, and the queſtion put, to hear it at the bar; and diſagreed to. And then

Ordered, it be referred to the committee of privileges and elections to examine the matter and to report the ſame, with their opinion.

That it be an inſtruction to the ſaid committee, that they do hear the ſame on this day fortnight.

20th. Ordered, that they do hear the matter of the ſaid petition on Thurſday next in the afternoon.

31ſt. Ordered to be reported on this day ſevennight.

Feb. 8. Sir Rowland Gwynn reported from the ſaid committee the matter, as it appeared unto them, That upon the poll there were

For Mr. Bliſſe, 339.
For Mr. Colepepper, 337.

That the right of election was agreed to be in the freemen, not receiving alms or charity.

But the petitioner's counſel inſiſted, they ſhould take off eight, as almſmen, from Mr. Bliſſe's poll.

And Barwick, and others, ſaid, that Pollard and Woodgate received alms;

That Sabb ſaid, that Clapper had two ſhillings and ſix-pence weekly, ever ſince Eaſter; but is beadle; and he could not ſay whether he had it as beadle, or as a lame man; that the other two beadles have two ſhillings and ſix pence weekly; and Clapper has no other pay as beadle.

Barwick and Sabb ſaid, Downs had weekly relief out of the extraordinaries, ever ſince Chriſtmas; and Robinſon lives in a town alms-houſe, being allowed only houſe-rent; that Woodfield, Banks, and George Jeffreys, live in ſome alms-houſes given by Sir John Banks; and the latter was relieved the laſt year, before he went into the houſe, but doth not receive any now; and Woodfield is a ſmith, and carries on his trade.

That there had been ſeveral ill practices uſed by Mr. Bliſſe: and called Wright, who ſaid, when Woodfield was brought to poll, and ſaid, he would have been for the petitioner, but had orders to be for Mr. Bliſs.

Ravenhill ſaid, being at Marſhall's, who keeps the Crown and Sceptre in this town, Mr. Bliſs came and drank, and going away deſired to pay his reckoning, and pulled out a guinea; which Marſhall took up, and told the ſcores; and ſaid, there was ſixteen ſhillings to pay, and five ſhillings and ſix-pence to come in, which they drank, and afterwards their own two-pence each: he believed, there were ten preſent, whereof he named four, who voted for Mr. Bliſs; but ſaid, he voted for the petitioner; that he could not ſay, Mr. Bliſs aſked any of their votes; but at the ſame time gave his wife ten ſhillings for her brother, to pay an old debt.

Jeffreys owned, he had the ten ſhillings, which Mr. Bliſs owed him ten years, and had formerly refuſed to pay; and ſpoke much to the ſame effect, as to what happened at Marſhall's.

Webb ſaid, he kept a publick houſe; that Captain Bliſs came, and brought one Varnill with him, and called for a mug of ale, and drank with ſome others; that Mr. Bliſs aſked his vote, but he did not promiſe; whereupon Mr. Bliſs threw down three ſhillings, and went away. Webb ſaid, all the company, but himſelf, voted for Mr. Bliſs; but he voted for the petitioner.

Collins and Dawſon ſaid, they, and five others, on the 14th of November, were treated by Mr. Bliſs; who ſaid, he did not aſk their votes, but hoped they would be for him: one of them worked in his hop-garden, and five of them voted for him.

Hodges ſaid, Mr. Bliſs came to a public houſe, where he and ſome of his neighbours were, and ſaid, he hoped, none were there but friends, and threw down ſomething; and the landlord ſaid, the reckoning was paid; but could not tell, whether more than ſix-pence: and Hodges ſaid, he voted for the petitioner.

Poſton ſaid, he voted for Sir Robert Marſham and Mr. Colepepper; and was, on the Saturday before the election, at the Chequer, with twenty others, drinking Mr. Bliſs' health, and they had twenty pots of flip at leaſt: he was alſo at the Three Tuns, after the writs were out, and before the election, where they drank as much beer and brandy, as they pleaſed, and no money aſked, for Mr. Bliſs furniſhes both houſes. Poſton ſaid, Mr. Bliſs was not at either meeting; nor was there any talk of voting; nor did Mr. Bliſs invite any body.

Hill ſaid, Johnſon ſollicited votes for Mr. Bliſs, and offered him a bottle of wine, and ſaid, if that would not do, he would give him ten ſhillings; and the day before the election, there were, at the Chequer, beer, brandy, oyſters, bread, and cheeſe; that he paid nothing, and Mr. Bliſs threw down one ſhilling, and ſerves the houſe with drink.

White ſaid, he was at the Tuns, as mentioned by Porter, where were about twenty others; he ſaw no one pay, but Mr. Bliſs was not preſent: that he voted for the petitioner; for which Hooker, the maſter, was angry, becauſe he had drunk at Mr. Bliſs' coſt.

Boreman ſaid, he was at the Green Dragon, where were two freemen, and Captain Bliſs came in, and aſked the landlord's vote, but was refuſed; and Mr. Bliſs called for a pot, and left one ſhilling; which they drank out.

King ſaid, he was one of thoſe, who eat at the Chequer, and paid nothing; that Mr. Bliſs aſked his vote, and promiſed him work; and whiſpered him, that he would give him a piece of money.

Congrell ſaid, he was at Pearce's houſe a day or two before the election, and eat about three mouthfuls of victuals; that he voted for Mr. Bliſs, and after the election Pearce gave him two ſhillings.

Eaſton ſaid, he was no freeman; but four or five days before the election, he was at Badger's, where were about ſix, who drank to the value of one ſhilling; that he ſaw Mr. Bliſs give Ryder ſomething, which he thinks was the reckoning; that he did not pay; that there were alſo about twenty freemen treated at the Windmill, and Mr. Bliſs was there, and aſked the gentlemen, how they did, and ſaid they were welcome.

Coachman ſaid, a day or two before the election, about twelve were at the Chequer, where they had a dinner, and what they would drink; and the landlord, who voted for Mr. Bliſs, ſaid, it was his treat. He ſaid, there was no diſcourſe about votes; and he voted for Mr. Colepepper.

Suſan Fletcher ſaid, Mr. Bliſs deſired her huſband's vote, and ſaid he was a leading vote; and told her, if they did not chuſe him, they had as good take a rope and hang him; and if ſhe wanted five or ten pounds, ſhe ſhould have it.

Mortimer ſaid, Mr. Bliſs gave his wife ſix-pence, to treat two collar makers; and deſired him to make ſome of them people for him; but he could not.

Cavel ſaid, one called him to the Chequer; and he was deſired to be for Mr. Bliſs; and told, he ſhould come into Mr. Bliſs' houſe: afterwards Mr. Bliſs aſked his vote, but he voted for the petitioner.

Wright ſaid, upon the talk of diſſolving the parliament, Mr. Bliſs told him, he had no children, and ſhould remember his friends; and not complying with his requeſt, Mr. Bliſs told him, he might have reaſon to repent it;

That, on the 18th or 19th of November, ſome link boys broke his windows; and on the 20th, between eight and nine, there was a tumult of about twenty perſons got together, with a trumpet and a drum before them, who broke his windows, and frightened his wife into fits; and Moor, Mr. Bliſs' brewer, and one Mills, another of Mr. Bliſs' ſervants, were with them.

Mrs. Wattle ſaid, ſhe could ſay nothing as to the election; but ſaid, Mr. Bliſs came to deſire her intereſt; upon which Mrs. Wattle ſaid, ſhe told him, the King did not like him, and ſhe deſired to pleaſe the King; and Mr. Bliſs replied, "An uſurper! "and Kings would be arbitrary; and he could not "go out of his houſe, without being ready to "tumble upon a ceſs-book;" that ſhe made affidavit of this matter, and a tumultuous rabble the ſame day broke her windows.

The committee examined into the circumſtances of this matter; and ſhe gave an account, how ſhe made two affidavits of it; the latter being to ſupply the defect of time not mentioned in the firſt; but it being not ſtrictly to the matter, it was only mentioned in general.

For Mr. Bliſs, the counſel inſiſted, that there were more who received alms, who voted for the petitioner, than for Mr. Bliſs; and they would clear him from ill practices, and prove ſuch on the petitioner; And called Marſhall; who ſaid, the guinea, ſaid to be paid at his houſe, was given him as promiſed, when he took the houſe of Mr. Bliſs for houſe-warming; that at the time ſpoken of, there were ſeveral at his houſe, ſome not freemen; and ſome went away without paying: he denied any money was ſpent on the election; but Mr. Bliſs told him, if he

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drew any drink on that account, he would endanger his election.

And Wallis and Mills proved, Mr. Bliſs did promiſe Marſhall ſomewhat towards houſekeeping.——Mills ſaid, he was ſent to ſeveral of the public houſes, to forbid their treating on Mr. Bliſs' account: and Moor ſaid the ſame.

To diſqualify the petitioner's voters, Colliſon ſaid, Farringdon received alms of the pariſh; as did Corford three or four times; but not weekly, nor within half a year paſt: Howard received half an year ſince, being in priſon; and his wiſe had weekly pay the year before: that Gregſon was dumb; but it was owned, he bought and ſold: that Baptiſt is a foreigner, but carried on trade in this town.

To prove bribery; Heley ſaid, he came to London ſome time before the election, and got the names of ten freemen, and came back to this town: before the election, he went to London again, and Mr. Colepepper bid him get theſe freemen down, and uſe his own means: that Mr. Colepepper drew a bill on Lord Colepepper, and ignorantly gave the ſaid ten freemen in London, from ten to twenty-five ſhillings each, to bring them down; but ſome of them voted for Mr. Bliſs.

Copſtick, who lived in Southwark, ſaid, he had of Heley twenty-four or twenty-five ſhillings; and Symonds, another of them, ſaid, he had twenty ſhillings, and voted for Mr. Colepepper; but ſhould elſe have voted for Mr. Bliſs.

Leder ſaid, Mr. Colepepper laid down a guinea to drink at the Caſtle, and he, and other freemen, drank of it; and Mr. Colepepper deſired their votes, but he voted for Mr. Bliſs.

William Ward ſaid, the petitioner gave ten ſhillings to Comber, to be expended amongſt the freemen, four or five days before the election; and alſo ten ſhillings to Henry Ward, for the ſame purpoſe.

Thomas Symonds ſaid, the petitioner, about ten days before the election, gave him five ſhillings to expend amongſt the people; and Catlin told him, the petitioner gave him twenty ſhillings for his vote: Symonds voted for Mr. Bliſs.

George Ward ſaid, Mr. Colepepper put into his hands, at ſeveral times, two guineas for the freemen: and told him, if he would vote for him, the ſaid Ward ſhould get twenty pounds *per* year by his trade; and if he was turned out of his houſe, he ſhould live in an houſe of the petitioner's.

As to the libels and reflections by the petitioner; Wowſden produced a printed paper, which he ſaid was brought to his houſe by an unknown perſon, and brought to him by his man: and Mr. Taylor ſaid, the letter was Mr. Thomas Colepepper's hand: and the printed paper was read; and is called, "A letter to the freeholders and freemen of England."

Thacker ſaid, he was ſent by Mr. Thomas Colepepper to Dr. Smith for ſome papers; and he brought away with him about five quires, and gave the ſame to his maſter: and the next day, ſeveral freemen, that came to his maſter, when they came away, brought down papers with them; and one of theſe being produced, it appeared to be the ſame paper received by Mr. Wowſden, with Mr. Colepepper's letter.

And ſaid further, that on the 16th of November, Dr. Smith, Mr. Thomas Colepepper, and others, dined at Sir Thomas Colepepper's: and one ſaid, Mr. Howe had delivered an addreſs to the King, and the King had received it with a particular favour: Dr. Smith ſaid, it was a d—ſh lie, and the party would ſay any thing; but they muſt outlie them.

He alſo gave an account of ſome diſcourſe at Mr. Colepepper's, relating to what the petitioner ſaid to Mrs. Wattle; and that it was at firſt reported, Mrs. Wattle would deny it: after, he heard ſhe would do any thing to ſerve Mr. Colepepper, but would not take away Mr. Bliſs' life: and that, talking of this matter, one ſaid, if Mr. Bliſs would have given up, ſhe would not have ſwore it; and Mr. Colepepper ſaid ſo; and there were ſeveral other circumſtances, not pertinent to the election.

Swinnock ſaid, that Francis Brook deſired of Dr. Smith, to be kind to his neighbours: and Dr. Smith, ſaid, the tumultuous proceedings were a great matter in the petition; and they muſt make a riot of it, or Mr. Colepepper would loſe it in the houſe.

Wylet ſaid, that Thacker, when he lived with Sir Robert Guildford, pretended to be a papiſt, and went not to church.

The committee reſolved,

That Thomas Bliſſe, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for this borough.

That Thomas Colepepper, eſquire, hath been guilty of corrupt, ſcandalous, and indirect practices, in endeavouring to procure himſelf to be elected a burgeſs to ſerve in this preſent parliament for this borough.

The firſt reſolution, being twice read, was agreed to by the houſe.

The ſecond reſolution, being read a ſecond time, a printed libel (ſent in a letter by the ſaid Mr. Colepepper, mentioned in the ſaid report, intitled, "A letter to the freeholders and freemen of England") was read; and an amendment was propoſed, by adding theſe words after eſquire, "who was one " of the inſtruments in promoting and preſenting " the ſcandalous, inſolent, and ſeditious petition, " called the Kentiſh petition, to the laſt houſe of " commons;" and the ſame was, upon the queſtion, agreed to. And

Reſolved, that the houſe do agree with the committee in the ſaid reſolution ſo amended, That Thomas Colepepper, eſquire, who was one of the inſtruments in promoting and preſenting the ſcandalous, inſolent, and ſeditious petition, called the Kentiſh petition, to the laſt houſe of commons, hath been guilty of corrupt, ſcandalous, and indirect practices, in endeavouring to procure himſelf to be elected a burgeſs to ſerve in this preſent parliament for this borough.

Reſolved, that the aſperſing the laſt houſe of commons, or any member thereof, with receiving French money, or being in the intereſt of France, was a ſcandalous, villainous, and groundleſs reflection, tending to ſedition, and to create a miſunderſtanding between the King and his people.

Reſolved, that Thomas Colepepper, eſquire, is guilty of promoting the ſaid ſcandalous, villainous, and groundleſs reflection upon the ſaid houſe of commons.

Ordered, that the ſaid Thomas Colepepper, eſquire, be, for his ſaid offence, committed to his Majeſty's gaol of Newgate.

Ordered, that his Majeſty's Attorney-general do proſecute the ſaid Thomas Colepepper for the ſaid crimes.

Oct. 24, 1702. A petition of Sir Thomas Twiſden, baronet, and Thomas Bliſs, eſquire, was read; ſhewing, that the petitioners, and Sir Robert Marſham and Sir Thomas Roberts, were candidates at the late election of burgeſſes to ſerve in this preſent parliament for this borough; and the petitioners were duly elected, and ought to have been returned; though the other candidates, and alſo the mayor, jurats, and ſeveral freemen of this borough, did, by bribes and unlawful practices, procure divers electors to vote for Sir Robert Marſham and Sir Thomas Roberts, who have procured themſelves to be returned: . . . . and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

Dec. 4. Ordered, that the report be made on Tueſday next.

8th. Mr. Bromley, according to order, reported, from the ſaid committee, the matter as it appeared; viz.

That the right of election was not conteſted; but agreed to be in the freemen of this borough, not receiving alms. The poll was, for Sir Robert Marſham 410—Sir Thomas Roberts 348—Mr. Bliſs 293—Sir Thomas Twiſden 131. But the petitioners counſel inſiſted, that Sir Robert Marſham and Sir Thomas Roberts gained many voters by bribery and corruption: and called

Hoad; who ſaid, he lived at Canterbury: that Springate aſked his vote for Sir Robert Marſham and Sir Thomas Roberts, and ſpent a crown to treat him there: Ely alſo treated him for the petitioners, in order to know what he could ſay againſt Mr. Bliſs: that Fletcher gave him five ſhillings, to be for the ſitting-members; but owned, he voted againſt them, and when the money was given, ſaid, he was for them.—Hill proved him to be a man of no reputation, and a thief, &c.

Woodhouſe ſaid, Fletcher gave him five ſhillings at Canterbury, to vote for the ſitting-members; and treated him often: he owned, he promiſed, but voted againſt them.

Robert Smith ſaid, he lived at Canterbury; and Fletcher aſked his vote for the ſitting-members, and paid him five ſhillings for horſe-hire. He ſaid, the next day after he voted, Mr. John Smith gave him ten ſhillings for loſs of time.

Henry Smith ſaid, James Smith told him, the night before the election, he had been bribed, and if he would keep off, he ſhould have the ſame; and that Robert Salmon deſired his vote for the ſitting-members, and promiſed him thirty ſhillings; but he voted for Mr. Bliſs.

Robert Smith ſaid, Field ſaid, he would not vote, unleſs he had a debt of fourteen ſhillings paid by Sir Robert Marſham; which was done: and Cowper ſaid, unleſs Mr. Bliſs would give him thirty ſhillings, he would poll for the ſitting-members, for he could have it there. But Mr. John Smith, being examined, ſaid, he gave the ſaid Robert Smith the ten ſhillings, purely out of charity, having known him twenty-five years; which Robert Smith denied.

Coney ſaid, Walter Harris gave Auſtin ten ſhillings, to vote for Sir Robert Marſham and Sir Thomas Roberts.

Gatton ſaid, Cowper told him, he would not be for Mr. Bliſs, unleſs he would give him thirty ſhillings; for the others would give it: and Wood, one of the jurats, kept his mare two months, for voting for the ſitting-members.

Bell ſaid, Barrett treated him and Hodge with half a crown; aſking if they were for the ſitting-members. But Mulgrave ſaid, he was preſent, and ſaw no money given; which he ſhould have done, had it been ſo.

Green of Weſtminſter ſaid, Maſters and Geff gave him a guinea each; and alſo, as he went, ten ſhillings more; as others alſo had at Billingſgate, to vote for the ſitting-members.

Mary Allen ſaid, that Willard told her, he would not go to Maidſtone for Mr. Bliſs, unleſs he was ſatisfied; and at Billingſgate he ſhewed a guinea and ten ſhillings, and ſaid he was ſatisfied.

Bell ſaid, he heard Auſtin promiſe Mr. Bliſs; and afterwards was perſuaded by Mr. Weldiſh and Mr. Finch, to be for Sir Robert Marſham and Sir Thomas Roberts, for fear he ſhould loſe his work: and Auſtin ſaid, he had four ſhillings of Mr. Finch; but did not ſay for what.

Mrs. Vincent ſaid, Hughes, a journeyman ſhoemaker, came to her houſe, and ſhewed a guinea, and offered her a bottle of wine, which he ſaid he had of the ſitting-members; and after, ſhewed her another guinea, ſaying, all his money was not gone: He was ſent for twenty miles, to vote.

That Mr. Colepepper gave Downs and Robins one ſhilling each; and promiſed more another time, if they would be for the knights.

Hill ſaid, Gervaſe Hely promiſed to get him thirty ſhillings a week; his uſual wages, as a ſmith, being but twelve ſhillings. He owned, he aſked Hely for a guinea, which he refuſed him.

Ward ſaid, Sir Robert Marſham came with others to his houſe, and aſked his vote, and gave him money to give Pennell and Ward of Rocheſter; viz. for each, five ſhillings: but owned, neither of them voted for Sir Robert Marſham. But Edward Cutbuſh ſaid, Ward was of a bad character, and had made a falſe affidavit againſt him.

Stanley ſaid, that Fletcher ſaid, he had diſpoſed of twenty pounds for Mr. Palmer, and got thirty-two voters for the ſitting-members.

Cheeſeman ſaid, that Bromfield aſked his vote for the ſitting-members, but promiſed him nothing; but after the election, gave him five ſhillings for charges.

Maſon ſaid, Greenhill aſked his vote for the ſitting-members; and ſaid, he ſhould have thirty or forty ſhillings in his pocket.

Brook ſaid, that Maſſey told him, he deſigned to be for Mr. Bliſs; but was ſo promiſed and threatned by Mr. Weldiſh and Curtis, two of the jurats, that he was forced to be for the ſitting-members.

Swynyward ſaid, that he declaring himſelf for Mr. Bliſs, Mr. Wildiſh threatned to ſtrike him.

To prove aſperſions thrown on Mr. Bliſs,

Hammond ſaid, Gervaſe Hely, publickly in the ſtreet, ſaid, Captain Bliſs was a Jacobite, and took French money.

Dennis Vincent ſaid, that Gervaſe Hely ſolicited votes for Sir Robert Marſham and Sir Thomas Roberts; and came to his houſe ſeveral times, and abuſed Mr. Bliſs; and called him rogue and villain: But How ſaid, he was preſent, when Hely aſked Woodhouſe for his vote; and Woodhouſe declaring for Mr. Bliſs, Hely bid him be ſtedfaſt to him, and God bleſs him.

They ſaid, they had more evidence of this ſort, but left it here.

For the ſitting-members, was called

Hayward; who ſaid, he met Hayes in the ſtreet, and aſked his vote for Sir Robert Marſham and Sir Thomas Roberts; but he ſaid, he had twenty ſhillings of Mr. Bliſs, to be for him and Sir Thomas Twiſden, and would not go from his word.

Pattiſon ſaid, Mrs. Vincent gave him ten ſhillings from Mr. Bliſs, and bid him be true to the Captain; and he voted for Mr. Bliſs and Sir Thomas Roberts.

Hope ſaid, Harris aſked votes for Mr. Bliſs, and gave a man a guinea on the day before the election-day; and ſaid, it was to Mr. Bliſs' uſe; but did not know who the man was.

Jordan ſaid, Oſborn owed Mr. Bliſs twenty pounds; and Clark, a jurat, and another, told him, if he would vote for Mr. Bliſs, he ſhould be abated ten pounds; and that Mrs. Bliſs had promiſed the ſame.

Collins ſaid, Seawell told him, Mr. Bliſs gave him one ſhilling for his vote; and ordered him to take up a coat without paying for it. But Seawell ſaid, Mr. Bliſs gave him the ſhilling out of charity; and Mr. Bliſs ordered him to go to one Manly for a coat; which he was to pay for by two ſhillings weekly; and had paid part of the money.

Baker ſaid, Jeffries told him, he was a good vote for Mr. Bliſs; and he would give him five ſhillings to vote for him, and threw him down one ſhilling, otherwiſe he would ſend him to ſea: but ſaid, that Captain Bliſs, after being told of it, abuſed Jeffries for uſing his name.

Eleanor Kingſton ſaid, ſhe went to Mr. Bliſs, a fortnight before the election, to get off paying tax for the birth and death of a child; and Mr. Bliſs ſaid, he would do it, if her huſband would vote for him, and gave her ſix-pence.

Lane ſaid, Mr. Bliſs aſked his vote, and ſaid, if he loſt his work, he would get him work, or allow him ten ſhillings a week, whether he worked or not.

Caning ſaid, he voted for Mr. Bliſs formerly; and twice before the election, he gave him two ſhillings and ſix-pence each time; but he did not deſire him to promiſe.

Eaton ſaid, Mr. Bliſs aſked Hill for his vote, and gave him three ſhillings and ſix-pence.

Alliſon ſaid, Jenkins came to his father, and aſked, why he would not draw drink for him as well as another, and he would engage to ſee him paid; and ſeveral of Mr. Bliſs' voters drank there.

Short ſaid, Maſon put money in Raſell's hands, and ſaid "Bliſs only."

Jenkins ſaid, he had been troubled about a broad arrow on ſome of his iron; and Mr. Bliſs ſaid, if he would vote for him, what it coſt him after, he would pay the charge.

Hereupon, the committee reſolved,

That Sir Robert Marſham is not duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

That Sir Thomas Roberts is not duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

That Sir Thomas Twiſden, baronet, is not duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

That Thomas Bliſs, eſquire, is not duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

The ſaid reſolutions, being twice read, were agreed to by the houſe.

Reſolved, the late election of burgeſſes, for the ſaid borough, is a void election.

That no new writ do iſſue, during this ſeſſion, for the electing burgeſſes for the ſaid borough.

Reſolved, that Gervas Hely is guilty of indirect and corrupt practices, in order to the procuring members to be elected, to ſerve in parliament for this borough.

That the ſaid Gervas Hely be, for his ſaid offence, taken into cuſtody of the ſerjeant at arms, attending this houſe.

Dec. 1, 1710. A petition of Richard Beale, eſquire, was read; ſhewing, that the petitioner had been choſen a member, to ſerve in this preſent parliament for this borough, by a majority of legal voters, if Sir Robert Marſham (one of the candidates) and his agents, had not been guilty of bribery and ſeveral other indirect practices; and therefore the petitioner ought to have been returned: and praying &c.

Ordered to be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

MALDEN.

THIS borough is ſituate within the county of *Eſſex*. It firſt ſent members to parliament in the ſecond of Edward the third; and was incorporated in 1554, as Dr. Willis writes: but Mr. Prynn dates its firſt returns in the ſeventh of that King. The election ſeems originally to have been in the burgeſſes, by what appears in the return, in the thirty-third of Henry the ſixth; wherein it is ſet forth, that the indenture was *inter Humphred. Bohun, vic. Eſſex, et Robertum Burgeus, Ricardum King, Johannem Sakeyn, Johannem King, Thomam Salkin, et Johannem Comyn, teſtatur quod prædictus Robertus Burgeys, et omnes cæteri prænominati—de aſſenſu omnium burgenſium villæ de Maldon—eligerunt* (ſee the indenture in the Appendix.) I apprehend, it hath ever ſince, as other boroughs, returned; and of ſubſequent elections, and matters relating thereto, I meet with theſe memoirs.

Willis, 1749. 23. Br. Parl. Red. 200. Ib. 279.

D'Ewe's Journal, p. 429.

Feb. 7, 1588. Upon report this day, made by John Butler, eſquire, one of the burgeſſes for this borough, that William Vernon, gentleman, alſo returned the other burgeſs for the ſame, is ſick, and not able to give his attendance in the ſervice of the houſe; and likewiſe willing, and deſirous, that another be choſen to ſerve in his place:

It is ordered, that a warrant from this houſe be made to the clerk of the Crown, for chooſing another burgeſs, in the lieu and ſtead of the ſame William Vernon.

April 27, 1660. Mr. Turner reported from the committee, on the double return for this borough, That Henry Mildmay, eſquire, is returned by the bailiffs, aldermen, and burgeſſes; and Edward Harris, eſquire, by the burgeſſes only: and the opinion of the committee, that Henry Mildmay, eſquire, ought to ſit in the houſe, until the merits of the cauſe, touching the ſaid election, is determined: whereto the houſe agreed.

May 14. Mr. Turner reported from the ſaid committee, touching the ſaid returns, That, upon examination of the fact, the committee are of opinion, that as to the double returns of Henry Mildmay and Edward Harris, eſquires, by ſeveral indentures, the election is void: whereto the houſe agreed.

March 19, 1678. A petition of John Lamot Honeywood, eſquire, was read; complaining of an undue return of Sir John Brampſton, to ſerve in this preſent parliament for this borough, in injury of the petitioner, who was duly elected, and ought to have been returned.

Reſolved, that the ſaid petition be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Dec. 13, 1693. A petition of Richard Hutchinſon, eſquire, was read; ſhewing, that, on the 11th day of November laſt, the high-ſheriff of Eſſex's precept was delivered to the bailiffs of this corporation, for electing a member to ſerve in the room of Sir Thomas Darcy, deceaſed: that the bailiffs, in favour of Sir Eliab Harvey, the petitioner's competitor, delayed the election till the 7th inſtant; making ſeveral perſons free, not only ſince the death of Sir Thomas Darcy, but ſince the receipt of the ſaid precept, on purpoſe that Sir Eliab might carry the election; who was unduly returned, in prejudice of the petitioner's right: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Dec. 23. A petition of ſeveral of the inhabitants and freemen of this town, was read; ſhewing, that the ſaid town is a borough by preſcription; to which divers privileges have been added by charter, with a power to make by-laws: that, of late years, many gentlemen have had honorary freedoms, who have outvoted the petitioners, contrary to the intereſt of the petitioners, and their by-laws: that ſince the precept for the laſt election, in the room of Sir Thomas Darcy, deceaſed, ſeveral freedoms have been given; by which means, and the great partiality of the bailiffs, who denied a ſcrutiny of the poll, Sir Eliab Harvey has procured himſelf to be returned as the petitioners repreſentative; although Richard Hutchinſon, eſquire, was duly choſen by a majority of legal electors: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion; and that they hear it at the ſame time they hear the petition of Richard Hutchinſon, eſquire.

Jan. 18. Mr. Bowyer reported, from the ſaid committee, the matter touching the ſaid election, upon the ſaid petitions; That the plurality of votes on the poll, were allowed to be for Sir Eliab Harvey, by thirty-two. But for the petitioners, it was inſiſted, 1. That this is a borough by preſcription, and had power to make by-laws; and that, according to a by-law made there, that all freemen ſhould pay five pounds, at leaſt ſixty-one of the voters for Sir Eliab Harvey were not qualified, having not paid the ſaid money: alſo, there were ſome irregularities in the election.

They, as to the firſt, produced Mr. Atwood; who gave in a copy of an *inſpeximus* of a charter of Hen. II. *burgenſibus de Malden:* whereby their antient liberties, &c. were confirmed. He offered an extract of another record; but it was refuſed, becauſe an extract only.

The ſaid Atwood and Mr. Finch proved, there was ſuch a by-law, as was alledged, made about twenty-three years ſince; and that the ſixty-one were made free ſince that time, and had not paid their money: but ſaid, ſuch always voted at elections of parliament-men.

Mr. Stace, and Mr. Carr the town-clerk, and others, ſaid to the ſame purpoſe; and that the by-law was not now to be found; but taken out of the book; but by whom, or when, not known.

Coe ſaid, ten of the voters were admitted to their freedom ſince the teſte of the writ; whereof ſeven were for Sir Eliab Harvey, and three for the petitioner.

As to miſdemeanors—Atwood ſaid, they could not find the bailiffs on the morning of the election; but, meeting with Sir Eliab Harvey, he promiſed to give them notice when they would begin, but did not; but they had notice from another: That when the petitioner came to the election with his party, they cried out, "A Hutchinſon," and were threatned by Sir Eliab Harvey, who was there. That an old man who was for the petitioner, complained of being kicked, without redreſs. That Mr. Atwood demanded a ſcrutiny, and was refuſed by the bailiffs, as it would take up too much time.

Other witneſſes ſaid the ſame.

Sarah Gower ſaid, Pond, who was for Sir Eliab Harvey, gave her two ſhillings for to get her huſband's vote for Sir Eliab Harvey: that Mr. Brown, one of the bailiffs, offered her ten ſhillings before, and ten ſhillings after the poll, for the ſame purpoſe; but did not give her the money; and told her alſo, a gentleman, nameleſs, would give Jennings her brother, another freeman, a coat and a pair of breeches, if ſhe would perſuade him to the ſame; but both her huſband and brother voted for the petitioner.

For Sir Eliab Harvey, it was inſiſted, that he had a majority, as was admitted; that all the bailiffs, aldermen, and common-council, but one, voted for him, and moſt of the reſident freemen; that as to the by-law, if there was any, it was only relating to freemen who were made ſo in order to trade, and not honorary freemen; who always voted at elections for burgeſſes to ſerve in parliament.

This was proved by Sir John Brampton; who ſaid, he had known this borough many years, and had been high ſteward till turned out by Mr. Atwood in King James's time; that he had been at many elections for members of parliament; and theſe honorary freemen always voted, and never were diſputed, though there have been many controverted elections.

Mr. Carr ſaid the ſame: and he and Mr. Stokes ſaid, the election was fairly carried; and the poll taken in the uſual method; viz. the bailiffs firſt, then the aldermen and common-council, &c.

Upon this, the committee reſolved, that Sir Eliab Harvey, knight, is duly elected a burgeſs, to ſerve in this preſent parliament for this borough: whereto (it being twice read) the houſe agreed.

Dec. 23, 1698. A petition of William Fitch, eſquire, was read; ſhewing, that at the late election of burgeſſes to ſerve in this preſent parliament for this borough, Sir Eliab Harvey, Irby Montague, eſquire, and the petitioner, were candidates; and the majority of legal votes were for the petitioner, who ought to have been returned one of the burgeſſes for the ſaid borough; but by illegal and undue practices, the bailiffs were prevailed on to return the ſaid Mr. Montague, inſtead of the petitioner, to his wrong: and praying &c.

Ordered to be referred to the committee of privileges and elections, to examine the matter thereof, and report the ſame, with their opinion.

Nov. 16, 1699. A petition of the ſaid Mr. Fitch, the ſame in ſubſtance with the former, was preſented.

Ordered it be referred to the committee of privileges and elections, to examine the matter thereof, and to report the ſame, with their opinion.

Jan. 3, 1701. A petition of Irby Montague, eſquire, was read; ſhewing, that the petitioner was a candidate at the election of burgeſſes to ſerve in this preſent parliament for this borough; and the major part of the freemen, in whom the right of election is, voted for the petitioner; yet the bailiffs, town-clerk and others, by promiſes, threats and other illegal practices, influenced and affrighted ſeveral of the electors from giving their free votes; and the bailiffs and town-clerk refuſed to poll thirty perſons for the petitioner, who had a right, and as ſuch were called over by the ſaid magiſtrates to give their votes; and arbitrarily have returned John Comyns, eſquire, their recorder, as one of their burgeſſes, to the great injury of the petitioner: and praying &c.

Ordered to be referred to the committee of privileges and elections, to examine the matter, and to report the ſame, with their opinion.

21ſt. Ordered, the report be made on Tueſday next.

27th. Sir Rowland Gwyn reported from the ſaid committee, the matter, as it appeared, upon the ſaid petition: that upon the poll, taken by the bailiffs, the numbers were—for Mr. Comyns 141—for Mr. Montague 129. That the right of election was agreed to be in the freemen, not receiving alms or charity.

The petitioner's counſel inſiſted, that ſeveral perſons, who were freemen, and had a right to vote in this election, and did actually vote for the petitioner, were not inſerted in the poll; and alſo that the bailiffs had acted in a partial manner, in favour of Mr. Comyns. That there were thirty refuſed to be put in the poll. And called, to prove this,

Coe and Bucknall; who ſaid, they were all freemen, and called over as ſuch, and voted for the petitioner; but three voted for the petitioner and Mr. Fitch; and two of them for the petitioner and Mr. Comyns. Mr. Coe ſaid, twenty-four of them were excepted to for having received corn of the gift of Mr. Charles Montague, now Lord Halifax; four for receiving alms; and two others, viz. Mr. Wiſeman, as a perſon in debt, and Peter Tilbrook, becauſe it was pretended he borrowed five pounds, but offered to ſwear he did not do it; though if he would have voted for Mr. Comyns, he was promiſed twenty pounds.

And as to the diſtribution of the corn; Mr. Coe ſaid, that, in 1699, ſeveral neighbours wrote to Mr. Montague, now Lord Halifax, that corn being dear, by reaſon of the exportation, there were likely to be tumults in the town by the poor people; and in November, he waited on his lordſhip, and told him ſo: whereupon his lordſhip gave orders to diſpoſe of wheat to the poorer ſort on Chriſtmas-day, which he did, and alſo in April following; that it was given without diſtinction, only in reſpect to the poverty of the perſons; that neither the overſeers or magiſtrates were conſulted, he knowing the poor people; having been overſeer. The whole quantity was two loads, delivered out by one buſhel or two buſhels to each. That he could not ſay to whom he delivered the wheat, but believed the whole twenty-four excepted to, had it not; but none was given after April, 1700. That after the thirty had polled for Mr. Montague, the town-clerk aſked the bailiffs, whether he ſhould inſert them in the poll, and they refuſed it; and though theſe were not inſerted for the petitioner, ſome who had it, and polled for Mr. Comyns, were inſerted; and ſeventeen, who had it, did come to poll in 1700; but there was no poll, being no diſpute.

As to other practices, Chadd ſaid, Mr. Cockrell, the bailiff, threatned to take away his licence, becauſe he would not promiſe to vote for Mr. Comyns; but he voted for the petitioner; and it has not been demanded, nor is the time for renewing of licences yet come.

Richmond ſaid, he heard bailiff Taverner ſay after the election, if Mr. Comyns had but ſix votes, he would return him; and if they came to a new election, the petitioner ſhould not be choſen; for they had made thirty-three freemen, and would make it ſtrong enough to carry whom they pleaſed.

Bradley ſaid, ſome were talking with bailiff Taverner, that the petitioner would be parliament-man; and Mr. Taverner ſaid, he ſhould not: he knew a trick worth two of that.

The counſel for Mr. Comyns inſiſted, the corn was either alms or a bribe;—And to that matter they called

Stace, who ſaid, about two years ſince, wheat was diſtributed by Coe; that he ſaw forty come away with it in about four hours time; which wheat was carried away by the freemen and their wives; that the election before the laſt, ſome wheat had been given out, viz. to Marſh four buſhels, Norman two buſhels; and Marſh voted for the petitioner at this election. That he did not hear Coe ſay, why he delivered the wheat; nor does he know what wheat was refuſed to any; but he has aſked ſeveral, viz. Hubert, Perkins, and Oſborn, who had it, to vote for Mr. Comyns; but they ſaid, they were under obligations to the petitioner, having eat his bread and drank his wine; and were bound in conſcience to be for him: and Oſborn ſaid, Mr. Montague ſent his wife a bottle of ſack—

That three, who were excepted to for the petitioner, had alms of the pariſh.

To prove ill practices by the petitioner, was called

Stace, who ſaid, Mr. Coe treated ſeveral (as agent for the petitioner) on the day of the election; and Wood and Dilbrook owned, they were treated; that nine publick houſes were hired to treat for the petitioner, the Wedneſday after the laſt parliament was diſſolved; and the widow of a freeman's houſe was hired for this purpoſe, upon her brother's engaging for the petitioner, who would not have elſe ſo voted; but did now vote for the petitioner only.

That Stace was at Day's houſe, when Richmond and Coe came in, and beſpoke a treat that night there, for the parliament was diſſolved; and when Day ſcrupled to vote for the petitioner, Coe ſaid, they could not treat there, for they would treat with none but thoſe who voted for the petitioner.

That Straight ſaid, he had promiſed to vote for Mr. Comyns; but Coe told him he ſhould not be paid for the treat at his houſe, unleſs he voted ſingly for the petitioner; which he thereupon did. That Noaks owned, he could not be for Mr. Comyns, becauſe he had a treat at his houſe; and Coe had engaged him ſingly for the petitioner. That there were treatings alſo the ſame Wedneſday at Sizer's, Cook's, Day's, Chadd's, and Barlett's, who all voted for the petitioner. That ſeveral carried away as much drink, as ſerved their families a week or fortnight. That they believed, two or three of thoſe who had wheat, voted for Mr. Fitch and Mr. Comyns.

Cook ſaid, there was treating at his houſe for the petitioner, by Mr. Coe's order, the ſame night the petitioner came; and he was ordered to draw till eleven a clock; for they did not know but the writ might bear teſte after twelve: and his bill came to between ten and eleven pounds; but he was never aſked for his vote, but voted only for the petitioner; he is not paid, but expects it of Mr. Montague.

Day ſaid, Mr. Coe beſpoke a treat that day at his houſe, and it continued till about eleven at night. He ſaid, he was to treat all the freemen in general, and them only, and his bill came to ſeven or eight pounds. Wells ſaid, two days before the election, Coe gave him nineteen ſhillings; nine whereof were for two buſhels of wheat, he having no ſhare in the wheat two years ſince; and ten ſhillings for his vote at the laſt election: and Coe bid him not tell of the ten ſhillings, for it would void the election. He voted for the petitioner.

Mr. Bramſton ſaid, he was in the hall during the whole election; and not above one perſon, who voted for Mr. Fitch and Mr. Comyns were excepted to.

Mr. Montague's counſel called Stevens, who ſaid, the day before the election, hearing Wells talking with Stace and Gibſon, aſked him what they ſaid? he anſwered, they would have had him own he was bribed, but he ſaid, he had no money.

The counſel for Mr. Comyns produced the order of council for iſſuing the writs, dated the 11th of November, 1701.

Upon this, the committee reſolved, that John Comyns, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for this borough: which, being read twice, was agreed to by the houſe.

Reſolved, that it appears to the houſe, that William Coe, agent to Irby Montague, eſquire, hath been guilty of bribery and corrupt practices, in endeavouring to procure a burgeſs to be elected for this preſent parliament for the ſaid borough.

Ordered, that the ſaid William Coe be, for his ſaid crime, taken into cuſtody of the ſerjeant at arms, attending this houſe.

Jan. 22, 1711. Ordered a warrant for a new writ for electing a burgeſs for this borough, in the room of William Fitch, eſquire, made comptroller of the lottery.

March 26, 1715. A petition of Sir William Jolliffe, knight, and Samuel Tufnell, eſquire, was read; ſhewing, that at the laſt election of members for this borough, the petitioners, Mr. Serjeant Comyns, and Thomas Bramſton, eſquire, were candidates; and the petitioners were duly elected by a majority of legal votes: that the bailiffs of the ſaid borough admitted ſeveral perſons to vote for the ſaid Mr. Serjeant Comyns and Mr. Bramſton, who had no right; and refuſed to poll ſeveral perſons who offered to vote for the petitioners; and divers other irregular practices were uſed, in order to procure the ſaid Mr. Serjeant Comyns and Mr. Bramſton to be elected and returned; and the ſaid Mr. Serjeant Comyns refuſed to take the oath, directed by an act of the ninth of the late Queen, for ſecuring the freedom of parliaments, by the further qualifying the members to ſit in the houſe of commons; and the ſaid bailiffs have returned the ſaid Mr. Serjeant Comyns and Mr. Bramſton, though not qualified, to the prejudice of the petitioners: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

May 13. Ordered to be reported upon Tueſday next.

17th. Ordered to be reported to-morrow.

18th. Ordered to be reported on Friday next.

20th. Mr. Hampden reported the matter of the ſaid election, as follows.

That the poll was,

For Serjeant Comyns — 215,
Mr. Bramſton — 215,
Sir William Jollyffe 128,
Mr. Tuffnell — 168.

That the right of election was agreed to be in the freemen not receiving alms.

The queſtion was, touching the qualification of the freemen.

It was agreed, that perſons were intitled to freedom by birth after their fathers freedom; or by marriage of the daughter of a freeman ſo born; or by ſeven years apprenticeſhip to freemen.

And the diſpute was,

Whether freemen by redemption have a right to vote?

The petitioners counſel inſiſted, this was a borough by preſcription; and that freemen by redemption had no right to vote.

To prove this a borough by preſcription, were produced theſe returns.

33 Hen. VI. A return, *per burgenſes villæ.*

7 Ed. IV. A return, *per burgenſes burgi.*

The petitioner alledged, the incorporation began ſubſequent to theſe returns, when their name was changed: to prove which, they produced a return 17 Ed. IV. *per balivos burgi et comburgenſes*; and 12 and 16 Rich. II. and 9 Hen. IV. Three ſeveral grants from the crown of exemptions, *burgenſibus villæ*, for repair of their bridge.

26 Eliz. a return, *per balivos, aldermannos, capitales burgenſes, et communitatem burgi.*

The ſitting-members counſel inſiſted, this was a borough and a corporation, by preſcription; but whether it was a corporation by preſcription or not, yet that they had, time out of mind, admitted freemen by redemption; and that ſuch freemen had a right to vote in elections to parliament.

To prove which, they produced the following Journals of the houſe of commons.

Jan. 18, 1693. In the then controverted election, between Mr. Hutchinſon and Sir Eliab Harvey, when a copy was produced of an *inſpeximus* of a charter from Hen. II. *burgenſibus de Malden*; whereby their antient liberties and privileges which they had at the time of the King's grandfather, were confirmed to them; and it was teſtified by Sir John Bramſton, who had known the corporation many years, and was high-ſteward thereof, that honorary freemen had always voted in elections to parliament, many of which were controverted, but thoſe freemen never diſputed; and Mr. Carr, the town-clerk ſaid the ſame.

Dec. 14, 1699. The Journal in the then controverted election between Mr. Fytch and Mr. Montague, when the right of election was agreed to be in the free-burgeſſes; and perſons were admitted free-burgeſſes upon three ſeveral rights, viz. by being the ſon of a free-burgeſs, by apprenticeſhip, and by election: and

Jan. 27, 1701. The Journal in the then controverted election, between Mr. Montague and Mr.

Comyns; when the right of election was agreed in the freemen not receiving alms or charity.

To prove the antient uſage of admitting honorary freemen, the town-books were produced; and ſeventy-five inſtances were read of admiſſions to freemen for fines, or *gratis*, in the ſeveral reigns of Rich. II. Hen. IV. V. and VI. Ed. IV. Hen. VII. Philip and Mary, Eliz. and James I. and the petitioners counſel admitted, there were inſtances of the ſame nature in all ſubſequent reigns.

From whence the ſitting-members counſel inferred this to be a corporation by preſcription; or, that at leaſt, they had time out of mind admitted honorary freemen, which was what they contended for.

Mr. Richard Freeman, the town-clerk, ſaid, that honorary freemen had voted in all elections for ten years paſt; and produced the polls taken in 1693 and 1695, and another without date, where ſeveral honorary freemen voted.

The committee reſolved,

1. That the right of election of members to ſerve in parliament for this borough, is in ſuch freemen only as do not receive alms, and are entitled to freedom by birth, marriage, or ſervitude.

Then the petitioners objected to 113 voters for the ſitting-members, viz. 96, as diſqualified freemen, whoſe admiſſions to freedom ſince 1663, were read; of which 21 were admitted *gratis*, 47 by purchaſe, and 28 *jure hereditario*, as children or apprentices to freemen admitted *gratis*, or by purchaſe; 14 others were excepted to for bribery; 2 for receiving alms; and 1 for being disfranchiſed.

As to bribery they produced

Articles of agreement between Anthony Bramſton, eſquire, and the bailiffs, aldermen, head-burgeſſes and commonalty of this town, dated the 27th of Auguſt, 1714; whereby the ſaid Mr. Bramſton agrees to make up thirty guineas already advanced by the hands of Mr. Fytch, eſquire, ſix hundred pound for building the bridge of Malden.

And a letter dated the 1ſt of September, 1714, directed to the bailiff and capital burgeſſes of this town; wherein he takes notice of Mr. Tufnel's intention to ſtand, and what himſelf had done, and was willing to do, for the corporation; and deſiring them to exert their utmoſt endeavours in behalf of Serjeant Comyns and his couſin Bramſton.

September 1, 1714. A letter from the corporation in anſwer to Mr. Bramſton, ſigned by the bailiff and ſixteen of the chief burgeſſes; fourteen whereof voted for Serjeant Comyns and Mr. Bramſton; wherein they return him thanks for his ſteadineſs in the proceeding he had already made in the bridge affair; which they ſay they eſteem a very great ſervice to their corporation, and ſhall be always ready to make a due acknowledgement; and aſſure them of their votes and intereſt, as he deſired.

Stevens ſaid, he heard James Laurence, Matthew Whittaker, and Thomas Kemp, three of the ſixteen, own, they voted for Serjeant Comyns and Mr. Bramſton, on account of their bridge; and ten days before the election Beckwith told him, that Budey, who acted for Serjeant Comyns and Mr. Bramſton, gave him ten ſhillings for three mugs of beer.

Mayſant ſaid, that Bartlet and Chad, two others of the ſixteen, ſaid, they voted on account of the bridge.

Abraham Chinery ſaid, that John Bogard, an agent for the ſitting-members, gave him eight half crowns to vote for them; but ſaid, he ſhould have voted for them if he had not had the money.

Michael Croder ſaid, that Wall Reary owned he had a broad piece of gold.

For the petitioners, Abraham Francis and William Pollard were excepted to for receiving alms; and it was proved by Morris they received pariſh charity before and ſince the election.

John Cook was objected to, becauſe he was diſfranchiſed of the liberty of the borough, and removed from all privileges of an head-burgeſs.

It was alſo inſiſted, that ſerjeant Comyns' return is void, by his refuſal to take the oath of qualification: to prove which

Stevens ſaid, Mr. Coe and Mr. Mayſant, two of the voters, declared before the election, that the two candidates (the now ſitting-members) ſhould prove their qualifications; Coe ſaid ſo to both thoſe candidates in particular; and that Mr. Gibſon, the bailiff, took no notice of it; but went on with the poll.

Mr. Coe ſaid, he demanded the qualification of both Mr. Serjeant Comyns and Mr. Bramſton at the election before the poll began; that the ſerjeant replied, he did not think himſelf obliged to give it then; that Mr. Mayſant, another voter made the ſame demand; and while they were talking, the bailiffs went on with the poll; but owned the ſerjeant gave him a particular of his qualifications during the poll; which being five hundred pounds, he ſaid, he thought ſurely the ſerjeant was qualified; but that the others inſiſting on his qualification, and again demanding the oath, the ſerjeant replied, an oath was a weighty thing; and that he would not take a falſe oath for all the world, much leſs for that election.

Mr. Coe ſaid further, he ſtaid till the poll was over; and then they again demanded the qualification; and Sir Will. Jolliffe made the ſame demand: that he did not remember the ſerjeant named any time to take the oath, but refuſed to take it then. But he owned, that when he firſt received the particular from Mr. Serjeant Comyns, he promiſed to deliver it back again, but carried it away with him; and that night, after the court was adjourned, he returned it to the bailiff, at whoſe houſe the ſerjeant was to lodge.

Mayſant ſaid, the petitioners deſired him, and others, to demand the qualifications of the other candidates, the now ſitting-members, and they did ſo, before the poll began; but the ſaid candidates did not then take the oath: that the bailiff went on with the poll; and juſt as the court was over, they again demanded the qualification; Serjeant Comyns replied, that an oath was a ſacred thing; and that he would not take a falſe oath for the whole world, much leſs to qualify him for this corporation: but Mr. Bramſton, before he was declared, did take the oath.

In anſwer to this was called,

Mr. Edwards; who ſaid, he was at the beginning of the election; and after a poll was demanded, Mr. Coe ſtood up, and ſaid, to the ſitting-members, "Gentlemen, your qualifications, your qualifications:" to which Mr. Bramſton anſwered, he was ready to do it, and expected the like from the petitioners: Serjeant Comyns ſaid, he believed very few ſuſpected his qualification; but to ſave the time of the court, he thought it better to go on with the poll; and ſaid, he would do it afterwards. Then they proceeded in the poll, and after it ended, Mr. Coe came in with a paper in his hand, and ſaid, they had ſeen the ſerjeant's qualification and were ſatisfied with it; but demanded Mr. Bramſton's, and he produced it. That after proclamation was made, there was no demand, or refuſal of the ſerjeant's qualification: he alſo ſaid, he was at the table, and ſhould have heard if there had been any refuſal: what the ſerjeant ſaid was, that he was ready to take the oath of his qualification; which he would not do for all the world, unleſs he was qualified.

Mr. Richard Comyns ſaid, he was preſent during the whole poll; and before it began Mr. Coe, addreſſing himſelf to ſerjeant Comyns and Mr. Bramſton, ſaid, "Gentlemen, your qualifications, your qualifications." Mr. Bramſton replied, his was ready; another perſon ſaid, there was more reaſon to doubt the qualification of the others: upon which a diſpute ariſing, the ſerjeant ſaid, they need not diſpute that; he was ready to take the oath when they deſired it; then Coe and the others with him ſaid, Go on with the poll, and they did ſo: that after it was over, Coe came into court with a paper in his hand, and ſaid they inſiſted only on Mr. Bramſton's taking the qualification-oath.

He alſo ſaid, he heard no demand of the qualification in any other manner then Mr. Coe crying out at the firſt, "Your qualifications, gentlemen, "your qualifications," nor did he hear the ſerjeant once refuſe it; but ſaid, he was ready to take it when deſired.

Mr. Tyrrel ſaid, that when the poll was ended, Coe declared they were well ſatisfied with the ſerjeant's qualification; but demanded Mr. Bramſton's, which he gave them, and ſaid, he was ready to take the oath; that he did not hear any body require the ſerjeant to take the oath, nor did he refuſe to take it.

Mr. R. Freeman ſaid, there was a great croud at the election; that he had the care of the poll, and heard but little of the qualifications; he ſaw ſerjeant Comyns give a particular of his eſtate to Mr. Coe, who anſwered, very well, and that he was very well ſatisfied, or to that purpoſe: that he heard no particular demand of the ſerjeant's oath; and believes the ſerjeant was gone off the bench when Mr. Bramſton was ſworn: that he was preſent all the while, and did not hear any thing ſaid to the bailiff about the ſerjeant's being ſworn, or any complaint for want of it.

Mr. Thomas Gibſon the bailiff ſaid, that Mr. Coe at the beginning of the poll moved for the qualifications; and thereupon ſerjeant Comyns gave him a paper: that Coe after anſwered, he was well ſatisfied with the qualification: that the ſerjeant was not well, and went off the bench; and after he was gone, it was inſiſted on, that he ſhould take the oath; but there was no complaint of his not taking it; nor did he remember it was inſiſted on, or that Sir William Jollyffe ſaid any thing about it, till after the ſerjeant was gone: that Coe was a manager for the petitioners, and ſpoke for the reſt; and was the only perſon who ſtarted the queſtion about the qualifications.

That in anſwer to the petitioners objections to the 96, as diſqualified freemen, it was inſiſted on, that the ſons and apprentices of honorary freemen had a right to freedom; and being admitted, had a right to vote; which was denied by the petitioners counſel.

The committee reſolved,

2. That ſuch perſons who derive their right to freedom from honorary freemen in this borough, have not a right to vote in the election of members, to ſerve in parliament for the ſaid borough.

It was then inſiſted on by the ſitting-members counſel, that although ſeveral of the 96 perſons objected to, had purchaſed their freedom; yet, in reſpect of their being tradeſmen, and reſident in the borough, ſuch freemen had a right of voting: which was denied by the petitioners; who admitted they were by ſuch freedom intitled to all the privileges of the corporation, except that of voting for members of parliament.

The committee reſolved,

3. That perſons claiming their freedom by purchaſe, and exerciſing trades within this borough, have not a right to vote in the election of members to ſerve in parliament for this borough.

Four of the 96 voters for the ſitting-members who were objected to, having ſerved the town in parliament, it was inſiſted, that was a good qualification.

The ſitting-members counſel objected to 58 of the petitioners voters, diſqualified as being honorary freemen, or by redemption, or claiming under ſuch: and this appeared by the books.

The ſitting-members counſel inſiſted, that the bridge affair was a tranſaction between the corporation and Mr. Anthony Bramſton, their high-ſteward; and that the ſitting-members had no concern in it.

They then proceeded to juſtify the fourteen excepted to on that head; and read,

An order in the town-book, dated 13 *Jac.* I. for rating the inhabitants to repair their bridge; and,

April 21, 1714. A letter from the corporation to William Fytch, eſquire, deſiring an act of parliament might be obtained for building their bridge, by a duty of 12 d. *per* chaldron on coals, and onepeny *per* quarter on all grain on meal ſhipped off there: and

A petition under the corporation ſeal, intended to be preferred to the houſe of commons for that purpoſe: Alſo

A letter dated Auguſt 30, 1714, from Mr. Coe, to Mr. Anthony Bramſton; taking notice of his being that day to ſign writings for the bridge, and of Mr. Tufnel's encouragement to be a candidate; and propoſing that Mr. Thomas Bramſton, the ſitting-member, ſhould decline the election; and Mr. ſerjeant Comyns join with Mr. Tufnel, as a perſon who would do more for the town than any one ever had done.

Mr. Coe ſaid, about an year ago, ſome of the aldermen had bought timber for building of the bridge; and that Mr. Fytch and Mr. Anthony Bramſton undertook it before May 1714.

Mr. Lawrence ſaid, that in the latter end of May, or the beginning of June 1714, he laid in eighty pounds worth of timber by order of Mr. Fytch and Mr. Anthony Bramſton, for repairing the bridge.

To prove bribery and corruption on the petitioners part,

John Bowes was called; who named eight of the petitioners voters; and ſaid, they were treated at Chelmsford, the night before the election; and Mr. Tufnell, who was there, left word the reckoning was paid and went from thence next morning to the election: he named ten others treated at Mr. Coe's on the election day, and their votes aſked for the petitioners; but ſaid, he did not ſee any reckoning paid, nor hear any order given by any of the candidates for that purpoſe.

That Joſeph Sams gave him ſeven ſhillings and four pence to take up his freedom, and vote for Mr. Tufnell; which he did accordingly.

Newbold ſaid, that Stevens, who appeared for the petitioners, and paid the charge at public houſes for Mr. Tufnell, declared ſome time before the election, that if they would come in with Mr. Tufnell, they would lay out money enough to repair the bridge; would alſo build ſome alms-houſes; and Mr. Tufnell, who was a merchant, would take off ſome of their goods.

Cholmly ſaid, that Mr. Tufnell, a little after the Queen's death, and before the articles for building the bridge, expreſſed his deſire to ſerve the corporation; and ſaid, he would give three hundred pounds towards the building of the bridge; and if Mr. Serjeant Comyns would add three hundred pound more, it was well; if not, he would recommend a friend who ſhould make it up ſix hundred pounds; and ſaid the money ſhould be paid in fourteen days after his return to parliament.

Robert Batrum ſaid, that Mr. Leeper gave him 6s. 6d. to take up his freedom and vote for Mr. Tufnell, and ſix ſhillings more for his expences; or, he would have voted for the ſitting-members; and Mr. Leeper gave Thomas Waters ſix ſhillings and ſix-pence to take up his freedom, and twenty ſhillings more for loſs of time, and expences.

That upon the whole matter the committee reſolved,

4th. That John Comyns, ſerjeant at law, having, at the late election of members to ſerve in parliament for this borough, wilfully refuſed to take the oath of qualification, as is directed by an act of parliament of the ninth year of the late Queen, intitled, An act for ſecuring the freedom of parliaments, by the farther qualifying the members to ſit in the houſe of commons, though duly required ſo to do; and not having at any time before the meeting of this parliament taken the ſaid oath; his election is thereby void.

5th. That Thomas Bramſton, eſquire, is duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

6th. That Samuel Tufnell, eſquire, is duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

The firſt three reſolutions, being read twice, were diſagreed to by the houſe.

The fourth reſolution being read twice, Mr. Serjeant Comyns was heard in his place, and the ſaid reſolution agreed to by the houſe.

The other two reſolutions were alſo twice read and agreed to by the houſe; and the return ordered to be amended.

Oct. 18, 1722. A petition of Henry Parſons, eſquire, was read; ſhewing, that at the election of members to ſerve in parliament for this borough, the petitioner, John Comyns, and Thomas Bramſton, eſquires, were candidates: the petitioner had a majority of good and rightful pollers, and was duly elected and ought to have been returned; but by the partiality of the bailiffs of the ſaid borough, and by corrupt and illegal means uſed by the ſaid Mr. Comyns and Mr. Bramſton . . . and were accordingly returned; to the great prejudice of the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine and report the matter thereof, with their opinion.

Jan. 10, 1723. The petition of Henry Parſons, eſquire, in ſubſtance the ſame with the former, was read.

Ordered, that it be referred to the committee of privileges and elections, to examine and report the matter thereof, with their opinion.

Jan. 17, 1726. Ordered, a warrant for a new writ for electing a burgeſs, to ſerve for this borough, in the room of Sir John Comyns, knight, made a baron of the Exchequer.

MALMSBURY.

THIS is a borough within the county of Wilts, which hath returned members to parliament from the 26th of Edward I. The members were elected in the firſt and ſecond of Henry V. in the county-court, as appears by the indenture for the county. (See the Appendix.) The memoirs of ſubſequent elections, and of members in that reſpect, I have met with, are theſe.

B. P. R. 218. See the return of the county 2 Hen. V. in Appendix.

Jan. 7, 1673. A petition of Thomas Howard, eſquire, was read; complaining of an undue return made by Edward Browne, alderman and chief officer of this town, of Tho. Eſtcourt, eſquire, to ſerve burgeſs for this town in room of Sir Edw. Poole, deceaſed, in wrong of the petitioner.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

May 11, 1675. Sir Thomas Meres reported from the ſaid committee, the ſtate of the caſe concerning this election; and a vote thereupon; viz.

That Sir Thomas Eſtcourt is well elected, to ſerve in this preſent parliament, as a burgeſs for this borough: whereto the houſe agreed.

April 1. 1690. A petition of Craven Howard, eſquire, and Sir Thomas Eſtcourt, was read; ſhewing, that the petitioners were duly elected by eleven of the thirteen electors for this borough; nevertheleſs one Elias Ferrers and the ſheriff have returned Edward Wharton, eſquire, and Sir James Long, in prejudice of the petitioners: and praying a day to be heard, to make out the right of election.

Ordered to be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Dec. 12, 1698. A petition of Craven Howard, eſquire, was read; ſhewing, that Mr. Michael Wicks and Mr. Edward Pauncefort did, by divers indirect and corrupt practices of William Adey, an officer of this borough, and other their agents, procure themſelves to be returned as members, to ſerve in this parliament for the ſaid borough, in prejudice of the petitioner's right, who had a majority of votes duly qualified: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

Dec. 14. A petition of Sir Thomas Skipwith, baronet, was read; ſhewing, that at the late election of burgeſſes to ſerve in this preſent parliament for this borough, Mr. Michael Wicks and Mr. Edward Pauncefort did, by divers illegal and corrupt practices of William Adey, an officer of the ſaid borough, procure themſelves to be returned as members for the ſaid borough, in prejudice to the petitioner's right: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

March 22. Ordered, that the report be made on Monday next.

March 27, 1699. Ordered, that it be made on Wedneſday next.

29th. Sir Rowland Gwynn reported, from the committee, the matter touching the ſaid election upon the ſaid petitions. That the poll was— for Mr. Wicks 9;—for Mr. Pauncefort, 6;—for Mr. Howard 6;—for Sir Thomas Skipwith, 3.

The right of election was agreed to be in the alderman, and twelve capital burgeſſes:

And, one of them being abſent, there were only twelve electors, ſix of whom with the alderman were for Mr. Pauncefort, who had the alderman's caſting vote; and Mr. Howard had ſix, without the alderman.

That Sir Thomas Skipwith attempted to vacate the election for bribery: and for that, his counſel alledged they would call ſeveral witneſſes; viz.

Edward Brown, one of the burgeſſes who voted for Mr. Wicks and Mr. Pauncefort; and others, viz. Thomas Stubbs and James Croone, Richard Couch and Robert Young. But the petitioner's counſel owning, that the laſt four had given bond to Brown, to ſave him harmleſs from any damage the ſaid Brown might ſuffer by the diſcovery;

And Mr. Martin, a witneſs for Mr. Wicks and Mr. Pauncefort, teſtifying, that ſince the diſcovery he had made a bond by order of Mr. Stubbs, wherein the ſaid four perſons were to be bound to the ſaid Brown, to pay him a certain ſum of money, but how much he did not remember, for the damage he might ſuſtain, by reaſon of the diſcovery he had made; nor could he remember the condition.

The committee thought them all ſo affected by the bond, that they could not be witneſſes; though it was alledged, the bond was given up, and a releaſe produced by Brown to the ſaid parties: and ſo the counſel for Sir Thomas Skipwith did not proceed for their client.

But Mr. Howard's counſel, beſides the irregularity of the alderman's voting, did inſiſt upon ſeveral illegal and corrupt practices in the ſitting-members agents: and it appeared to the committee, that Mr. Pauncefort was very little acquainted in the borough; and was not there at the election.

But Mr. Pauncefort's counſel, in anſwer, called Mr. Eſtcourt, Sir Thomas Eſtcourt's brother; who ſaid, Sir Thomas had deſigned to have been a candidate; and did not determine not to ſtand, till the day before the election; when, being ill, he made over his intereſt to Mr. Pauncefort, and deſired Mr. Eſtcourt to act accordingly; which Mr. Eſtcourt did, and went to Joſeph Adey for his letter to William Adey in favour to Mr. Pauncefort, which he had; and upon delivery of it, William Adey promiſed not to oppoſe the ſaid Mr. Pauncefort.

That, as to the practices of the ſitting-members agents; Hays ſaid, he was preſent when the precept was publiſhed for the election; and he thought it was not in the uſual manner; for they uſed to be ſummoned to the town-hall, to conſider of it, which was not now done; but Mr. Adey, the deputy-ſteward, after it was read, adjourned to a tavern, or an ale-houſe, where the election was made.

Woodman ſaid, that John Adey, one of the burgeſſes, ordered him to diſtribute cyder and beer; which he did, to the amount of nine pounds, at ſeveral times, before the election, amongſt all the burgeſſes; and he told him, they would chooſe ſuch parliament-men as ſhould pay for it: and that, after the election, William Adey aſked for his bill, and offered him five guineas to diſcharge it; which he did not take, becauſe it was not his full due: but ſaid, he had threatned to ſue both the Adeys, before they offered to pay him.

Edward Brown junior ſaid, that, about a week after his father was gone from home, Adey gave him ten guineas to go after him and bring him back, or help him to the ſpeech of him; and two or three days after gave him another guinea; and told him, he had given his father money; and if he could not find him, he would void the election: that his father ſhewed him ſix guineas, three at one time, and three at another, which he ſaid he had of William Adey; and that William Adey deſired his father to vote for two he ſhould name, but did not name them; and it was ſaid, he knew their names himſelf.

Pawley ſaid, Adey told him, an hour after the election, he had not got much; for gold he ſaw none; but, however, he would engage, that the gentleman, who gave moſt money, ſhould be parliament-man for this borough.

Hamond ſaid, that in November laſt, having Adey in cuſtody by a warrant from the Chancery, proſecuted by Mr. Burnaby, Adey ſaid, Mr. Burnaby was in the wrong, for that the election would be made void; and he had as many voices at his command, that Mr. Burnaby might have been parliament-man.

For Mr. Pauncefort.

As to the alderman's vote, they called Huggins; who ſaid, he had been an houſekeeper in Malmſbury above ſixty years; and ſaid, the alderman, upon election of officers of the town, had always a caſting vote, in caſe his voice made the numbers equal, and has known it twice in the election of parliament-men; but could not name the perſons or time.

John Adey ſaid, he was offered ſixty guineas by Captain Stubbs to ſet aſide the election: that he underſtood, it was to have teſtified ſomething, by way of promiſes or gifts, by Mr. Pauncefort or Mr. Wicks: that he never heard of Mr. Pauncefort, till the day of election; and that he was choſen on Sir Thomas Eſtcourt's recommendation.

Bird ſaid, Mr. Wicks did not think of being candidate, till he put him in mind of it; and that he went down on Wedneſday before the election; and on Thurſday met Huggins, and told him, he came to repreſent Mr. Wicks, but that he had not ſpoken to any of the burgeſſes: thereupon Mr. Huggins went with him to the burgeſſes houſes, to deſire their votes; but he never went to a publick-houſe till the Monday before the election; and then there was a letter produced from Lord Wharton, wherein he ſaid, he would come down and make good his promiſes.

That, upon the whole, the committee reſolved,

That Michael Wicks, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for this borough.

That Edward Pauncefort, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for this borough.

The firſt of theſe reſolutions, being read twice; reſolved, the ſaid report be recommitted.

Ordered, that the matter, touching the election for this borough, be heard by the committee upon Friday fortnight, upon the recommitment.

Ordered, that the bond, mentioned in the report, given to Edward Brown therein named, be produced at the hearing of the ſaid cauſe.

April 16. Ordered, that the report be made on Monday next.

21ſt. Ordered, that the ſaid report be made on Monday next.

24th. Sir Rowland Gwynn reported, from the ſaid committee, a reſolution; viz.

That the counſel for the petitioners, declaring they cannot produce the bond given to Edward

Brown, ordered by the houſe to be produced, be not admitted to proceed in their evidence, touching the election for this borough: which, being twice read, was agreed to by the houſe.

Nov. 24. The ſame petition of Sir Thomas Skipwith was preſented, and read; and a motion made, to refer it to the committee of privileges and elections, to examine and report the matter, with their opinion: but diſagreed to.

Feb. 13, 1700. The houſe was informed, that Samuel Shepherd ſenior had been guilty of bribery at ſeveral corporations, in order to procure members to be elected into this parliament.

See Andover.

Ordered the matter of the charge to be heard at the bar of the houſe on Tueſday three weeks; and the names of the places, where the ſaid Mr. Shepherd was charged, ordered to be put into writing.

16th. The names being ſo put into writing, it appeared, that part of the ſaid charge was in relation to the election for this borough.

18th. A petition of Michael Wicks, eſquire, was read; ſhewing, that at the election of members, to ſerve in this preſent parliament for this borough, the petitioner, Mr. Pauncefort, and Mr. Samuel Shepherd junior, were candidates: that Mr. Shepherd was alſo a candidate for Wotton-Baſſet; at which place great ſums of money were profered, and many indirect practices uſed, to get Mr. Shepherd elected; but he, not ſucceeding there, came to this borough for that purpoſe, though an abſolute ſtranger to both boroughs, and by corrupt practices procured himſelf returned, in prejudice to the petitioner: and praying &c.

Ordered to be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

March 15. The houſe proceeded in hearing of that part of the charge againſt Mr. Shepherd ſenior, touching the election for this borough: and the counſel withdrew.

And Mr. Shepherd ſenior was heard in his place, and withdrew.

Reſolved, that it appears to this houſe, that Samuel Shepherd ſenior, eſquire, is guilty of procuring an election of a burgeſs to ſerve in this preſent parliament for this borough, by bribery and corruption.

Reſolved, that Mr. William Adey is guilty of bribery and corrupt practices, in procuring an election of a burgeſs to ſerve in this preſent parliament for this borough.

Ordered, that the ſaid Mr. William Adey be, for the ſaid offence, taken into the cuſtody of the ſerjeant at arms attending the houſe.

Ordered, that Mr. Shepherd junior do attend in his place upon Monday next.

See Wotton Baſſet.

17th. Mr. Shepherd junior attending, according to order, and the examination, touching the election for Wotton-Baſſet and this borough, being read, he expreſſed himſelf to the effect following:

That he was ſorry he was fallen under the diſpleaſure of the houſe: that the houſe had heard the evidence, and he ſhould not trouble them any farther about it, but ſhould ſubmit himſelf to the pleaſure of the houſe; and hoped they would make a favourable conſtruction of it: that he had a double affliction upon him; one, in relation to that; and, in the next place, that he ſhould deviate from the directions of his father, when he firſt heard that he was at Wotton-Baſſet: and he ſubmitted to the pleaſure of the houſe, and hoped he ſhould receive their favourable cenſure.

Ordered, that Samuel Shepherd junior, eſquire, be diſcharged from being a member of this houſe.

Jan. 14, 1701. A petition of ſeveral of the burgeſſes and inhabitants of this borough, on the behalf of themſelves, and divers others the burgeſſes and inhabitants of the ſaid borough, was read; ſhewing, that upon the diſſolution of the laſt parliament, William Adey, an attorney, and other his accomplices, did corruptly treat and contract with ſeveral perſons, in order to their being elected members for the ſaid borough in the enſuing parliament; and that Sir Charles Hedges, and Edward Pauncefort, eſquire, did, by thoſe and other unlawful practices, procure themſelves to be elected members for the ſaid borough: and praying &c.

Ordered, that the matter of the ſaid petition be heard at the bar of the houſe to-morrow fortnight.

16th. Ordered, that Daniel Park, and Mr. Gould of Dauntſey, ſchoolmaſter, do attend this houſe on the 29th day of this inſtant January, upon the hearing the matter of the petition touching the election for this borough, at the bar of this houſe.

28th. Ordered, that Daniel Park, eſquire, have leave to have counſel to-morrow, upon the hearing of the matter touching the election for this borough.

29th. Ordered, that the clerk of the Crown do attend this day, at the hearing of the matter touching the election for this borough, with the return of members to ſerve in parliament for this borough.

The houſe being informed, that Mr. William Adey of this town was at the door, with a ſum of money and a Bank-bill, given him in order to the late election for this borough.—He was called in; and, at the bar, delivered into the houſe a bag of gold, and a Bank-bill for two hundred pounds, which he ſaid he had received from Daniel Park, eſquire; and then he withdrew.

Then the houſe proceeded (according to order) to the hearing of the matter touching the election for this borough; and the counſel were called in, and heard; and witneſſes on both ſides examined; and the counſel withdrew.

Reſolved, that Sir Charles Hedges, knight, is duly elected a burgeſs to ſerve in this preſent parliament for this borough.

Reſolved, that Edward Pauncefort, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for this borough.

Reſolved, that the petition of ſeveral of the burgeſſes, and inhabitants of this borough is ſcandalous, falſe, and vexatious.

Ordered, that James Croone, one of the ſaid petitioners, be, for his ſaid offence, taken into the cuſtody of the ſerjeant at arms attending this houſe.

Ordered, that Edward Sanſum, one other of the ſaid petitioners, be, for his ſaid offence, taken into the cuſtody of the ſerjeant at arms attending this houſe.

Ordered, that Edward Brown, one other of the ſaid petitioners, be, for his ſaid offence, taken into the cuſtody of the ſerjeant at arms attending this houſe.

Ordered, that John Waite, one other of the ſaid petitioners, be, for his ſaid offence, taken into the cuſtody of the ſerjeant at arms attending this houſe.

Ordered, that Joſeph Hancock, one other of the ſaid petitioners, be, for his ſaid offence, taken into the cuſtody of the ſerjeant at arms attending this houſe.

Then the counſel were called in; and heard to a charge upon Daniel Park, eſquire, in relation to the election for this borough; and the counſel and witneſſes, againſt and for Mr. Park, were heard, and withdrew.

Reſolved, that it appears to this houſe, that Daniel Park, eſquire, is guilty of notorious bribery and corruption, in endeavouring to procure himſelf elected a burgeſs to ſerve in this parliament for this borough.

Ordered, that Daniel Park, eſquire, be, for his ſaid offence, taken into the cuſtody of the ſerjeant at arms attending the houſe.

Ordered, that Mr. Attorney-general do proſecute the ſaid Daniel Park, eſquire, for his ſaid crime.

Reſolved, that it appears to this houſe, that * Gould, ſchoolmaſter, is guilty of corrupt practices, in endeavouring to procure an election of a burgeſs for the ſaid borough.

Ordered, that the ſaid * Gould be, for his offence, taken into cuſtody of the ſerjeant at arms attending this houſe.

The Earl of Peterborough having been mentioned in the evidence given at the bar, in relation to the ſaid election; and a debate ariſing in the houſe concerning his Lordſhip; and the houſe being informed, that his Lordſhip deſired to be admitted to be heard;

Reſolved, that the Earl of Peterborough be admitted to be heard.

And the door being opened, his Lordſhip came in, and came up to the bar, where a chair was ſet for him a little within the bar, on the left hand as he came up; whereupon his Lordſhip repoſed himſelf a little while, covered; and then ſtood up uncovered; and was heard, leaving a letter from one Samuel Powell to his Lordſhip; and then withdrew: which letter was read.

A motion was made to adjourn till Saturday, which was diſagreed to: and, after a previous queſtion, it was reſolved,

That Charles Earl of Peterborough is guilty of divers indirect practices, in endeavouring to procure Daniel Park, eſquire, to be elected a burgeſs to ſerve in this preſent parliament for this borough.

Nov. 6, 1705. A petition of Edward Pauncefort and Thomas Boucher, eſquires, was read; ſhewing, that the petitioners, with Henry Mordaunt and Thomas Farrington, eſquires, were candidates at the laſt election of members to ſerve in parliament for this borough: that the ſaid Mr. Mordaunt and Mr. Farrington, by themſelves and their agents, did, by treats, bribery, and other illegal practices, procure ſeveral of the electors to vote for them, who otherwiſe would have voted for the petitioners; and by the admiſſion of others, not qualified to vote, have procured themſelves to be returned, in wrong to the petitioners: and praying &c.

Ordered to be referred to the committee of privileges and elections, to examine the matter thereof, and report the ſame, with their opinion.

Nov. 24, 1708. A petition of Edward Pauncefort, eſquire, was read; ſhewing, that at the laſt election of members to ſerve in parliament for this borough, Henry Mordaunt, Thomas Farrington, Thomas Boucher, eſquires, and the petitioner, were candidates: that the petitioner and Mr. Boucher had a majority of unqueſtionable votes; yet the ſaid Mr. Mordaunt and Mr. Farrington, by bribery and other illegal practices, prevailed with the alderman to return them, contrary to law, and to the petitioner's manifeſt wrong: and praying &c.

Ordered to be heard at the bar, on the 25th of January next.

Jan. 12. Ordered, that Mr. Pauncefort have leave to withdraw the ſaid petition.

June 9, 1715. Ordered a warrant for a new writ, for electing a burgeſs for this borough, in the room of Joſeph Addiſon, eſquire, made one of the Commiſſioners for Trade and Plantations.

April 16, 1717. Ordered a warrant for a new writ, for electing a burgeſs for this borough, in the room of Joſeph Addiſon, eſquire, made Secretary of State.

Oct. 18, 1722. A petition of Giles Earle and John Fermor, eſquires, was read; ſhewing, that at the election of members to ſerve in parliament for this borough, the petitioners, and the Lord Hilſborough of the kingdom of Ireland, and Sir John Ruſhout, were candidates: that the petitioners had a majority of legal votes; notwithſtanding which, Jaſmes Tyley, alderman, who is the returning officer, in wrong to the petitioner, returned the Lord Hilſborough and Sir John Ruſhout: that the ſaid Tyley held ſeveral courts at St. John's, the uſual place where the courts are kept, before the election; but adjourned the ſame from time to time, till at laſt he adjourned the ſame to the Abbey; at which place, though there did not appear ſuch a ſufficient number as the charter requires, yet the ſaid Tyley, by his warrant, ſent for two antient burgeſſes in cuſtody; and he, and his pretended court, took upon them, in an arbitrary manner, to deprive them of the right of burgeſſes, and refuſed their votes for the petitioners; and took upon him to admit the votes of two others, who were no burgeſſes, in favour of the Lord Hilſborough and Sir John Ruſhout: by which illegal proceedings, and by bribery, and other indirect practices, he has returned the Lord Hilſborough and Sir John Ruſhout, to the prejudice of the petitioners: and praying &c.

Ordered to be referred to the committee of privileges and elections, to examine and report the matter thereof, with their opinion.

Dec. 10. Ordered the report to be received on Thurſday morning next.

13th. Mr. Gybbon reported, from the ſaid committee, the matter of the ſaid election, as follows:

That the right of election was agreed to be in the alderman, and twelve capital burgeſſes.

The poll was, for the ſitting-members, each 8;
for the petitioners, each 5.

The petitioners alledged, they ſhould add two to their poll, viz. Joſeph Hancock and Richard Whithers; who were refuſed, as having been amoved from being capital burgeſſes in February laſt; whereas they inſiſted, the ſaid amoval was wrong, being by a minority of the corporation, and was void.

They excepted to three of the voters for the ſitting-members, viz. Charles Hudſon and John Browning; as having no right, becauſe choſen capital burgeſſes by a minority, in the room of Hancock and Whithers, who were illegally amoved; and againſt Thomas Gingell, as being *non compos*, and thereby incapable of declaring his vote at the time of the election.

That it was admitted, and appears by the charter, that this corporation conſiſts of one alderman, and twelve capital burgeſſes, and twenty-four aſſiſtants:

That the alderman and twelve capital burgeſſes, or the major part of them, are the governing part of the corporation; and by them the capital burgeſſes are to be elected out of the twenty-four aſſiſtants; and any capital burgeſs, or aſſiſtant, is amoveable by the alderman and capital burgeſſes for the time being, or the major part of them, *quoties res requiſierit, pro male ſe gerendo in officio, aut alia juſta et rationabil' de cauſa*; and, upon an equality, the alderman has a double vote.

That as to Hancock and Whithers,

Iſrael May ſaid, that on the 9th of February, Hancock and Whithers were ſummoned immediately to attend a court held at the Abbey, at the houſe of Amy Hanley, widow, by adjournment from St. John's Hoſpital, to anſwer a charge laid againſt them; and not appearing, a ſecond ſummons was ſent, to anſwer a heavy charge againſt them; and not appearing then, they were the next day taken, upon a warrant, and carried in cuſtody, to anſwer what was laid againſt them.

Mr. Shewring ſaid, that at this adjourned court, Whithers was aſked, by what authority he acted as a capital burgeſs; and it was objected to him, that he did not, at the time of his election into office, take the oaths required by law; and was therefore diſqualified: to which he anſwered, he could not tell what oaths he then took; but he took all that were adminiſtred to him.

Baker ſaid, that Whithers received the Sacrament at the pariſh-church, within a fortnight after his election; and took the oaths at the next quarter-ſeſſions.

That by evidence of Mr. Thomas Earle and Mr. Shewring, that the adjourned court, in February laſt, amoved Hancock and Whithers from being capital burgeſſes, and elected Hudſon and Browning in their ſtead; and this court conſiſted of the alderman, and five only of the capital burgeſſes then in being; of which five, Thomas Gingell was one: and Shewring ſaid, Gingell was then *non compos*, and could not do any thing but laugh.

That the admiſſion of Hancock to be a capital burgeſs was produced, under the corporation-ſeal, dated the 26th of May 1699, *jurat' coram*, Nic. Hayes, alderman.

Mr. Thomas Earle ſaid, that for ſeventeen or eighteen years, Hancock acted as a capital burgeſs; and was not excepted to till 1708, when the court of King's-Bench were moved for an information againſt him.

May and Mathews ſaid, that Whithers had, for fourteen years, acted as a capital burgeſs; and both he and Hancock, had all along enjoyed all the privileges of capital burgeſſes, and as ſuch do now enjoy their parts of burgeſs-lands:

That Hancock made a return of members to the laſt parliament:

That both he and Whithers were allowed to vote, and were taken upon the poll in 1709, without any objection:

But Collins, the town-clerk, ſaid, Hancock's vote was queried in 1705 and 1709.

Shewring and Mathews ſaid, that ſeven of the capital burgeſſes, preſent at the publick court held at St. John's Hoſpital, oppoſed the adjournment of that court, and refuſed to go to the Abbey; and only four, and the alderman, concurred in the adjournment.

Mr. Thomas Earle ſaid, that at the election of burgeſſes to ſerve in this preſent parliament, the poll of all the capital burgeſſes preſent being taken, the alderman declared the numbers; and that the ſitting-members had the majority; and after that, without the concurrence of the majority of the capital burgeſſes preſent, and without aſking their conſents, the alderman, of himſelf, adjourned the poll to the Abbey-houſe, to take the vote of Thomas Gingell, who, the witneſs ſaid, could not then ſpeak articulately, and, in his opinion, not capable of doing a rational act: when he was aſked who he voted for? he anſwered, Hilſborough and Floyd, as well as he could ſpeak. But he owned, the alderman uſed to adjourn the courts to private houſes, without putting any queſtion of adjournment, or aſking the conſent of the burgeſſes preſent; but it was looked upon as irregular. It appeared, that in Michaelmas term, 7 *Annæ*, there was a rule of the court of King's-Bench, that Joſeph Hancock ſhould ſhew cauſe, why an information, in the nature of a *quo warranto*, ſhould not be exhibited againſt him, for claiming to be alderman of this borough; and upon ſhewing cauſe, that writ was diſcharged.

In Trinity term, the like rule was made againſt Whithers, for claiming to be a capital burgeſs; which was alſo, in like manner, diſcharged.

Mr. Harcourt, who produced thoſe rules, ſaid, that the diſcharging the rules *niſi* had affirmed the titles of Hancock and Whithers.

Mr. Harcourt alſo produced a like rule of the ſame court, in Eaſter term laſt, againſt Gowen Hart, for claiming to be a capital burgeſs; and ſaid, the objection to him was, that he took only the oath of office, when he was elected a capital burgeſs; and did not take the other oaths appointed by law; and the town-clerk, who adminiſtred the oath of office, ſwore he adminiſtred no other oath to him at that time; Hart ſwore, he took all the oaths that were adminiſtred to him: the court ſaid, the fault was in the officer, and he ought to be puniſhed, and diſcharged the rule againſt Hart.

Mr. Harcourt alſo ſaid, that after eight or nine years acquieſcence, the King's-Bench would not ſuffer an information, in the nature of a *quo warranto*, to be filed, for not receiving the Sacrament, according to the corporation-act.

That new rules might be prayed againſt the ſaid perſons; but none had been prayed, nor would the court grant any for the ſame facts.

Robins ſaid, that Hancock and Whithers voted for the petitioners, but were not taken.

And it appeared by the poll, that the votes of Hudſon and Browning were taken for the ſitting-members.

The petitioners objected bribery againſt the ſitting-members, and their agents, and ill practices: and called

James Baker; who ſaid, Thomas Younge applied to him, to get his father-in-law (Whithers) over to Lord Hilſborough's ſide; and told him, that he knew a ſecret, which would diſburgeſs Whithers, who would be ruined, if he did not comply; but if he did, he ſhould have a double portion: and Samuel Hudſon ſwore, if Whithers did not come over to his (Lord Hilſborough's) intereſt, he ſhould be ruined; but if he did come over, he ſhould be made for ever: that Lord Hilſborough promiſed the witneſs, he ſhould be one of the twenty-four, and one of the capital, in the room of Gingell, who could not live long, if he would get Whithers over to his intereſt.

Johannah, wife of Gowen Hart, one of the capital burgeſſes, ſaid, that Lord Hilſborough, within a few days before the election, the 16th of March as ſhe remembred, offered her, at Mrs. Henley's chamber, two purſes, in which he ſaid were one thouſand guineas, to get her huſband's vote for him and Floyd, who was then another candidate; and ſhe telling his Lordſhip, that her huſband had promiſed his vote, and was unalterable where he promiſed; his Lordſhip then anſwered, he would then be the ruin of her huſband, and all his family; and would diſburgeſs him, and take away his eſtate: that at another time before this, his Lordſhip offered five hundred guineas to get her huſband's vote.

William Hart ſaid, that about three weeks before the writs iſſued, Lord Hilſborough ſent for him, and gave him four guineas to go down to this borough; and promiſed to give one hundred guineas to himſelf, and one thouſand to his father,. if he could get his vote for him (Lord Hilſborough); and the day before the election, his Lordſhip promiſed it again; and threatned, if he would not comply, it ſhould be ſworn againſt him, that he had not taken the oaths; and he ſhould be diſplaced from his office.

On the other ſide; as to Hancock and Whithers, the ſitting-members counſel inſiſted, that Hancock's election to be a capital burgeſs, in 1699, was by a minority of the body, and therefore void:

That, upon the election to be a capital burgeſs, he diſclaimed to be one of the twenty-four, and reſigned that office; and another was choſen an aſſiſtant in his ſtead:

That in 1704, being conſcious his election in 1699, was void, he deſired to be re-elected a capital burgeſs; but was then incapable, in regard he was not then one of the twenty-four:

That Whithers taking only the oath of office at the time of the election into the office of a capital burgeſs; and not taking at the ſame time the other oaths, according to law, his election was void.

Thomas Younge ſaid, he often acted for town-clerk, and, by direction of the alderman, ſwore Whithers into the office of a capital-burgeſs in 1708; and he then only took the oath of office:

That the alderman did not direct any other oath to be taken; nor did the witneſs (as he ſaid) then know any other oath was neceſſary.

That at the adjourned court in February laſt, he was examined upon oath to this point; and Withers, being at the court, aſked the queſtion, owned, that at the time of the election he took no oath, but the oath of office.

Philip Lloyd, eſquire, proved the confeſſion of Withers at that time.

Younge alſo ſaid, the election of Withers, to be a capital burgeſs, was at an adjourned court held 12th of November, 1708; when were preſent only the alderman and five capital burgeſſes, although there was then in being eleven capital burgeſſes, beſides the alderman; and Withers was elected on the double vote of the alderman; and he produced the poll, whereby it appeared there were other candidates beſides Withers; and that the alderman and five capital burgeſſes, who were all that were preſent, voted for Withers only.

That all courts have been adjourned at the pleaſure of the alderman; and the adjournment has been as well to private as public houſes; and denied that he ever ſollicited Withers' vote, or threatned to diſburgeſs him.

Collins, the town-clerk, ſaid he had been acquainted with the borough twenty years; that the alderman always. of himſelf, adjourned all courts of his own authority.

That when all the burgeſſes preſent at the ſaid election of burgeſſes to ſerve in parliament, had polled, the poll was adjourned at Lord Hilſborough's inſtance, to take Gingell's vote; and Gingell being aſked by the witneſs who he voted for, anſwered diſtinctly, for Lord Hilſborough and Sir John Ruſhout; and the poll was declared after he voted, and not before:—As to Hancock and Withers he ſaid, that upon Hancock's claiming and inſiſting he was a capital burgeſs, by virtue of his election in the year 1699; Hancock then declared, he was no longer one of the twenty-four; and afterwards James Tile, late alderman, was elected one of the twenty-four in his ſtead.

That in 1704, upon the deceaſe of Arnold, one of the capital burgeſſes, Hancock told them he had not been well elected a capital-burgeſs, and deſired to be elected *de novo*; for that his election in 1699, was by a minority, and thereupon he was, in 1704, re-elected; but was not then one of the twenty-four.

That the rule of the King's-Bench for an information againſt Hancock, *niſi cauſa*, was for claiming his firſt election in 1699; but, he ſhewing another election in 1704, the rule was diſcharged for that reaſon only. That all the capital-burgeſſes were ſummoned to the adjourned court in February laſt, which amoved Hancock and Withers; and Withers then owned he only took the oath of office, nor did he know any other was neceſſary.

Wayte and Webb ſaid, that only the alderman and three capital-burgeſſes were preſent when Hancock was firſt elected a capital-burgeſs, in 1699; and there were then in being eleven capital-burgeſſes, beſides the alderman.—That Tiley was elected one of the twenty-four, in the room of Hancock; and was one of the twenty-four upon the foot of that election, when Hancock was re-elected a capital burgeſs in 1704.

Webb ſaid, that Hancock was never elected one of the twenty-four, after he reſigned that office, when he was elected a capital-burgeſs, in 1699.

To prove bribery and corruption on the petitioners part were called,

Thomas Younge, who ſaid, that about an year ago, Mr. Thomas Earle, one of the witneſſes for the petitioners, and who appeared as a manager at the ſaid election, applied to him in behalf of Colonel Earle, and deſired him to ſollicit the burgeſſes to be for Colonel Earle; and declared he would in a few days lodge in the witneſs' hands two hundred pounds apiece, and more if that would not do, for as many burgeſſes as he could get; and propoſed getting ſeven or eight; but the witneſs refuſed to be concerned; and at another time after promiſed the witneſſes, that the Colonel would immediately give him a place under the government of one hundred pounds yearly; and it might in a little time be five hundred pounds yearly if he would do as he deſired; and ſaid, he had authority from the Colonel to make the offer.

Charles Wallington ſaid, that Mr. Shewring, who ſolicited voters for the petitioners, aſked his vote for them, and promiſed him two hundred pounds for it; and that his ſon ſhould have the firſt parſonage of one hundred and fifty pounds *per annum* that ſhould be vacant, in the gift of the Crown.

Mary Wallington ſaid the ſame, and that ſhe was preſent at the offer.

Mr. Wallington alſo ſaid, he was preſent at a converſation between Mr. Thomas Earle and Mr. Younge, who had been before examined; and confirmed what Younge had ſaid as to Earle's offering him, as by order of the petitioner Colonel Earle, a place of one hundred pounds yearly, which he ſaid might have been, for ought he knew, four or five hundred pounds *per annum*, by the time of the election.

Miles Martin ſaid, that ſome time before the election, Mr. Shewring declared, that he had the day before offered Mr. Wallington two hundred pound for his vote; and that he would have it, or give more the next day.

To diſcredit the evidence given by Johannah Hart, they called,

Philip Lloyd, eſquire, who ſaid, he was preſent all the time ſhe was at the place, where ſhe alledged Lord Hilſborough offered her two purſes of gold to get her huſband's vote; and nothing of that kind was offered, or diſcourſed of; only ſhe complained of bad uſage in former elections; but now, ſhe ſaid, ſhe was reſolved to make her fortune.

Mrs. Player ſaid, ſhe heard Mrs. Hart declare, ſhe had no money offered her; but that there might be money had, and ſhe would have money before it was over.

Suſannah Andrews ſaid, that ſhe heard Mrs. Hart declare, Lord Hilſborough never offered her any money.

That upon the whole the committee reſolved,

That Richard Withers was duly qualified to vote as a capital-burgeſs of this borough, at the late election of members to ſerve in parliament for this borough.

That Joſeph Hancock was duly qualified to vote as a capital-burgeſs, at the late election of members to ſerve in parliament for this borough.

That Trevor Lord Viſcount Hilſborough, of the kingdom of Ireland, is not duly elected a burgeſs to ſerve in this preſent parliament for this borough.

That Sir John Ruſhout, baronet, is not duly elected a burgeſs to ſerve in parliament for this borough.

That Giles Earle, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for this borough.

That John Fermor, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for this borough.

The ſaid ſeveral reſolutions, being twice read, were agreed unto by the houſe: and the return ordered to be amended.

MALTON.

THIS borough is ſituate in the county of York. Dr. Willis writes, it returned to two parliaments, Willis, 1749. 68. viz. in the 23d and 26th of Edward the firſt; B. P. R. 199. but Mr. Prynne takes notice only of the latter: and then ceaſed until the year 1640, when it was reſtored; of which, and memoirs relating to its elections, I have met with theſe.

Dec. 5, 1640. A motion was made for Malton and Allerton, two towns in Yorkſhire, that they had antiently ſent burgeſſes to parliament, but for a long time have diſcontinued. It was deſired, that it may be referred to the committee of privileges, to certify the ſtate of the matter, upon view of the record.

11th. Ordered, that the towns of Malton and Allerton in the county of York, which formerly (as appeared to the committee upon view of the record) ſent burgeſſes, but for ſome time had diſcontinued, be reſtored and remitted to their antient privileges of ſending burgeſſes to parliament; and that a warrant iſſue forth under Mr. Speaker's hand, directed to the clerk of the Crown in Chancery, to ſend forth a writ for electing of two burgeſſes, to ſerve in the preſent parliament for the ſaid towns.

Dec. 18, 1661. Serjeant Charleton made report from the committee of privileges and elections, touching the election of this borough; that they had proceeded in the examination thereof, upon the petition of Sir Thomas Gowre againſt the return made for Mr. Thomas Danby; and that Sir Thomas Gowre had the majority of voices; and the opinion of the committee, that the ſaid Sir Thomas Gowre was duly elected, and ought to ſit: whereto the houſe agreed.

March 3, 1672. A petition of James Heblethwaite, eſquire, was read; complaining of an undue return of William Leveſon *alias* Gower, eſquire, to ſerve for this borough in the ſtead of Sir Thomas Gower, knight and baronet, deceaſed, in wrong of the petitioner, who was duly elected and returned for that place.

And a croſs petition of William Leveſon *alias* Gower, eſquire, being read, making the like complaint of the undue return of Mr. Heblethwaite.

Ordered, that both theſe petitions be referred to the committee of elections, to examine the matter, and report the ſtate of the caſe, with their opinions, to the houſe.

22d. Ordered, that the committee of elections do, before the receſs, proceed in the matter concerning the double return for this borough, who are returned by the proper officers. No report appears to be made on theſe reſolutions.

Oct. 27, 1675. A petition of William Leveſon Gower was read.

A petition of the inhabitants of this town was read.

Ordered to be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

Feb. 26, 1676. A petition of William Leveſon Gower was read.

Ordered to be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

March 19. Mr. Leveſon Gower did this day diſclaim and renounce his election and return for this borough: which was agreed to by the houſe.

March 18, 1677. Sir Thomas Meres reported the caſe of this election for this borough, and the reſolution of the committee.

That Mr. Heblethwaite is duly elected to ſerve as a burgeſs in this preſent parliament for this borough: whereto the houſe agreed.

Ordered, that the clerk of the Crown do attend with the return for this borough and take off the indenture of Mr. Leveſon Gower, and amend the return.

May 23, 1685. A petition of William Palmes, eſquire, was read; complaining of an undue return and election of Mr. Fairfax and Mr. Worſley, as burgeſſes for this borough, to ſerve in this parliament, in injury of the petitioner, who was duly elected, and ought to be returned.

Reſolved, that it be referred to the committee of privileges and elections, to examine the matter thereof, and report the ſame, with their opinion.

June 3. A petition of the bailiff, burgeſſes, and inhabitants of Malton, touching the election for the ſaid borough, was read.

Ordered to be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Nov. 23, 1708. The houſe proceeded upon double returns; and the return for this borough being read; and alſo the petition of Thomas Worſley and Thomas Harriſon, eſquires, being read; ſhewing, that at the election of members to ſerve in this preſent parliament for this borough, the petitioners, and William Palmes and William Strickland, eſquires, were candidates; and the petitioners were duly elected, and returned by the proper officer, William Barton, bailiff of the ſaid borough, to whom the precept was directed and duly delivered; but Mr. Palmes and Mr. Strickland perſuaded one Nathanael Harriſon to act as borough-bailiff; who, without any precept, proceeded to a ſeparate poll, and polled many illegal voters, and procured them to ſign an indenture, and prevailed with the ſheriff to annex the ſame indenture to his return, to the petitioner's prejudice: and praying the ſaid pretended indenture may be taken off the file, or be otherwiſe relieved, as the houſe ſhall think fit.

And the petition of William Palmes and William Strickland, eſquires, was alſo read; ſhewing, the petitioners were duly elected burgeſſes, to ſerve in this parliament for this borough, and were ſo declared and returned by Nathanael Harriſon, gentleman, bailiff of the ſaid borough; yet one William Barton (a buſy attorney in the ſaid town) by illegal practices with one Daniel Copley, ſeal-keeper to the high-ſheriff, and others, procured to himſelf the cuſtody of the precept for election, and refuſed to deliver it to the proper officer, though often demanded; but took upon himſelf to affix it to an indenture, by him prepared, on behalf of Thomas Worſley and Thomas Harriſon, eſquires, (who were candidates at the ſaid election, and had a much leſs number of votes than the petitioners) and carried it to the ſaid Copley; and the ſaid bailiff Harriſon ſent his indenture to the high-ſheriff, who, upon examination of the matter, affixed it to the writ; but the other indenture, being likewiſe affixed thereto, made it a double return, whereby the petitioners are debarred from ſitting in the houſe, till the merits of the ſaid return are firſt determined: and praying &c.

Ordered, that the ſame be heard at the bar of the houſe on the 14th of December next; and that the clerk of the Crown do attend the houſe with the ſaid returns.

Dec. 13. Ordered, that the clerk of the Crown, and clerk of the petty-bag, do attend this houſe to-morrow morning, with ſuch returns and other records, as they have in their cuſtody, relating to this borough.

14th. The houſe proceeded, according to order, to hear the merits of the double return for this borough: and the counſel on both ſides being called in, the petitions were read; and ſeveral witneſſes on both ſides examined, touching the matters of the return; and the counſel being heard, they withdrew.

Reſolved, *nemine contradicente*, that William Palmes, eſquire, and William Strickland, eſquire, are duly returned burgeſſes, to ſerve in this preſent parliament for this borough.

Then the counſel were called in again, and heard touching the merits of the election; and alſo a witneſs was examined touching the notice given of the election; after which, the counſel withdrew.

Reſolved, that William Palmes, eſquire, is duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

Reſolved, that William Strickland, eſquire, is duly elected a burgeſs, to ſerve in this preſent parliament for this borough. And ordered the other return to be taken off the file.

March 30, 1715. A petition of Sir William Strickland of Boynton in the county of York, baronet, was read; ſhewing, that at the laſt election for this borough, the petitioner was one of the candidates, and had a majority of legal votes; but by the corruption of Thomas Wentworth ſenior, eſquire, and the arbitrary proceedings of William Barton, bailiff of the ſaid borough, by admitting ſeveral perſons to vote, who had no right; and took upon himſelf to make a falſe return to the prejudice of the petitioner: and praying &c. Alſo

A petition of ſeveral of the burgeſſes, electors for this borough, was read; ſhewing, that purſuant to a writ directed to William Barton, bailiff of the ſaid borough, for electing a burgeſs for the ſame, that ſeveral perſons were polled at the ſaid election, who did not pay ſcot and lot; and others living without the borough, pretending to be freeholders within the ſaid borough, were allowed to poll; all which proceedings were prejudicial to the privileges of the ſaid borough: and praying &c.

Ordered the ſaid petitions be referred to the committee of privileges and elections, to examine and report the matter thereof, with their opinion.

Feb. 7. Ordered, that the ſaid petitions be heard before the ſaid committee on the 26th of March next.

March 21. The houſe being informed, that the honourable Thomas Wentworth, eſquire, a member of this houſe, whoſe election for this borough is petitioned againſt by Sir William Strickland, baronet, and by ſeveral burgeſſes for the ſaid borough; and alſo a material witneſs for the ſaid Mr. Wentworth, are very ill, and not able to attend the hearing the matters of the ſaid petition before the committee of privileges and elections, on Monday next, as the ſame is appointed:

Ordered, that it be an inſtruction to the ſaid committee, that they do hear the matter of the ſaid petitions on the 23d day of April next.

May 11, 1716. Ordered leave be given to withdraw the ſaid petitions.

MARLBOROUGH.

THIS borough is ſituate in the county of Wilts; and returned members to parliament from the 26th of Edward the firſt, who were elected in the county-court in the firſt of Henry the fifth, as appears by the indenture for the county in that year (which ſee in Appendix.)

B. P. R. 219.

See the return for the county 1 H.V. in Appendix.

But in Mr. Prynne's liſt I find 7, 8, 9, 22, 24, 25, 26, and 34 of Edward the third, the ſheriff of Wiltſhire returned for this borough, "*Ballivi nullum dederunt reſponſum*;" from whence it appears, the chief officers were then the bailiffs. I meet with no other memoirs of its manner of election till ſince the Reformation, when theſe following occur.

Prynn's 4th Reg. 1059.

May 4, 1641. The petition of divers the inhabitants of this borough was this day received; and it is ordered to be referred to the ſame committee, as the other petition concerning this election is referred, where Sir Guy Palmes has the chair. I meet with no other memorandum of this petition, nor any thing relating thereto.

In the year 1680, it appears, a petition was preſented againſt the election of the Lord Bruce and Mr. Bennet: but it doth not appear who were the petitioners. Only

Dec. 16. Ordered, the report from the committee of privileges and elections touching the election for this borough be made on Tueſday morning next.

23d. Ordered, the ſaid report be received on the morrow morning.

24th. Mr. Treby reports from the ſaid committee, that they had agreed upon two reſolves, as follows.

That Thomas Lord Bruce is duly elected a burgeſs to ſerve in this preſent parliament for the ſaid borough.

That Thomas Bennet, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for this borough.

March 25, 1681. A petition of the burgeſſes of this borough was read.

Ordered, that it be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

Jan. 22, 1688. A petition of Nathaniel Bayley, gentleman, and others, on behalf of themſelves and the major part of the burgeſſes of this borough, complaining of an undue election and return for this borough, to ſerve in the preſent convention, was read.

Ordered to be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

April 1, 1689. Colonel Birch reported the matter of the ſaid election. That the queſtion was, whether the election ought to be by the mayor, and a ſelect number of burgeſſes; or, by the populacy, paying ſcot and lot.

For the petitioners, their counſel inſiſted, that there never was a mayor till Henry the fourth; and that of common right the inhabitants had a right, unleſs the contrary was proved. That the mayor was in time of memory as before; ſo he, and the ſelect number, could not preſcribe to have the right of election.

Alſo the number of burgeſſes was uncertain; ſometimes more, and ſometimes leſs. And they produced returns 28 Ed. I. *pro burgo*——33 Ed. I. *pro communitate burgi de Marlborough*——6 Ed. II. *pro burgo*——18 Eliz. a charter of mayor and burgeſſes to govern the town, with ſeveral *inſpeximus*'—Alſo 23 October, 1640, a return under the common-ſeal.

For the ſitting-members, the counſel inſiſted, that the right of election was in the mayor and ſelect number of burgeſſes, who were about fifty: and that Sir George Ernly had 46, and Sir George Willoughby had 45; and produced indentures 9 Henry IV. 36 Hen. VIII. 7 Edw. VI. 1 and 2 Mary: all mentioned to be under the common-ſeal of mayor and burgeſſes.

The town-clerk proved, he had lived in the borough ever ſince 1636, and was formerly clerk to a town-clerk, and took the poll on ſeveral elections, and had been himſelf in that office twenty five years; and never heard of any popular election till 1679, that the pretence of ſuch a right was ſet up: and that upon a conteſt touching that election, two perſons who are dead, and had been converſant about elections, teſtified and ſaid, the one for 60 and the other for 40 years, they never knew any election by the populacy.

That then was read the return made upon that election of Lord Bruce and Mr. Bennet; and the report and reſolutions thereupon, 24th of December 1680; whereby it appeared, that they, who had been choſen by the mayor and ſelect number, were duly elected.

That it was teſtified, that the free burgeſſes had divers privileges above the inhabitants; as, that they were toll-free, and that there was a cloſe of eighty acres always let to the free burgeſſes. And that the committee finding, both by the records and witneſſes, that the uſage of the election for the ſaid borough had been by the mayor and ſelect number of burgeſſes, had reſolved,

That the right of election of burgeſſes, to ſerve in parliament for this borough, is in the mayor and ſelect number of burgeſſes.

That Sir John Ernley, knight, and Sir George Willoughby, knight, are duly elected burgeſſes, to ſerve in this preſent parliament for this borough: whereto, upon their being twice read, the houſe agreed.

Dec. 3, 1695. A petition of Sir Giles Long, baronet, was read; ſhewing, that, at the election of burgeſſes for this borough, the petitioner, William Daniel and Thomas Bennet, eſquires, were candidates: that the election was made upon undue notice; many of the burgeſſes having no notice of the election, nor were ſummoned as was uſual; and many, that had a right to poll, were refuſed to poll for the petitioner; and ſome by threats were terrified to vote againſt the petitioner; ſo that, if all that had a right to vote, had been ſuffered to vote as would have voted for the petitioner, he had a majority of voices, and ought to have been returned as a burgeſs, inſtead of the ſaid Mr. Bennet: and praying &c.

Ordered, to be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

Dec. 5, 1710. A petition of John Pratt, ſerjeant at law, was read; ſhewing, the petitioner was duly elected and ought to have been returned a burgeſs, to ſerve in this preſent parliament for this borough; but the Lord Bruce, and James Bruce, eſquire, by divers illegal practices, procured ſeveral electors to vote for them; and the mayor hath returned them, in wrong to the petitioner: and praying ſuch relief &c.

Ordered, to be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

March 30, 1715. A petition of Gabriel Roberts and Francis Hayes, eſquires, was read; ſhewing, that the petitioners were candidates for this borough, and were duly choſen by the mayor and burgeſſes thereof; and that John Fowler, mayor of the ſaid borough did, by indenture duly executed between him and the ſaid burgeſſes of the one part, and the ſheriff of the ſaid county of the other part, return the petitioners; and delivered the ſame to the ſaid ſheriff, who accepted thereof: but one Roger Williams pretended mayor, though in no wiſe qualified, got poſſeſſion of the precept, and .... Sir William Humphryes and Joſhua Ward, eſquire, the other candidates, though not qualified according to the late act of parliament; and the ſaid Roger Williams annexed to the ſheriff's precept a return of the ſaid Sir William Humphryes and Joſhua Ward, eſquire, and hath returned them accordingly, although not duly qualified: and praying &c.

Ordered, to be referred to the committee of privileges and elections, to examine and report the matter thereof, with their opinion.

A petition of John Fowler, mayor, and alſo of the burgeſſes of this borough and town, was read; ſhewing, that Gabriel Roberts, and Francis Hayes, eſquires, ſtood candidates for the ſaid borough, and were duly elected: and the petitioner, John Fowler, mayor of the ſaid borough, by indenture duly executed and made between him and the burgeſſes of the one part; and the ſheriff of the ſaid county of the other part; did return the ſaid Mr. Roberts and Mr. Hayes as duly choſen; notwithſtanding which, Roger Williams pretending to act as mayor, though not qualified ſo to do, and having got poſſeſſion of the precept; and Sir William Humphryes and Joſhua Ward, eſquire, the other candidates, are returned by the ſaid Williams, although not duly elected: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter thereof, and to report the ſame, with their opinion.

Feb. 1. Ordered the committee of privileges and elections from proceeding upon ſo much of the petition of Gabriel Roberts and Francis Hayes, eſquires, as relates to the ſaid Mr. Hayes.

March 2. Ordered leave be given to the mayor and burgeſſes of this borough to withdraw their ſaid petition.

7th. A motion was made to inſtruct the committee of privileges to hear the matter of the ſaid petition of Gabriel Roberts, eſquire, on the 27th day of March inſtant, but refuſed.

Feb. 26, 1716. A petition of Gabriel Roberts, eſquire, was read; ſhewing, that the right of electing members to ſerve in parliament for this borough, hath, for time out of mind, been in the mayor and burgeſſes of the ſaid borough; and that John Fowler, mayor, did, by indenture duly executed, return the petitioner, and delivered the ſame to the ſheriff, who accepted thereof; but one Roger Williams pretending to act as mayor, though not qualified ſo to do, got poſſeſſion of the precept; and annexed a return thereto of Sir William Humphreys and John Ward, eſquire, who alſo were candidates, although they were not duly elected: and praying &c.

Ordered it to be referred to the committee of privileges and elections, to examine and report the matter thereof, with their opinion.

May 11, 1717. Ordered the report be received on Monday next.

13th. Mr. Hampden reported from the ſaid committee the matter of the ſaid petition, as follows.

That the petitioners counſel alledged, that Marlborough is a borough, and corporation, by preſcription.

That the right of election is in the mayor and burgeſſes only; and has always been determined ſo by the houſe.

That Sir William Humphreys was admitted to be duly elected.

That it appears by the poll, twenty-one voted for Mr. Roberts, and none for Mr. Ward.

Mr. Ward not appearing, nor any counſel for him, the committee were not informed, upon what pretence . . . was returned.

That the committee reſolved,

That the right of election of members to ſerve in parliament for this borough, is in the mayor and burgeſſes of this borough only.

That Joſhua Ward, eſquire, is not duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

That Sir William Humphreys, knight and baronet, is duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

That Gabriel Roberts, eſquire, is duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

The ſaid reſolutions being twice read, were agreed to by the houſe; and ordered the return to be amended.

MARLOW or GREAT MARLOW.

THIS borough is ſituate in the county of Bucks, and returned burgeſſes to parliament in the 28th, 33d, 34th and 35th of Edward I. and in the 1ſt and 2d of Edward II. and then ceaſed ſending, till the reign of King James I. when it was reſtored; whereof, and other ſubſequent memoirs, in reſpect to elections, I have met with theſe following.

Willis 1749. 5.

May 18, 1621. Sir George Moore reporteth, that three boroughs deſire burgeſſes in Buckinghamſhire, viz. Wendover, Amerſham, and Har. This by a marginal note in the Journal is wrote to be Marlow, and it appears ſo by what follows.——The houſe reſolved to be adviſed (upon the queſtion) and when they bring their charters to the committee of privileges, the King's counſel to be called in.

See Agmondeſham.

May 4, 1624. Mr. Glanville reporteth from the committee for Amerſham, Wendover, and Marlow.——Theſe proved to be boroughs, and as ſuch ſent burgeſſes 1 Edw. I. and from thence 28 Edw. I. and 18 parliaments between. Upon the queſtion, every of theſe to ſend two burgeſſes this parliament; and a warrant from the Speaker for new writs accordingly.

A miſtake but ſic orig.

Nov. 9, 1640. Mr. Maynard reports, that Mr. John Borlace and Mr. Ipſley were returned to the clerk of the Crown, to ſerve as burgeſſes for this borough; after which the under-ſheriff brought another indenture, wherein John Borlace and Mr. Hobby were returned; which laſt indenture was not accepted by the clerk of the Crown, becauſe he had a former return as aforeſaid: and the under-ſheriff owned, he was adviſed by the high-ſheriff not to make the return of the indenture, wherein Mr. Ipſley is returned; yet afterwards brought this indenture, which was formerly refuſed, and left it at the Crown-office, whereby came the queſtion of this double return. — The opinion of the committee was, that Mr. Borlace named in both indentures, ought to be admitted to ſit in the houſe. — 2d. That Mr. Hobby returned in the other indenture ought to forbear the houſe. — 3. That the under-ſheriff hath committed a miſdemeanor, and ought to be ſent for as a delinquent.

Reſolved, upon the queſtion, that Mr. Borlace is well elected, and a fit member to ſit in the houſe.

That Mr. Hobby is to forbear to ſit, till his election be determined.

That the under-ſheriff of the ſaid county of Bucks ſhall be ſent for as a delinquent.

19th. Reſolved upon the queſtion, that the election of the burgeſſes to ſerve in this preſent parliament, for this borough, is totally void; becauſe there was no due notice given to the electors, and therefore it is ordered, that all thoſe that are returned upon that election ſhall not ſit here upon that election: and it is alſo ordered that a warrant iſſue forth under Mr. Speaker's hand to the clerk of the Crown for a new writ for election of two burgeſſes to ſerve for this borough, inſtead of thoſe that are now returned upon this election thus void.

Ordered, that John Moore, for his miſdemeanors committed in the management of this election, ſhall be ſent for as a delinquent, by the ſerjeant at arms attending on this houſe.

Mr. Maynard reports,——That a precept was delivered to Mr. Moore for the election at this borough

N.B. This report ought to

have been before the reſolution, but it is thus inſerted in the Journal, therefore I inſert it here.

rough in due time.——That Moore being demanded the day before the election, if he had the precept or warrant for election, denied he had any precept; and yet the next day, which was the day of election of knights of the ſhire of that county of Bucks, a quarter of an hour before the election, produces the precept in the preſence of 20 or 30, and proceeds to election without any warrant or notice to any of the reſt of the town; whereupon Mr. Borlace and Mr. Ipſley were choſen burgeſſes. Opinion of the committee:——This is a void election, becauſe no timely notice for the election, and that doth avoid the whole election.——That a warrant for a new writ ought to go forth, and that it was a miſdemeanor in Moore.

Dec. 1ſt. This committee (viz. Mr. Selden, Mr. Hollys, Sir Thomas Widrington, Mr. Glyn, Mr. Maynard, Sir Edward Hungerford, Sir Simonds D'Ewes, Mr. Palmer, Sir Edmund Montfort, Mr. Perd, Sir Thomas Bowyer, Mr. Lane, Mr. St. Johns, Mr. Cage,) is to take into conſideration the queſtion between Mr. Borlacy and Mr. Hobby, with the circumſtances; and are to meet on Thurſday at two o'clock in the Exchequer chamber.

Jan. 5. Reſolved, upon the queſtion, that whereas Mr. Whitlock was long ſince choſen and returned a burgeſs for this borough, and that nothing as yet is come in againſt his election, that his election ſhall ſtand good, and not be queſtioned this parliament.

Jan. 13. Ordered, that the buſineſs concerning the election for this borough, between Mr. Hobby and Mr. Borlacy, be recommitted upon the whole matter to the former committee; and they are not to ſit, till they have leave from the houſe.——I find no further account of this election; but in the liſt of this parliament I find Mr. Hobby is inſerted, and it's wrote to be in the place of Gabriel Hippiſley, eſquire, and John Borlace, eſquire.

Willis, 1749.241.

Oct. 25, 1680. A petition of Thomas Hobby, eſquire, was read.

Ordered, to be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

Dec. 21. Sir William Poultney reported from the ſaid committee the matter touching this election;—that the committee had agreed upon ſeveral reſolves; viz.

That, in this borough, the inhabitants only, who pay ſcot and lot, have right to give voices in the election of burgeſſes, to ſerve in parliament, for this borough.

That Sir Humphrey Winch, baronet, is not duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

That Thomas Hobby, eſquire, is not duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

That the late election for this borough, as to the ſaid Sir Humphry Winch and Thomas Hobby, is a void election: whereto the houſe agreed.

June 3, 1685. A petition of Sir James Etheridge, knight, touching the election for this borough, was read.

Ordered, that it be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

March 22, 1689. The houſe taking notice, that, by the book of returns for this borough, there is a return in the manner following; viz. James Chace, eſquire, and Sir William Whitlock, knight, by one indenture, firſt brought in by the under-ſheriff, 4th of March; and James Chace, eſquire, and Ralph Bucknall by another indenture added by the high-ſheriff the 18th of March: and a debate ariſing in the houſe; the queſtion was put, that the ſaid return be a double return; which was diſagreed to.

Ordered the return, by which Mr. Bucknall is returned, be taken off the file.

Ordered, the clerk of the Crown do attend on Monday, to give an account concerning the ſaid return.

But he did not attend till the next day.

March 25, 1690. The houſe being informed that the clerk of the Crown attended at the door, according to the order of the houſe, to give an account touching the return for this borough; he was called; and at the table he gave the houſe an account touching his making the ſaid return; and afterwards did, according to the order of the houſe, take off the indenture, by which Mr. Bucknall is returned.

A petition of Ralph Bucknal, eſquire, was read; ſhewing, that James Chace, eſquire, and the petitioner were duly elected for this borough, by the majority of ſuch inhabitants who have a right to vote; and the indenture of return ſigned and ſealed by the conſtables, the proper officers of the borough, and the ſaid inhabitants; after which one of the conſtables was called out of bed, and prevailed with the other conſtable to ſign another indenture; wherein Mr. Chace and Sir William Whitlock were returned; which firſt indenture was delivered to the high-ſheriff, and a counter-part thereof ſigned and ſealed; but the indenture was not delivered in to the Crown-office at the ſame time with the other indenture, to the great wrong of the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Oct. 6. A petition, to the ſame effect, of the ſaid Mr. Bucknall, was read.

Ordered to be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

Nov. 21. Mr. Grey reported, from the ſaid committee, the matter of the ſaid election, as follows:—The queſtion was, of the right of election; and the petitioner inſiſted, the right of election was in the inhabitants and houſholders, not receiving alms; and the ſitting-members alledged, it was only in the inhabitants and houſholders, as paid ſcot and lot.—That the numbers on the poll, were—For Sir William Whitlock 126—for the petitioner 171.

For the petitioner, were called Ratcliff, Latimer, and others, who ſpoke as to ſeveral elections: that the election was, as alledged by the petitioner, except one in 1680, by ſcot and lot men only: that the perſons, who now polled, were called over by a liſt, agreed on by the candidates for that purpoſe; and did not hear any excepted againſt, for not being ſcot and lot men; and the petitioner was proclaimed by the conſtables duly elected.

For Sir William Whitlock, were called Smith, Whitlock, and others; who ſaid, in regard of the tumult, the poll was to be taken of ſuch as came; and afterwards to be ſubject to a ſcrutiny: and Mr. Whitlock ſaid, the conſtables were prevailed on by the bargemen to declare the petitioner duly elected; but afterwards being ſatisfied Sir William Whitlock had the majority of ſcot and lot men, they declared him ſo.

Law ſaid, Sir William Whitlock had 70 odd; Mr. Bucknall 31 or 32, who paid ſcot and lot.

For Sir William Whitlock, was read the Journal of the 21ſt of December 1680; wherein it is reſolved, that the inhabitants only, who paid ſcot and lot, had a right to elect.

That, upon the whole, the committee reſolved,

That, in this borough, thoſe inhabitants who paid ſcot and lot have a right to vote in the election of burgeſſes to ſerve in parliament for this borough.

That Sir William Whitlock is duly elected a burgeſs to ſerve in this preſent parliament for this borough: which, being read twice, were agreed to by the houſe.

Nov. 27, 1708. A petition of ſeveral of the inhabitants of this borough, whoſe names are thereunto ſubſcribed, was read; ſhewing, that at the late election for members to ſerve in parliament for the ſaid borough, the candidates were the Lord Archibald Hambleton, Sir James * Etheridge, and James Chaſe, eſquire; that the right of electing members is in all the inhabitants, living within the ſaid borough, except thoſe who receive alms from the ſame; that the petitioners gave their votes for the ſaid Lord Archibald Hambleton, and he was elected by a majority of the ſaid electors, and ought to have been returned; yet Sir James Etheridge and Mr. Chaſe are returned; whereby the petitioners are unduly repreſented.

Ordered, that the merits of the ſaid petition be heard at the bar on the 16th of April next.

Another petition of ſeveral of the inhabitants of the ſaid borough having been left with the clerk of this houſe, complaining alſo of the election and return of James Chaſe, eſquire, to ſerve for the ſaid borough; and all the perſons, who had ſubſcribed the ſaid petition, having ſince ſent to him a writing ſigned by them, deſiring, that the ſaid petition may be withdrawn,—Ordered that the ſaid petition may be withdrawn.

Dec. 2, 1710. A petition of ſeveral burgeſſes of this borough, in behalf of themſelves and other burgeſſes of the ſaid borough, paying ſcot and lot, was read; ſhewing, that at the late election of burgeſſes, to ſerve in this parliament for this borough, Robert Gray and John Martin, the conſtables, behaved themſelves very partially on behalf of Sir James Etheridge and George Bruere, eſquire, and admitted ſeveral perſons to poll for them, who had no right; and Sir James, Mr. Bruere, and their agents, uſed indirect practices, and unjuſtly prevailed on the conſtables to make a double return of James Chaſe, eſquire, and Mr. Bruere, although Mr. Chaſe was duly elected, and ought to have been returned: and praying &c. Alſo

A petition of James Chaſe, eſquire, was read; ſhewing, that Thomas Coventry, eſquire, Sir James Etheridge, and George Bruere, eſquire, were candidates, at the election of members to ſerve in parliament for this borough, and the petitioner was duly elected; but by the indirect practices of Sir James and Mr. Bruere, and the partiality of Robert Gray and John Martin, conſtables of the ſaid borough, they have made a double return of the petitioner and Mr. Bruere, although Sir James and the petitioner had the majority of Mr. Bruere, and they ought to have been returned: and praying &c. Alſo

A petition of George Bruere, eſquire, was read; ſhewing, that at the election of burgeſſes to ſerve in this preſent parliament for this borough, the number of votes on the poll, for each candidate, are —

For Sir James Etheridge,	107.
For the petitioner,	74.
For James Chaſe, eſquire,	74.
For Thomas Coventry,	29.

That the returning officers have returned Sir James Etheridge, as duly elected, and the petitioner and Mr. Chaſe, to have equal votes. That the petitioner was duly elected, ſeveral voters for Mr. Chaſe not being duly qualified, and others were procured to vote for him by illegal practices: and praying &c.

Ordered, the ſaid ſeveral petitions be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

Dec. 8th, Ordered, the ſeveral petitioners have leave to withdraw the ſaid petitions. And the houſe, being informed that Mr. Chaſe waved his return for the ſaid borough;—Ordered the clerk of the Crown do attend on the morrow morning, to amend the return, by taking off the indenture whereby Mr. Chaſe is returned.

March 3, 1713. A petition of William Bucknall, eſquire, was read; ſhewing, that Sir James Etheridge, George Bruere, eſquire, and the petitioner, were candidates at the election for this borough: that although the petitioner was duly elected, yet the ſaid George Bruere and Sir James Etheridge, by procuring ſeveral who had a right, and offered to vote for the petitioner, to be refuſed; and by procuring others who had no right, to be admitted for themſelves; and, by the indirect practices of them and their agents, have procured the ſaid George Bruere, eſquire, to be returned, in wrong of the petitioner: and farther, the petitioner believes that at the time of the election, the ſaid Mr. Bruere was not qualified, according to act of parliament: and praying &c.

Ordered it be referred to the committee of privileges and elections, to examine and report the matter thereof, with their opinion.

March 30, 1715. A petition of ſeveral of the inhabitants of this borough, in behalf of themſelves and ſeveral others, who have a right of election of members to ſerve in parliament, was read; ſhewing, that the right honourable the Lord Shelburne, James Chaſe, eſquire, George Bruere and Vincent Oakley, eſquires, were candidates for the ſaid borough: that after a poll was demanded, there was a private agreement made, without the conſent of the petitioners, that James Chaſe and Vincent Oakley, eſquires, ſhould deſiſt; and the ſaid Lord Shelburne, and George Bruere, eſquire, ſhould be declared elected: and that the petitioners are very well aſſured, that the ſaid George Bruere, eſquire, is not qualified according to law; notwithſtanding which, the conſtables have returned the ſaid George Bruere, in prejudice of the petitioners: and praying &c.

Ordered to be referred to the committee of privileges and elections, to examine and report the matter thereof, with their opinion.

A petition of John Gray, Steph. Gray, Rich. Holloway, John Martin, and John Webb, inhabitants paying ſcot and lot within the ſaid borough, was read; ſhewing, that at the election for the ſaid borough, the right honourable the Lord Shelburne, Vincent Oakley, George Bruere, and James Chaſe, eſquires, ſtood candidates: that a poll being demanded by the petitioners, but no poll was taken: that the ſaid Lord Shelburne has procured himſelf to be returned; but the ſame was procured by bribes, and other illegal practices, of the ſaid Lord Shelburne, and agents; nor that the ſaid Lord Shelburne, as the petitioners believe, is not duly qualified to ſit: and praying &c.

* Etrick in the Journal.

Ordered it be referred to the committee of privileges and elections, to examine and report the matter thereof, with their opinion.

March 5, 1716. A petition of ſeveral inhabitants of this borough, in behalf of themſelves and ſeveral others, who have a right of election for members to ſerve in parliament for this borough, was read; ſhewing, that the right honourable the Lord Shelburne, James Chaſe, George Bruere and Vincent Oakley, eſquires, were candidates for the ſaid borough; and that, after the precept was opened and read, a poll was demanded (there being a private agreement made, without the conſent of the petitioners, that the ſaid James Chaſe and Vincent Oakley ſhould deſiſt; and that the Lord Shelburne and George Bruere ſhould be declared elected): the petitioners often demanded a poll, being averſe to be repreſented by the ſaid George Bruere, who, they were aſſured, was not duly qualified, according to law, to be a member; but the conſtables of the ſaid borough returned the ſaid George Bruere, contrary to the laws of the land: and praying that the qualification of the ſaid George Bruere may be examined into; and that they may have the privilege of being repreſented by perſons of landed intereſt.

Ordered, that it be referred to the committee of privileges and elections, to examine and report the matter thereof, with their opinion. Alſo,

A petition of * Joſeph Gray, Stephen Gray, Richard Holloway, John Martin, and John Webb, inhabitants paying ſcot and lot within this borough, * Sic orig. was read; ſhewing, that the right honourable the Lord Shelburne, of the kingdom of Ireland, Vincent Oakley, George Bruere, and James Chaſe, eſquires, were candidates; who being met at the uſual place, the ſheriff's precept was read, and a poll demanded; the petitioners expected a poll would have been taken; and no poll was taken: that the ſaid Lord Shelburne, by menaces, open bribery, and other illegal practices, procured himſelf to be returned one of the burgeſſes for the ſaid borough: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter thereof, and report the ſame, with their opinion.

May 20, 1717. Ordered the report to be received on Thurſday next.

23d. Ordered to be received this day ſevennight.

30th. Mr. Hampden reported the matter, on the ſaid petition, as follows:

That counſel on both ſides attended the committee:

That the counſel againſt Mr. Bruere objected to him as not qualified, with reſpect to a particular mentioned in the rental, given in by him for his qualification; which rental amounts to 334 l. 10 s. *per annum*.

The particular objected to is mentioned in the ſame rental to be, a meſſuage, tenement, farm, and lands, with the appurtenances, called the Home-Farm, and Bryan's Farm, and a parcel of lands, or warren, called Whiteley-hill, in the pariſh of Worth, in the county of Suſſex, in the tenure of Mary Ryce, of the yearly value of forty-four pounds: and called

George Ryce; who ſaid, he did not know any farm, called Home-Farm, or Bryan's Farm; but he rents a farm, called Whiteley-hill, which is all warren land, except about ſeven or eight pounds a year: that he pays forty-four pounds yearly to Mr. Gale; and never heard Mr. Bruere had any intereſt therein.

That, on Mr. Bruere's part, a conveyance to him for life, by leaſe and releaſe, dated the 1ſt and 2d of July 1713, from Leonard Gale, eſquire, of two farms, therein called the Home-Farm and Bryan's Farm, a warren, called Whiteley-hill, and other premiſes therein mentioned, was produced, and proved to be duly executed; and the conſideration-money, being one thouſand pounds *bona fide* paid by Mr. Bruere. And,

Mr. Gale ſaid, he did by theſe deeds actually convey thoſe farms and premiſes to Mr. Bruere for his life; and, *bona fide*, received the conſideration money: that he had, indeed, received the rent ſince for Mr. Bruere's uſe, becauſe Mr. Bruere lived fifty miles off; and he, *bona fide*, annually accounted for, and paid, the rent to Mr. Bruere.

That the counſel for the petitioners againſt Lord Shelburne informed the committee, they did not inſiſt upon their petition.

The committee reſolved.

That George Bruere, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for this borough.

That the right honourable Henry Lord Viſcount Shelburne, of the kingdom of Ireland, is duly elected a burgeſs to ſerve in this preſent parliament for this borough.

The ſaid reſolutions, being twice read, were agreed to by the houſe.

Oct. 18, 1722. A petition of Bertram Aſhburnham, eſquire, was read; ſhewing, that at the election of members to ſerve in parliament for this borough, the petitioner, Sir John Guiſe, baronet, Edmund Waller, and Vincent Oakley, eſquires, were candidates: that the petitioner was duly elected by a majority of legal votes; notwithſtanding which, the ſaid Edmund Waller did not only, by obtaining illegal votes by bribery, threats, and other corrupt practices, but by influencing William Parſons, and William Haycroft, conſtables and returning officers for the ſaid borough, in a very partial manner procured himſelf to be returned, in violation of the freedom of elections: and praying &c.

Ordered it to be referred to the committee of privileges and elections to examine and report the matter thereof, with their opinion.

Jan. 14. Ordered, that leave be given to withdraw the ſaid petition.

MERIONETH County.

THIS county is one of the twelve enabled to ſend one knight of the ſhire to parliament, by the ſtatute of the 27th of Henry the eighth; See Angleſea. which I apprehend it hath done ever ſince: but the Journals afford no memoirs of a conteſted election. All that relates to the matter of election, is of a very modern date, and here follows.

Oct. 23, 1702. The houſe taking notice, that, by the book of returns from the clerk of the Crown, there is no return made by the ſheriff of this county;

Reſolved, that the ſheriff of Merioneth, for not having made a return of his writ, and of the member, elected to ſerve in this preſent parliament, by virtue thereof, is guilty of a great breach of the privilege of this houſe.

Ordered, the ſaid ſheriff be, for his ſaid offence, taken into the cuſtody of the ſerjeant at arms attending the houſe.

Nov. 9. A petition of Edward Holland, high-ſheriff of this county, in cuſtody of the ſerjeant at arms, for not making a return of the writ for electing a knight of the ſhire for this county, was read; acknowledging his offence, and begging pardon for the ſame.

Ordered, that the ſaid Mr. Holland be brought to the bar, to morrow morning, to be examined touching the not making the return of the ſaid writ.

10th. Mr. Edward Holland, the high-ſheriff of this county, was (according to order) brought to the bar, and examined, touching his not making a return of the writ for the electing a knight to ſerve for the ſaid county: and he acquainted the houſe, that it was a ſurprize to him to find it was not returned, he having executed the writ and made the return, and delivered it to his under-ſheriff, to bring up; who brought the ſame with him: and then withdrew.

And Mr. Robert Nanny, under-ſheriff, attending, he was called in and examined; who acquainted the houſe, that, there being but one member to be returned, he, being a young man, kept the writ and return by him, deſigning to ſend it up by the member; but that he did not come up, his lady being ill: and then he withdrew.

Ordered, that the ſaid Mr. Holland be diſcharged out of the cuſtody of the ſerjeant at arms.

A motion was made, and the queſtion put, that Mr. Robert Nanny, the under-ſheriff of this county, for neglecting to return the writ for electing the member for the ſaid county, be taken into the cuſtody of the ſerjeant at arms, attending the houſe: but diſagreed to.

MIDHURST.

THIS borough is within the county of Suſſex, and hath ſent members to parliament from the 4th year of King Edward the ſecond. They were elected in the county-court in the 2d of Henry the fifth: after which I find no memoirs till ſince the Reformation, when theſe occur.

Regiſt. 061.

P. R. 259.

Jan. 6, 1640. Upon Mr. Maynard's report, it was reſolved upon the queſtion, that Mr. Thomas May elected one of the burgeſſes for this borough, ſhall ſit as a member of this houſe, till his election be avoided. Alſo

Reſolved upon the queſtion, that Dr. Chaworth, elected one of the burgeſſes for this borough, and returned by the bailiff, the public officer of the ſaid town, ſhall ſit, as a member of this houſe, till the election be avoided.

Reſolved upon the queſtion, that Mr. Cawley, returned as one of the burgeſſes for this borough, but not by the public officer, ſhall not ſit as a member of this houſe, till his election be decided.

Feb. 15. Upon Mr. Maynard's further report, reſolved upon the queſtion, that Mr. Cawley and Mr. May are well returned, to ſerve as burgeſſes for this town; and ought to ſit as members of this houſe.

Reſolved upon the queſtion, that Doctor Chaworth ſhall not ſit as a burgeſs in the houſe for this town, upon this return.

Reſolved, that the bailiff of this town be required to come hither, to amend his return for Mr. Cawley.

20th. The bailiff of this borough, according to a former order, came hither to the bar; and amended one of the indentures of return of burgeſſes for this town; and the other was taken off the file.

Dec. 12, 1698. A petition of Sir Henry Peachy, knight, was read; ſhewing, the petitioner was duly elected a member to ſerve in this preſent parliament for this borough, with John Lewkner, eſquire; but, by undue practices, Sir William Morley hath procured himſelf to be returned, with Mr. Lewkner: and praying &c.

Ordered to be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

Feb. 4. Ordered, Sir Henry Peachy have liberty to withdraw his petition.

Nov. 24, 1708. A petition of Thomas Meredyth, eſquire, was read; ſhewing, that at the late election for members to ſerve in this parliament for this borough, the petitioner, Laurence Alcock, and Robert Ormes, eſquires, were candidates: that the right of election there, is in ſuch as hold by burgage-tenure only; but at the ſaid election, Richard Cobden, the bailiff, polled ſeveral perſons, who had no right of voting, and refuſed divers others, who formerly polled at other elections; by means whereof, and of other illegal practices of Mr. Alcock and Mr. Ormes, procured themſelves to be elected and returned, in prejudice of the petitioner and of the rights of the ſaid borough: and praying &c.

Ordered to be heard at the bar on the 3d day of February next. But it did not come to be heard until

March 8. The houſe proceeded to the hearing of the election for this borough: and the counſel on both ſides were called in.

And the petition of Mr. Meredyth, was read, and the counſel were heard, and ſeveral witneſſes examined. And being withdrawn; Reſolved,

That Lawrence Alcock, eſquire, is duly elected a burgeſs to ſerve in this parliament for this borough.

Reſolved, that Robert Orme, eſquire, is not duly elected a burgeſs to ſerve in this parliament for this borough.

Reſolved, that Thomas Meredyth, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for this borough.

Ordered the clerk of the Crown to amend the return.

Dec. 5, 1710. A petition of Thomas Meredyth, eſquire, was read; ſhewing, that the petitioner and Lawrence Alcock, eſq; were duly choſen burgeſſes to ſerve in this parliament for this borough, and ought to have been returned, they being elected by a majority of ſuch as hold by burgage-tenure, who only have a right to vote for the ſaid borough; but Thomas Pratt, the bailiff, refuſed to poll ſeveral good votes for the petitioner, and polled ſeveral that were not ſo, for Robert Orme, eſquire, whom he hath returned with Mr. Alcock, in prejudice of the petitioner: and praying &c.

Ordered to be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Feb. 21, 1716. Ordered a warrant for a new writ for electing a burgeſs for this borough, in the room of Sir John Forteſcue Aland, made a baron of the Exchequer.

MIDDLESEX.

THIS county is part of the dominion of the Eaſt Saxons, within which is contained the city of London, the preſent metropolis of the kingdom of England; and has been repreſented in parliament from the time of the firſt general ſummons of knights of the ſhire, in the reign of King Edward the firſt. In the 12th of Edward the ſecond, the ſheriff returned two knights of the ſhire, and certifies further in theſe words;

Ego

B. P. R. 174. *Ego Willus de Norwyco, vic. Midd. iſtud vobis dedi reſponſ. et vobis ſignifico—Quod non eſt aliqua civitas ſeu burgus in com. præd. preterquam civitas London quæ per ſeipſam pro comitat. reſpondit, et ad quam præd. com. Middleſex eſt annexatus*, and within this county, being the city of Weſtminſter, where the parliament was uſually held, the knights had only their fees for attendance, and no allowance for coming and going as in other counties.

No conteſt concerning the election appears before the Reformation; but there was a diſpute in regard to the payment of the wages, of which I think proper to take notice.

In the 2d year of King Hen. V. the biſhop of London complained that his tenants of Fulham were taxed towards the expences of the knights of the ſhire for this county; upon which a writ iſſued for diſcharging the ſaid tenants in caſe it ſhould appear that they had not formerly been taxed, which writ will be found in the Appendix. The memoirs relating to its elections do not occur until the laſt century.

Oct. 26, 1680. The houſe taking notice, that one Mr. Dangerfield (an evidence concerning the popiſh plot) had in his information mentioned Sir Robert Peyton, a member of this houſe [knight of the ſhire for this county.]

Ordered, that the matters touching Sir Robert Peyton, contained in the ſaid information, be examined by a committee: and Colonel Titus, and others, were appointed a committee for this purpoſe, to meet at three a clock in the afternoon, in the Speaker's chamber.

Nov. 15. Ordered, that Mr. Papillon, and others, be added to the ſaid committee.

Dec. 10. Ordered, the chairman of the committee do make report of that matter on the morrow morning; and that Sir Robert Peyton do then attend in his place.

11th. Ordered, the ſame report be made on Tueſday next.

14th. Sir William Roberts reported the matter— But the report is not inſerted in the Journal.

Sir Robert Peyton was heard in his defence: and being withdrawn; and the matter being debated in the houſe; the houſe made this vote——

It appearing to this houſe, by the report made at the bar, and by the confeſſion of Sir Robert Peyton in his place, that Sir Robert Peyton had ſecret negotiations with the Duke of York, by means of the Earl of Peterborough, Mrs. Cellier and Mr. Gadbury, at ſuch time when they were turning the popiſh plot on the proteſtants;

Ordered, that Sir Robert Peyton be expelled this houſe; and that Sir Robert Peyton be brought to the bar, and do receive the cenſure of the houſe on his knees from Mr. Speaker.

The ſerjeant at arms acquainted the houſe, that Sir Robert Peyton had abſented himſelf, ſo that he could not be found;

Ordered, that the ſaid Sir Robert Peyton be taken into cuſtody of the ſerjeant at arms, and be brought to the bar of this houſe.

15th. Ordered that Sir Robert Peyton, being in cuſtody of the ſerjeant at arms attending this houſe, be brought to the bar; and do receive the cenſure of this houſe upon his knees, from Mr. Speaker; and that he be then diſcharged from farther confinement, paying his fees.

Ordered, Mr. Speaker do iſſue a warrant for a new writ, for the election of a knight of the ſhire for this county, in the room of Sir Robert Peyton expelled this houſe.

Oct. 25, 1722. A petition of Henry Barker, eſquire, was read; ſhewing, that at the election of members to ſerve in this parliament for this county, the petitioner, the honourable James Bertie, eſquire, Sir John Auſtin, baronet, Sir George Cook, knight, and William Withers, eſquire, were candidates; and the ſaid Sir John Auſtin, by him or his agents, did procure great numbers of perſons to vote for him, who were not legal voters; that by ſuch proceedings, together with ſeveral other indirect practices, the ſaid Sir John Auſtin had procured himſelf to be returned in prejudice to the petitioner: and praying &c.

Ordered to be referred to the committee of privileges and elections, to examine and report the matter thereof, with their opinion.

MILBORNE-PORT.

THIS borough is ſituate in the borders of the county of Somerſet. It returned burgeſſes to parliament in the 26th, 28th, 33d and 35th of Edward Willis, 1749.461. the firſt; but then ceaſed, until the reign of King Charles the firſt, when it was reſtored: of which, and other matters relating to elections, I have met with the following memoirs.

May 1, 1628. Mr. Hakwyll reported, from the committee for privileges, &c. concerning this borough, and Weobly in Herefordſhire, who antiently ſent burgeſſes to parliament, and have diſcontinued long. ——26 Edw. I. they ſent burgeſſes; ſo 28 Edw. I. as appears by the records out of the Tower:—That many of the records periſhed, viz. of 52 parliaments; viz. from the 28th of Edward the firſt to the 3d of Edward the ſecond:—That boroughs did ſometimes ſend, ſometimes forbear, in reſpect of poverty, not being able to pay the burgeſſes wages:—By the writ, every antient borough ought to ſend burgeſſes—1. The bounds hereof are like of antient boroughs. 2. Pay burgage-rents.—

Br. Quinzime.—Is to pay tenths, being a borough; and not fifteenths; and therefore ought to ſend burgeſſes.—The committee ſatisfied, theſe boroughs ought to ſend burgeſſes; and that the long diſcontinuance no loſs of it.—This no franchiſe, which may be loſt; but a ſervice, *pro bono publico*.—Boroughs of Ilcheſter, Pomfret, and Hertford, 18 Jac. reſtored; ſo three in Buckinghamſhire, 21 Jac.

Upon queſtion, this borough was an antient borough, and ſent burgeſſes to the parliament; and ought to be reſtored to the right of ſending burgeſſes to parliament.

Upon queſtion, a warrant to iſſue out, under Mr. Speaker's hand, for the writ to be made, for election for this borough.

Auguſt 13, 1660. Ordered, that Mr. Henry Milborne be ſummoned to anſwer the miſdemeanor, with which he is charged, in taking from the clerk of the Crown the writ for an election of a burgeſs, to ſerve in this preſent parliament for this borough; and in keeping the ſame unexecuted; whereby the houſe is deprived of a member to ſerve for the ſaid borough.

May 17, 1661. Serjeant Charleton reports from the committee, touching the return for this borough, That Francis Wyndham, eſquire, and Michael Mallet, eſquire, are returned by one indenture; and Henry Milborne, eſquire, and Michael Mallet, eſquire, are returned by another indenture; The firſt indenture is returned by one, as ſub-bailiff; the other return concludes—*In cujus rei teſtimonium, vicecomes alteri parti ſigillum ſuum appoſuit*; and ſo the ſame appears to be rather a counter-part, and no original: and ſo the opinion of the committee is, that the laſt is no return; and that the ſaid Francis Wyndham ought to ſit, till the merits of the cauſe be determined: whereto the houſe agreed.

Jan. 3, 1701. A petition of John Henley, eſquire, was read; ſhewing, that he was candidate for this borough; for which place Sir Thomas Travel was, and is, one of the capital bailiffs, to whom the precept was, and ought to be, directed; who, to give colour that himſelf might be elected, pretended to ſwear and admit Guy White and —— Snook as his deputy-bailiffs; though the ſole power of the ſaid office remained in Sir Thomas Travel: that a great number of qualified perſons voted for the petitioner; but Sir Thomas Travel procured his deputies to return himſelf, though incapable of being elected by reaſon of his ſaid office, as adviſed: and praying &c.

Ordered to be referred to the committee of privileges and elections, to examine the matter, and report it, with their opinion.

Oct. 26, 1702. A petition of John Henley, eſquire, was read; ſhewing, that at the election for this borough, the petitioner, Sir Thomas Travell, and John Hunt, eſq; were candidates; and the petitioner had a majority of legal votes of Mr. Hunt, and was declared duly choſen in the hall and at the public croſs, and was accordingly returned by Mr. Snook, one of the bailiffs of the ſaid borough; but Guy White, the other bailiff, was prevailed on by Mr. Hunt to return him with Sir Thomas Travel; by reaſon of which the petitioner is greatly injured: and praying &c.

Ordered to be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

27th. A petition of John Hunt, eſquire, was read; ſhewing, that at the election of members to ſerve in this preſent parliament for this borough, the petitioner, Sir Thomas Travel, and John Henley, eſquire, were candidates; and Sir Thomas Travel and the petitioner had a majority of legal votes, and were returned by Guy White, one of the bailiffs of the ſaid borough, under the proper ſeal of the ſaid borough; yet Mr. Hunt hath prevailed with William Snook, the other bailiff, to return him, and Sir Thomas Travel by another indenture, in prejudice of the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

A petition of Thomas Medlycott, eſquire, was read; ſhewing, there are ſeveral capital bailiwicks within this borough, of which Sir Thomas Travell has five; and by turns the capital bailiffs nominate the under-bailiffs, who are the magiſtrates of the ſaid town, and to whom the precept for electing burgeſſes to parliament is directed; and who have the forming of the liſts of the voters, management of the election, and return of the precept. That, this year, Sir Thomas Travel had the naming of both the bailiffs, whereby, in effect, he is returned by himſelf: that ſoon after the late King's death, Sir Thomas Travel, by his agent Edward Feltram, diſtributed great doles of corn to many of the electors, and another dole juſt before the election; by which illegal practices, the ſaid Sir Thomas Travel procured himſelf to be returned, though neither duly elected or returned, as the petitioner conceives: and praying &c.

Ordered to be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

Nov. 14. The houſe being informed that the petition of Thomas Medlycott, eſq; againſt the election of Sir Thomas Travel, is appointed to be heard with the matter of the double return for the ſaid borough, and the petitions relating thereunto, although the ſame be diſtinct from the petitions or the matter of the double return; and by that means comes on ſooner to be heard, than otherwiſe it would; and that Sir Thomas Travel (who is lately come from his command in Ireland) cannot be provided ſo ſoon to make his defence;

Ordered, that it be an inſtruction to the committee of privileges and elections, that they do not hear the matter of the ſaid Mr. Medlycot's petition with the matter of the ſaid double return, but that the ſaid petition be appointed to be heard in courſe.

Dec. 4. Ordered to be reported on Tueſday next.

8th. Mr. Bromley reported from the committee of privileges, the matter of this election and the double return, upon the petitions of Mr. Henley and Mr. Hunt.

It appeared, Mr. Hunt was returned by one bailiff, and Mr. Henley by the other. That upon the poll the numbers were—for Mr. Henley 77—for Mr. Hunt 46——That both agreed this was a borough by preſcription; but the counſel for Mr. Henley inſiſted, that the right of election was in the inhabitants, paying a quit-rent to the Queen Dowager, and not receiving alms: and the counſel for Mr. Hunt inſiſted, that the right of election was in the nine capital bailiffs, their two deputies, in the nine commonalty ſtewards, and in the inhabitants paying ſcot and lot.

That as to the point of right, Mr. Henley's counſel called Raymond and Gerrard, who could ſpeak to forty and fifty years; and they ſaid, the uſage had been to admit all houſekeepers, not receiving alms, to vote.

Hymore ſaid, he had been ſteward ten or twelve years; and the method was to call over the voters by a liſt, which he did at this election; and that the inhabitants, not receiving alms, had always been admitted to poll: but owned exceptions had been made to ſuch as did not pay ſcot and lot.

That the counſel for Mr. Hunt admitted, that for forty years, the inhabitants not receiving alms, though they did not pay ſcot and lot, had been generally admitted to poll, to prevent diſturbance by the meaner people; but that they had been objected to, and the right never was determined: and ſaid further, that during Oliver's uſurpation, the inhabitants at large were admitted to poll; but, before that, only ſuch as paid ſcot and lot voted; and to prove this, they produced ſeveral returns, and called ſeveral witneſſes.

The return of 4 Car. I. between the ſheriff of the county of Somerſet, of the one part, and the bailiffs, ſix others, burgeſſes of this borough, *cum multis aliis inhabitantibus burgi prædicti, ſcilicet*, twelve others named, *electorum duorum burgens. ad parliamentum*; *qui, ut major pars totius burgi præd. tunc ibid. exiſtent. eligerunt.*

The return 16 Car. made between the bailiff and burgeſſes; and therein it is expreſſed, that the bailiffs and burgeſſes ſubſcribing, with the whole aſſent and conſent of the burgeſſes there, elected: ſigned by the two bailiffs, and ſix others.

Caleb Barret, aged ſeventy-three, ſaid, that the capital bailiffs, and commonalty ſtewards, and ſuch as paid to church and poor, only voted, till Oliver's time; and particularly ſpoke to the Oxford parliament, when thoſe, who did not pay ſcot and lot were rejected: and being examined, as to thoſe that ſigned the return 16 Car. he was poſitive to all, but two, paying ſcot and lot. He ſaid, others did vote, beſides thoſe named in the return of 16 Car. but they were the ſubſtantial men of the borough.

They alſo read the return of 1 Jac. II. which concludes, "that the ſaid burgeſſes and electors, being "the greateſt part of the ſaid burgeſſes and electors, "inhabitants, houſholders, and payers of ſcot and "lot, in the ſaid borough, had put their hands and "ſeals to the return."

Edward Pranke ſaid, that ſuch members, as were returned for the ſaid borough, had always the greater number of the bailiffs and their deputies, of the ſtewards, and burgeſſes, though thoſe, who did not pay to church and poor, have been permited to vote: that he could ſpeak for thirty years; and he has heard his father, and ſeveral old men, ſay, the right was ſo: and that Mr. Hunt, and other gentlemen, had always objected to them who did not pay ſcot and lot; and that, in the ſeveral elections of Mr. Hunt, he had always the majority of ſuch, as paid ſcot and lot.

Mr. Bell, a ſervant of Mr. Hunt, ſaid, his maſter had always objected to ſuch who did not pay; but their poll was taken to hinder a mutiny; and that Mr. Hunt this time demanded a return, according to the majority of ſuch as paid ſcot and lot, and ſo did Mr. Henley at firſt.

1. Upon this the committee reſolved,

That the right of election of burgeſſes, to ſerve in this preſent parliament for this borough, is only in the capital-bailiffs and their deputies, in the commonalty ſtewards, and inhabitants thereof, paying ſcot and lot.

That, upon this head, of not paying ſcot and lot, Mr. Henley took off twenty-one of Mr. Hunt's voters. Some evidence was given as to others, who did not pay; but it was anſwered, they were capital bailiffs, or their deputies.

That Mr. Hunt, upon this head of not paying, took off fifty-eight of Mr. Henley's voters.

2. Thereupon the committee reſolved,

That John Hunt, eſquire, is duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

The ſaid reſolutions, being twice read, were agreed to by the houſe: and Mr. Henley's return ordered to be taken off the file.

Nov. 14, 1705. A petition of Sir Richard Newman, bart. and Henry Deveniſh, eſquire, was read; ſhewing, that at the election of members to ſerve in this preſent parliament for this borough, the petitioner, and Sir Thomas Travell, and Thomas Medlycot, eſquire, were candidates; that the right of election there hath, time out of mind, been in the capital bailiffs and their deputies, the ſtewards, and all the inhabitants of the borough, poſſeſſing or occupying a burgage-houſe; that, according to ſuch ancient right, the petitioners had a great majority of voices, and ought to have been returned; but the proper officers to take the poll, and make the return, refuſed to allow the votes of divers qualified perſons, and alſo refuſed to return the petitioners, to their great injury: and praying, the houſe will take into their conſideration the ancient rights of the borough, and relieve the petitioners &c.

Ordered, to be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

Nov. 24, 1708. A petition of Giles Hayne, eſquire, was read; ſhewing, the petitioner, Sir Thomas Travell, knight, Thomas Medlycot, and William Bellamy, eſquires, were candidates for this borough, to be elected burgeſſes; that Guy White and .... Barret, under-bailiffs of the ſaid borough, refuſed to take the votes of ſeveral that offered to poll for the petitioner, and had a right to vote; and, by other irregular practices, the ſaid Sir Thomas Travell and Mr. Medlicot procured themſelves to be returned; whereas, if the perſons who offered to vote for the petitioner had been polled, he would have been choſen and returned: and praying &c.

And the houſe being informed that the petitioner was dead; and that he had declared, it was his intent to withdraw his petition; ordered, that the ſaid petition do lie upon the table.

26th. A petition of Thomas Searl, John Breet, and ſeveral other inhabitants of this borough, who pay ſcot and lot within the ſaid borough, was read; ſhewing, that Sir Thomas Travell, and Thomas Medlycot, eſquire, did, at the laſt election of members, to ſerve in this parliament for this borough, procure themſelves to be elected and returned, by reaſon of divers irregular practices done by themſelves and agents, and alſo by the capital bailiffs, or their deputies, and ſub-bailiffs; whereby the petitioners were moſt unjuſtly deprived of giving their votes purſuant to their ancient rights, and thereby they are unduly repreſented in this preſent parliament: and praying they may be heard what they have to offer relating to the premiſes; and to be relieved, as the houſe ſhall think fit.

Ordered, that the merits of this election and return be heard upon Tueſday the 29th day of March next.

Nov. 27, 1710. A petition of William Malet, eſquire, and alſo a petition of the inhabitants of this borough, were left with the clerk.

Dec. 1ſt. Ordered, that Mr. Malet, and the inhabitants of this borough, have leave to withdraw their ſaid petitions.

June 18, 1717. A petition of Charles Stanhope, eſquire, was read; ſhewing, that the petitioner ſtood candidate, for burgeſs for this borough, in the room of John Cox, eſquire, deceaſed; and the petitioner had the majority of legal votes upon the poll, and was returned, as duly elected, to the ſheriff, by George Man and Robert Evered, the two capital preſiding bailiffs, who were preſent at the ſaid election: that Guy White, the elder, and John Barrett, *alias* Barwick, who were appointed by the capital-bailiffs, but had not qualified themſelves for thoſe employments according to law, by taking the oaths and receiving the ſacrament; yet being influenced by Michael Harvey, eſquire, the other candidate, took upon themſelves to return him, as duly choſen, to the ſheriff, who accepted thereof, and refuſed the petitioner; and the ſaid Michael Harvey, by bribery, confining, and threatening the voters of the petitioners, got ſeveral perſons to vote for him, though leſs in number than thoſe for the petitioner; and the ſub-bailiffs refuſed to accept of ſeveral legal votes for the petitioner: and praying &c.

Ordered, it be referred to the committee of privileges and elections, to examine and report the matter thereof, with their opinion; and ordered an inſtruction to the committee, to hear the matter of the ſaid petition to-morrow fortnight.

June 26. A motion was made for an inſtruction to the committee to hear the matter of this petition on Monday ſeven-night, but it was diſagreed to.

July 5. Ordered the report to be received on the morrow.

6th. Mr. Hampden, according to order, reported from the ſaid committee, the matter of the ſaid election, as follows.

That the right of election was agreed to be in the capital-bailiffs and their deputies, in the commonalty, ſtewards, and inhabitants paying ſcot and lot.

The poll was For Mr. Harvey, 27.
The petitioner, 22.

The petitioner objected to thirteen of Mr. Harvey's voters; and alledged they ſhould add ſeven to the petitioner's poll, and called

Joſeph Raymond and John Wilkins; who ſaid, John Mores lives at Sherborne, and William Baynton lives with his mother Mrs. Hallet; and Samuel Hallet his father-in-law pays and voted for the ſame houſe.

Lewis ſaid, Richard Lambert aſked votes for Mr. Harvey, and offered the witneſs five guineas to vote for him.

Bret ſaid, Guy White, junior, aſked votes for Mr. Harvey; and aſked the witneſs for his vote, and gave him five guineas for it.

John Bowden ſaid, Guy White, junior, gave Benjamin Cox five guineas for his vote for Mr. Harvey, as both White and Cox owned to the witneſs.

Mrs. Hallet ſaid, ſhe gave William Baynton, her ſon, five guineas, which Guy White junior had given her, for his vote for Mr. Harvey.

Joſeph Raymond ſaid, Rob. Curtis owned he had five guineas of Mr. Harvey's money for his vote.

Mr. Grandy ſaid, that ſome time before the election he aſked Charles Martin to vote for Mr. Medlycot's friend, and he promiſed he would; but after told the witneſs, he was engaged for Mr. Harvey; and ſaid, he had loſt five guineas the laſt election, by ſtaying for Mr. Medlycot's friend, and was reſolved not to loſe five more now.

John Bowden named four of the aforeſaid voters, and four others of Mr. Harvey's voters, who were treated the morning before the election at Noakes', who ſolicited votes for Mr. Harvey.

The two ſub-bailiffs, Guy White ſenior, and John Barrett, who voted for Mr. Harvey, were excepted to by the petitioner's counſel, as not having qualified themſelves for that office, by receiving the ſacrament, and taking the oaths appointed by law.

To add ſeven to the petitioner's poll, viz. William Cox, John Sprint, Richard Wilmoth, James Medlycot, eſquire, William Chamberlain, Joſhua Barrett, and George Baynton;

It was proved they all offered their votes for the petitioner.

It appeared by Cox's leaſe he is obliged to pay all rates and taxes.

William Raymond ſaid, Cox is an inhabitant, and an houſekeeper, and paid him the poor-rate laſt year.

Joſeph Raymond ſaid, John Sprint is an houſekeeper and an inhabitant; has a houſe and land worth 12 l. a year; was ſtruck out of the rate three years ago againſt his own deſire; and the ſub-bailiff has refuſed him out of antipathy.

It appeared to the committee that in February laſt, he made a purchaſe of four acres of land at this borough, which coſt him 53 l. and he had ſeveral times deſired to be rated, but denied; though his land was formerly rated and payed the rates.

Raymond ſaid, Richard Willmoth rents land to the value of 20 l. a year; which land is rated and he pays the rate, tho' his brother's name, of whom he rents it, is in the book.

It was proved on the petitioner's part and admitted by the ſitting-member, that Mr. Medlycot is one of the capital-bailiffs; which capital-bailiffs are by tenure in right of their eſtates; and Mr. Medlycot purchaſed his capital bailiwick, and has the lands by which he claims to be capital bailiff.

Wilkins ſaid, William Chamberlain has an houſe in this borough; part of which he has let, and reſerves the other part for himſelf; that he has goods there, and is rated, and pays the rates; and Joſhua Barrett is rated, and pays the rates.

Mr. Grandy ſaid, George Baynton has land of inheritance at this borough of ſeven pound *per annum*, is rated, and pays ſcot and lot for it.

In anſwer to theſe objections, it was inſiſted on by Mr. Harvey, that Guy White and John Barrett the ſub-bailiffs, are not ſuch officers as are required by law to receive the Sacrament, or take the oaths, to qualify them for their office; and that the chief bailiffs, to whom they are deputies, do not take the oaths; nor is it requiſite for them ſo to do.

As to the other perſons objected to, they called,

Edward Oathery; who ſaid, John Moores had two of three houſes at Milborn-Port, and one in his own poſſeſſion: that he goes to work at Sherborne in the day and returns at night: that he pays to church and poor, and lived there at the election; that Baynton has no reſidence but at Milborne-Port, where he has an eſtate and is rated, and pays to church and poor; that William Cox is not, nor ever was, upon the rate; and the witneſs was preſent once when Mr. Medlycot, his landlord, upon payment of his rent, allowed him his poor-rate; that Cox went off and lived ſome time at London.

That the pariſhioners ſtruck John Sprint out of the poor-rate three years ago, not at his own requeſt, but becauſe he refuſed to pay; having, as he ſaid, a church of his own, meaning a meeting-houſe; and has never been rated ſince, tho' other houſes of leſs value are rated.

That Chamberlain pays ſcot and lot in this borough; but has let his houſe to two tenants, and he lives at Sherborne.

That Joſhua Barrett has two houſes in this town; which he lets to two tenants, and himſelf don't reſide there.

Noake ſaid, William Cox had let his houſe to Pope, and left the town two months before the election.

That Cox paid no tax or rate; the landlord is rated, and Pope the tenant pays the rates.

That George Baynton works journeywork at this borough at weekly wages, and never was rated.

Mr. Harvey's counſel excepted to four of the petitioners's voters, viz. Thomas Travell, eſquire, Robert Everet, William Acourt, and George Man; who voted as capital bailiffs, without being intitled ſo to do; and called, John Noake; who ſaid, neither of thoſe had any of the capital-bailiwick lands, but that all thoſe lands were in Sir Thomas Travell and Mr. Medlycot; and George Man is kept by charity.

They alſo called,

William Brook; who ſaid, Colonel Stanhope's ſervant offered him eight guineas to vote for the petitioner; but he voted for Mr. Harvey.

Noake ſaid, that Robert Baynton, who voted for Mr. Harvey, told him, that Colonel Stanhope gave him money to vote for the petitioner; and he ſaid, he would petition, if he had but two votes.

That Benjamin Cox, who voted for Mr. Harvey, ſaid, he had ſix guineas to vote for the petitioner.

Robert Baynton ſaid, he was offered ſeven guineas by the petitioner's brother, to vote for the petitioner.

Henry Hallet ſaid, he was preſent when Samuel Hallet aſked William Baynton to vote for the petitioner; and Baynton anſwering, he had promiſed Mr. Harvey, and would be as good as his word; Samuel Hallet replied, that the eſquire would lay down one hundred guineas upon the table, and he ſhould take as much as he would of it for his vote; but Baynton voted for Mr. Harvey.

That the petitioner's qualification was objected to.

The particular given in for ſuch amounts to 346 l. 13 s. and 4 d. *per annum.*

To which Mr. Harvey objected, that 216 l. 13 s. 4 d. *per annum*, at Wandſworth in Surry, and a rent charge of 120 l. *per annum* out of lands in Nottinghamſhire, are mentioned to be purchaſed by the petitioner for his life, on the 31ſt of May laſt, for 2,505 l. which they apprehended not to be a valuable conſideration; and therefore ſuſpected the purchaſe.

They alſo urged, that ſuch a rent-charge could be no part of his qualification, within the meaning of the act of parliament, which requires a landed intereſt; and that the eſtate charged therewith might be ſubject to other reprizes and incumbrances.

As to the Wandſworth eſtate, they called

Samuel Walden, one of the tenants thereof, at 12 l. yearly; by whoſe evidence it appeared, that ſince Midſummer laſt, he had notice to get ready his Midſummer's rent, becauſe Mr. Brand had ſold that eſtate to the petitioner; which notice came from the perſon to whom he had always paid his rent for Mr. Brand's uſe.

In anſwer to which was called,

Mr. Frewen, who ſent this notice; and he ſaid Mr. Brand had acquainted him with his having ſold his eſtate at Wandſworth to the petitioner; and the petitioner was to receive the rent from Lady-day laſt; and the petitioner had deſired him to continue to receive thoſe rents for him as he had done for Mr. Brand; and that he had accordingly made up his accounts to Mr. Brand to Lady-day.

The petitioner's counſel inſiſted, that the purchaſe money was a valuable conſideration; the purchaſe being for life only, and conſiſting chiefly in old houſes; and there could be no objection to the rent-charge.

That the committee reſolved upon the whole;

That Michael Harvey, eſquire, is not duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

That Charles Stanhope, eſquire, is duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

The ſaid reſolutions being ſeverally twice read, were agreed unto by the houſe; and the return ordered to be amended.

MINEHEAD.

THIS borough is ſituate in the weſtern part of the county of Somerſet, is an ancient borough, and was incorporated by letters patent in the firſt year of the reign of Queen Elizabeth; which charter limits the bounds of the borough in the words following,—*Per totum burgum de Mynbed ac per totam decimam ejuſdem burgi ac per mare infra metas ibidem vocat*, the full ſea-marks. *Et per totam aquam a le fayre forlonge ex parte occidental. uſque aquam vocat. Donyvoed Water ex parte oriental. et quod omnia et ſingula meſſuagæ domus edific. terras tenementa vacua funda et ſola quæcunque infra eaſdem hund. met. et limit. de cetero ſint ac erunt ac reputentur fore et eſſe partes et parcell. dic. burgi de Mynbeeld modo per preſentes in corpus corporatum et politicum erect. et incorporat.* Anno 1 Eliz.

The charter directed, that there ſhould be a provoſt, and twelve principal burgeſſes, to be by him named; and the firſt provoſt is named, who is to elect the ſaid twelve burgeſſes, who, at Michaelmas yearly, ſhall fill up the body; and ſhall name two perſons, one of whom ſhall be choſen by the principal burgeſſes and freemen within the borough for the next year; alſo other privileges: and this grant was made, in conſideration of repairing the pier.

This charter ſubſiſted but a very ſhort time; for King James the firſt, for breach of the condition, ſeized the franchiſes, and diſſolved the corporation: but attempts were after made to get it reſtored, by application to the Crown, but without ſucceſs; and, in the year 1667, a *quo warranto* was brought, and judgment given againſt it. Caſe printed in 1698.

The firſt returns to parliament, which appear, were about the time of granting the charter; and the firſt indenture, now remaining, is,

April 26, 14 Eliz. between the ſheriff, of the one part; and Henry Slocombe, portreve of the borough, William Dovell, and others named, principal burgeſſes within the ſaid borough, and others the freemen and burgeſſes, and others, ſigned by ten or eleven perſons. Bre. Parl. 14 Eliz. in Offic. le Pip.

Nov. 6, 30 Eliz. Indenture between Henry Berkley, knight, ſheriff of the county, and Simon Halſel, portreve of the town and borough of Minehead, George Luthell, eſquire, and others named, and the reſidue of the burgeſſes and inhabitants of the ſaid town and borough. Bre. Parl. 30 Eliz.

Oct. 11. 39 Eliz. Between John Stowell, knight, ſheriff of the county, and William —— portreve of the town and borough, William Dovel, and others, by name, and the reſidue of the burgeſſes and inhabitants of the ſaid town and borough ſigned by the portreve and ten burgeſſes. Bre. Parl. 39 Eliz.

Jan. 16. 21 Jac. Between —— of the one part; and John Barker and another, conſtables, and William Smith and others, burgeſſes and inhabitants. Bre. Parl. 21 Jac. 16.

June 30, 21 George II. between Thomas Coles, ſheriff, Michael Blake and Edward Lott, conſtables, together, with the burgeſſes and electors ſigned and ſealed by the conſtables and many inhabitants. Bre. Parl. 21 G. II.

Theſe are the ancient and modern memoirs of the right of election and return of the ſaid borough from records; the reſolutions concerning it in the Journals of the houſe of commons are theſe.

Jan. 22, 1562. For that burgeſſes be returned of divers boroughs not lately returned in the Chancery, viz. the boroughs of Tregony, St. Jermyns, and Mawes, in Cornwall, the borough of Minehead, in Somerſet, &c. Mr. Speaker declared to the houſe, that the Lord Steward agreed, they ſhould reſort into the houſe, and, with convenient ſpeed, to ſhew letters patents why they be returned to this parliament.

March 3, 1620. Sir George Moore reporteth for this borough, That it was, 1 Eliz. incorporated, with condition for repair of their harbour: that, 5 Eliz. its ſending burgeſſes, queſtioned, amongſt others: that they ſerved all the Queen's time after, and 1 Jac. but their corporation and liberties ſeized about the 43d of Elizabeth *, for breach of the ſaid condition: that, 12 Jac. they ſent none: therefore the opinion of the committee, that, except they could find precedents before the 5th of Eliz. their election and return void: that they had day given them till Tueſday laſt; now further time required: upon which the committee doubtful.

* Query 1 Jac. I.

Sir Robert Floyde deſireth liberty till Tueſday next, then to be heard by his counſel.——Tueſday next peremptorily; and then to be heard by counſel at the committee.

16th. Alledged by the counſel, That this borough challenged, not by charter, but by preſcription: that clearly uſed from the 5th of Elizabeth: that from Edward the fourth's time, till the 33d of Henry the eighth, no records kept of this; and from the 33d of Henry the eighth, ill kept. And referred from the committee for the continuance of——

N. B. This is all I find inſerted in the Journal; but I apprehend it was ſatisfactory to the houſe; for I find,

May 7, 1621. Mr. Pymme moveth for a warrant for a new choice, in the room of Sir R. Lloyd, for this borough: one ſitting now in the houſe for this town.

Mr. Glanvylle:—for a new writ.

Reſolved, a warrant for a new writ.

11th. A petition read from Mr. Lutterell for this borough; deſiring he may be heard by counſel, before a writ go out.

Counſel to be heard herein at the committee for privileges.

Mr. Noye:—Not to hear Mr. Lutterell, becauſe not his particular intereſt.

Mr. Hakewell,—*contra.*

Sir Edward Sa...... Not to hear Mr. Lutterell for his own right.

Nothing more appears in the Journal relating to this matter; but the borough continued to be repreſented.

Dec. 22, 1698. A petition of John Sanford, eſquire, together with the conſtable, and ſeveral of the principal inhabitants, of this borough, on the behalf of themſelves and divers others, was read; ſhewing, that the majority of legal electors of burgeſſes, to ſerve in this parliament for the ſaid borough, declared they would chuſe the petitioner Sanford; but, by bribes, treating, and other undue means of Jacob Banks, eſquire, a foreigner, and his agents, he procured himſelf to be choſen, and returned; contrary to the law, and prejudicial to the privileges of the ſaid borough: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

March 30, 1715. A petition of Samuel Edwyn and James Milner, eſquires, was read; ſhewing, that at the election for this borough, the petitioners, Sir William Wyndham, and Sir John Trevelian, baronets, were candidates: that Richard Bradford and Robert Slowley, conſtables of the ſaid borough, behaved themſelves very partial, in favour of the ſaid Sir William Wyndham and Sir John Trevelian: and that the conſtables declared, ſome time before the election, that the ſaid Sir William Wyndham and Sir John Trevelian ſhould be returned, if they had but five votes apiece; and that the petitioners had a legal majority of the ſitting-members, and ought to have been returned: and the ſaid Sir William Wyndham and Sir John Trevelian, and agents, by bribery, &c. and the conſtables being influenced by them, and Mr. Mogridge, vicar of this borough, and others, prevailed with ſeveral voters for them, who had no right to poll, and rejected others for the ſaid petitioners, who had a right; and that the ſaid conſtables returned the ſaid Sir William Wyndham and Sir John Trevelian, in prejudice of the petitioners: and praying &c.

Ordered to be heard at the bar of the houſe on the 31ſt of May next.

31ſt. Ordered to be heard on the 23d of June next.

June 23. Ordered to be heard on the 12th day of July next.

July 12. Ordered to be heard on this day fortnight.

26th. Ordered to be heard on this day fortnight.

Aug. 9. Ordered to be heard on Thurſday ſevennight next.

25th. Ordered to be heard on this day ſevennight next.

Sept. 1. Ordered to be heard on Saturday next.

3d. The order of the day being read, the houſe proceeded in the hearing of the matter of the ſaid election; and the counſel were called in, and the petition read: and the petitioners counſel proceeded to examine witneſſes, touching the partiality of the conſtables, who returned the ſitting-members; and alſo to add ſeveral perſons to the petitioners poll, who offered to vote for them, and were refuſed by the conſtables.

Ordered to be heard again on Tueſday morning next.

6th. The houſe proceeded in the ſaid hearing, and the counſel were called in; and the petitioners counſel examined ſeveral witneſſes, in order to diſqualify ſeveral perſons, who voted for the ſitting-members; and then ſummed up their evidence.

Ordered to be heard again on Thurſday next.

8th. The houſe proceeded in the ſaid hearing, and the counſel were called in; and the counſel for the ſitting-members examined witneſſes, to diſqualify ſeveral of the perſons, whom the petitioners would have added to their poll.

Ordered to be heard again on Saturday next.

10th. The houſe proceeded in the ſaid hearing; and the counſel being called in: the ſitting-members counſel examined ſeveral witneſſes, to diſqualify other perſons, who voted for the petitioners, and ſummed up their evidence; and the petitioners counſel replied.

Reſolved, that Sir William Wyndham is not duly elected a burgeſs to ſerve in this preſent parliament for this borough.

Reſolved, that Sir John Trevelian, baronet, is not duly elected a burgeſs to ſerve in this preſent parliament for this borough.

Reſolved, that Samuel Edwyn, eſquire, is not duly elected a burgeſs to ſerve in this preſent parliament for this borough.

Reſolved, that James Milner, eſquire, is not duly elected a burgeſs to ſerve in this preſent parliament for this borough.

Reſolved, that the late election of burgeſſes, to ſerve in parliament for this borough, is a void election.

Ordered, that no warrant do iſſue, during this ſeſſion of parliament, for the making a new writ, for the electing burgeſſes to ſerve in parliament for this borough.

May 8, 1717. A petition of John Jones and George James, conſtables, and ſeveral voters of the ſaid borough, was read; ſhewing, that the conſtables of the ſaid borough are the preſiding and returning officers at all elections of members for the ſaid borough: that, at the laſt election, the candidates were Sir John Trevelian, baronet, James Milner, Samuel Edwyn, and Thomas Gage, eſquires; and notwithſtanding bribery, treating, and many other indirect practices uſed by the ſaid Mr. Edwyn and Mr. Gage, and their agents, to obtain votes for them; yet the ſaid Sir John Trevelian and Mr. Milner had a vaſt majority of legal votes; and were by the petitioners, the conſtables, declared to be duly elected: and praying &c.

Ordered, that the clerk of the Crown do attend the houſe on this day fortnight, with the return of this borough.

Ordered, that Joſeph Brown, eſquire, high-ſheriff of the county of Somerſet, do then attend this houſe.

Ordered, that the ſaid John Jones and George James, conſtables of the ſaid borough, do then attend this houſe with the ſheriff's precept, and the returns tendered to the ſheriff, on their behalf.

Ordered, that the under-ſheriff of the ſaid county do then attend this houſe.

Ordered, that the ſaid high-ſheriff do bring with him the receipt, that was taken from the conſtable of the ſaid borough, for the precept he cauſed to be delivered to the ſaid conſtable.

16th. A petition of Sir John Trevelian, baronet, and James Milner, eſquire, was read; ſhewing, that at the laſt election for members of this borough, the petitioners, and Samuel Edwyn and Thomas Gage, eſquires, were candidates: that, according to the antient uſage of the ſaid borough, the right of execution and return of the precept is in the conſtables of the ſaid borough; but Joſeph Brown, eſquire, high-ſheriff of Somerſet, in prejudice of the petitioners, directed his precept *burgenſibus et electoribus burgi de Minhead*; however, he took care to deliver the ſaid precept unto one of the conſtables, and inſiſted upon his return: that the petitioners were duly choſen by a majority of legal votes, and ſo declared by the conſtables; and notwithſtanding indentures, duly executed by the ſaid conſtables, and the majority of the ſaid burgeſſes and electors, were tendered to the ſaid ſheriff, yet he refuſed to receive the ſame, or to return the petitioners; but the ſheriff, in prejudice to the petitioners, affixed an indenture, prepared by ſome few of the burgeſſes and electors, whereby Mr. Edwyn and Mr. Gage are mentioned to be elected for the ſaid borough: and praying that the indentures, ſo affixed to the ſaid writ, may be taken off from the ſame; and the indentures, by which the petitioners were returned, may, inſtead thereof, be affixed thereto.

Ordered, that the ſaid petition do lie upon the table.

Ordered, that John Browning, of Shepton-Mallet, do attend this houſe on Wedneſday next, when the high-ſheriff and under-ſheriff of the county of Somerſet are to attend this houſe.

21ſt. Ordered, that Mr. Zachary Baily, Mr. John Vicary, Benjamin Baſton, Hugh Prole, William Ring, and John Pitt, do attend this houſe to-morrow morning, when the high-ſheriff and under-ſheriff of the county of Somerſet are to attend this houſe.

Ordered, that the clerk of the Crown do bring with him to-morrow morning, the returns to this county of Somerſet.

A petition of George Speake, eſquire, lord of the manor of Alcombe, in the ſaid borough, was read; ſhewing, that the petitioner is informed, that John Jones, and George James, have declared themſelves to be conſtables of the borough aforeſaid: that the petitioner is lord of the manor, and tything of Alcombe, which is a conſiderable part of the ſaid borough; and the inhabitants being pot-boilers, have always voted at all elections: that the ſaid conſtables have no authority in any part of the ſaid manor belonging to the petitioner; but the tythingman, choſen in the ſaid manor, is the only proper officer there: and praying he may be heard by his counſel before any reſolution be made.

Ordered, that the ſaid petition lie upon the table.

22d. The orders of the day being read;

Ordered, that the clerk of the Crown do attend this houſe to-morrow morning, with the return for this borough.

Ordered, that the ſheriff and under-ſheriff of Somerſet do then attend this houſe.

Ordered, that the ſeveral perſons, who were ordered to attend this houſe this day, do attend to-morrow morning.

23d. The clerk of the Crown attending, according to order, with the return for the ſaid borough; the indenture of Mr. Edwyn and Mr. Gage, annexed to the writ, and returned by the high-ſheriff to the clerk of the Crown, dated the 11th of April 1717, *per burgenſes et electores burgi*, was read; the ſheriff's receipt for the writ, dated the 5th of April, 1717, indorſed upon the writ, was read; and alſo his return, indorſed *per indentur' annex*.

Then Joſeph Brown, eſquire, high-ſheriff, was called in; and delivered in the receipt, dated the 6th of April 1717, which his meſſenger took upon delivery of the precept, ſigned John Jones, conſtable; and he withdrew.

Then John Jones, one of the conſtables of the ſaid borough, was called in; who produced two precepts, with receipts indorſed thereupon; and two indentures of return, which were read; and the ſaid John Jones withdrew.

The firſt precept was directed *burgens' et elector'*; dated the 5th of April 1717. The receipt indorſed thereupon, dated the 6th of April 1717, *per* John Jones, conſtable.

The return, dated the 11th of April 1717, *per conſtabular' et communitat' burgi*.

The ſecond precept was directed, *burgens' et elector'*, dated the 5th of April 1717. The receipt indorſed, dated the 9th of April 1717, *per* John Jones.

The return, dated the 11th of April 1717, *per burgens' et elector' burgi*.

And the ſaid Mr. Brown the high-ſheriff, Mr. Goldfinch the under-ſheriff, the ſaid John Jones, and Mr. Blake, one of the burgeſſes, were ſeverally called in, and examined; upon whoſe evidence it appeared, that the high-ſheriff ſent two precepts to the borough, both dated the ſame day, and directed to the burgeſſes and electors; with orders to deliver the ſame to the conſtables; and that the occaſion of ſending the ſecond precept was, for fear there might be a miſtake in the firſt; which had been made out by a clerk, in the abſence of the under-ſheriff:

And alſo the ſitting-members, as ſoon as they had polled all they could poll, withdrew from the court to Mr. Blake's, a private houſe; and there the poll was caſt up, as it ſtood when the ſitting-members withdrew; and upon ſuch caſting up, it appeared, that the ſitting-members had the majority; upon which, ſuch of the burgeſſes as withdrew from the court with the ſitting-members, made a return of the ſitting-members; and immediately diſpatched the ſame to the high-ſheriff:

That the conſtables went on with the poll for a conſiderable time after the ſitting-members were withdrawn, and then the books were cloſed; and upon caſting up the poll it appeared, that Sir John Trevelian and Mr. Milner had the majority; and the conſtables made a return of Sir John Trevelian and Mr. Milner accordingly; which return they ſent to the high-ſheriff; but the high-ſheriff refuſed to receive the ſaid return, becauſe he had, twenty-four hours before that return came to his hands, returned the other to the clerk of the Crown; and that no precept was annexed to either of the ſaid returns.

After the witneſſes had been examined, and they had been withdrawn;

A motion was made, and the queſtion put, that the merits of the ſaid election and return be refered to the committee of privileges and elections; it paſſed in the negative.

Reſolved, that the indenture, ſigned by the burgeſſes of this borough, in return to the ſheriff of the county of Somerſet's precept, for electing burgeſſes to ſerve in the preſent parliament for the ſaid borough, not being ſigned by John Jones, one of the ſaid burgeſſes, to whom the ſaid ſheriff cauſed his precept to be delivered, is an undue and inſufficient return.

Reſolved, that the indenture, ſigned by the ſaid John Jones, and other burgeſſes of the ſaid borough, and which was tendered to the ſaid ſheriff, is a due and ſufficient return.

Ordered, that the clerk of the Crown do take off from the writ the indenture, ſigned by the burgeſſes of the ſaid borough, which is not ſigned by John Jones, one of the ſaid burgeſſes, to whom the ſheriff cauſed the ſaid precept to be delivered.

Ordered, that the ſheriff of the ſaid county of Somerſet do receive, and annex to the writ, the indenture ſigned by John Jones, and others of the burgeſſes of the ſaid borough.

Ordered, that the matter of the petition of John Jones and George James, conſtables of the ſaid borough, be heard at the bar of this houſe on this day three weeks.

Ordered, that the matter of the petition of George Speake, lord of the manor of Alcombe, in the ſaid borough, be heard at the bar of the houſe at the ſame time.

Ordered, that Samuel Edwyn and Thomas Gage, eſquires, have liberty to petition this houſe, in relation to the election for the ſaid borough, within fourteen days, if they think fit.

June 4. A petition of Thomas Gage, eſquire, and Samuel Edwyn, eſquire, was read; ſhewing, that at the laſt election of burgeſſes to ſerve in this preſent parliament for this borough, the petitioners, and Sir John Trevelian, and James Milner, eſquire, were candidates: that at the ſaid election, John Jones and George James pretended to act as conſtables of the ſaid borough; and, as ſuch, to preſide at the ſaid election as the returning officers; which they had no right to do; and the actings and doings of the ſaid John Jones and George James were contrary to the antient rights and uſage of the ſaid borough: that notwithſtanding the petitioners had a majority of legal votes, yet the ſaid Sir John Trevelian and Mr. Milner, although not qualified within the late act of parliament for ſecuring the freedom of parliament, by the farther qualifying of members to ſit in the houſe of commons, by bribery, and other indirect practices, procured themſelves to be returned, in wrong to the petitioners: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine and report the matter thereof, with their opinion.

13th. The order of the day being read, for the hearing the matter of the petition of John Jones and George James, conſtables of this borough; and of the ſeveral voters, in behalf of themſelves, and others the voters of the ſaid borough; and alſo the matter of the petition of George Speake, eſq; lord of the manor of Alcombe, in the ſaid borough.

The counſel for the ſaid petitioners, in both petitions, were called in; and the petitions were again read, and the counſel heard; and the counſel againſt the petition of the conſtables, objecting to the conſtables proceeding upon their petition; for that the queſtion, who was the returning officer, is a matter of private property, triable at law; and that this houſe never took upon them to determine ſuch a queſtion.

The counſel withdrew.

Ordered, that the counſel be called in; and that Mr. Speaker do acquaint them, that this houſe will not ſuffer them to diſpute the privileges of the houſe: and they were called in, and acquainted therewith.

Then the counſel proceeded, and were heard on both ſides; and ſeveral witneſſes were examined; and then the witneſſes and counſel withdrew.

Reſolved, that the conſtables of this borough are the proper officers, to whom the precept for electing burgeſſes to ſerve in parliament for this borough ought to be delivered; and to whom the execution of the ſaid precept doth belong.

December 3. The petition of Thomas Gage and Samuel Edwyn, eſquires, was read, in ſubſtance the ſame with the former petition.

Ordered, that it be referred to the committee of privileges and elections, to examine and report the matter thereof, with their opinion.

Feb. 6. Ordered, that the committee of priviledges and elections be diſcharged from proceeding upon the ſaid petition.

Ordered, that the matter of the ſaid petition be heard at the bar of the houſe on Monday fortnight.

24th. The houſe proceeded in the hearing of the matter of the ſaid petition; and the counſel were called in, and the petition read.

The counſel for the petitioners acquainted the houſe, that the petitioner Mr. Edwyn waved the matter of his petition; and the petitioner Mr. Gage did not conteſt Mr. Milner's election, but ſhould proceed to diſqualify ſeveral of the voters for the ſitting-member Sir John Trevelian, and to add ſeveral to the poll of Mr. Gage; and thereby ſhould make a majority for Mr. Gage; and examined ſeveral witneſſes on the petitioners part, touching the right of election: and alſo the ſitting-members counſel were heard, and ſeveral witneſſes examined, on their part, touching the ſame.

A motion being made, and the queſtion put, that the right of election of burgeſſes to ſerve in this preſent parliament for this borough, is in the pariſhioners of Minehead and Dunſter, being houſekeepers in the borough of Minehead, and not receiving alms.

An amendment was propoſed, to leave out the word "houſekeepers:" but diſagreed to.

Reſolved, the right of election of burgeſſes, to ſerve in parliament for this borough, is in the pariſhioners of Minehead and Dunſter, being houſekeepers within the borough of Minehead not receiving alms.

Mr. Speaker acquainted the counſel with the ſaid reſolution.

And the petitioners counſel proceeded and examined witneſſes, in order to diſqualify ſeveral perſons who offered to vote for the petitioners, but were refuſed; and alſo to diſqualify ſeveral perſons, who voted for the ſitting-members; ſome, as not being houſekeepers, and others, upon account of bribery.

It was then moved, to hear the merits of the ſaid election, on Wedneſday next, but diſagreed to.

Then the petitioners counſel examined a witneſs, one John Viccary, upon the head of bribery; who gave evidence, that Thomas Wickland had confeſſed to him, that he had received half a guinea for his vote; upon which it was inſiſted on by the ſitting-members counſel, that the ſaid Thomas Wickland, ſhould be examined, in relation to the diſcourſe that the ſaid Viccary alledged to have paſſed between them; which the petitioners counſel oppoſed; and the counſel being heard thereupon.

Reſolved, that Thomas Wickland be examined in the preſence of John Viccary, in relation to the diſcourſe that the ſaid Viccary alledged paſſed between them two, relating to the money ſaid to be confeſſed to be given to the ſaid Wickland, by the ſitting-member for his vote.

Mr. Speaker acquainted the counſel with the ſaid reſolution.

And the ſaid Viccary and Wickland were called in, and Wickland was examined accordingly: and the petitioners counſel proceeded; and other witneſſes were examined upon the head of bribery.

It was then moved to proceed farther in the hearing the merits of the ſaid election on Wedneſday morning next, but diſagreed to.

Then the petitioners counſel proceeded in their evidence, and went through the head of bribery.

Then the petitioners inſiſted, that ſeveral of the voters for the ſitting-members were treated before the election.

It was then moved to adjourn the further hearing of the matter of the ſaid election until Wedneſday next, and diſagreed to.

And the petitioners proceeded and examined ſeveral witneſſes, touching treating.

It was moved again, to adjourn the farther hearing of the matter of the ſaid election until Wedneſday next, and diſagreed to.

Then the counſel for the ſitting-member opened their evidence; and produced Joſeph Alloway to be examined as a witneſs.

The petitioners counſel objected againſt his being examined as a witneſs, as having diſtributed bribes at the ſaid election.

Whereupon the counſel were heard.

And it was moved, that Joſeph Alloway having been proved to have been a diſtributer of bribes be examined as a witneſs in this cauſe.

An amendment was propoſed to be made to the queſtion, by leaving out the word "proved," and inſtead thereof to inſert the word "charged" which was agreed to; and

Reſolved, that Joſeph Alloway having been charged to have been a diſtributer of bribes, be examined as a witneſs in this cauſe.

Mr. Speaker acquainted the counſel with the ſaid reſolution.

And the ſaid Joſeph Alloway and other witneſſes were examined on the ſitting-member's behalf in order to invalidate the petitioners evidence; and to prove that ſeveral of the petitioners voters were treated before the election.

Then the counſel for the ſitting-member ſummed up their evidence.

And the petitioners counſel replied.

Reſolved, that Sir John Trevelian, baronet, is duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

Dec. 16. 1721. A complaint being made to the houſe, that although the writ for electing a burgeſs, to ſerve in this preſent parliament for this borough, in the room of James Milner, eſquire, deceaſed; iſſued long ſince, yet the ſame is not delivered to the ſheriff of the ſaid county.

Ordered, that Mr. Robert Briſcoe, the meſſenger attending the great ſeal, do attend this houſe upon Monday morning next.

18th. The houſe being informed that Mr. Robert Briſcoe, meſſenger to the great ſeal, attended according to order; he was called in; and examined touching the miſcarriage of the writ for electing a burgeſs to ſerve in this preſent parliament for this borough, in the room of James Milner, eſquire, deceaſed; and ſaid, he delivered the writ to Mr. Thomas Parker on the 30th of Nov. laſt, and produced a receipt from the ſaid Mr. Parker for the ſame: which receipt (whereby the ſaid Mr. Parker promiſed to deliver the writ to the ſheriff with all convenient ſpeed,) was read; and the houſe being acquainted, that the ſaid Mr. Parker was at the door; he was called in and examined; and owned the receiving the writ from Mr. Briſcoe: and ſaid, he delivered it to one John Fox, on the firſt day of December inſtant, who promiſed to deliver it to the ſheriff; but that he had not ſeen or heard of the ſaid John Fox ſince, and then the ſaid Mr. Parker withdrew.

Ordered, the matter of the ſaid complaint be adjourned till Thurſday morning next.

Ordered, Mr. Robert Briſcoe, Mr. Thomas Parker, and the ſaid John Fox do then attend.

21ſt. The houſe reſumed the matter of complaint, touching the miſcarriage of the writ; and the houſe called upon the ſerjeant at arms to give an account, whether the ſaid John Fox did then attend, purſuant to the order of the houſe.

And the ſerjeant's meſſenger, being called in, acquainted the houſe, that he had endeavoured to ſerve the ſaid John Fox with the order for his attendance this day, but he could not find him; and was informed he was gone into the country.

Ordered, the ſaid matter be farther conſidered on the 11th day of January next; and that Mr. Briſcoe, Mr. Parker, and John Fox do then attend.

Jan. 8. A petition of John Thomas and John Floyde, conſtables of this borough, was read;

ſhewing, that they are the proper officers to whom the precept for electing burgeſſes to ſerve in parliament for this borough, ought to be delivered; and to whom the execution thereof doth belong; but that at the late election of a burgeſs to ſerve in parliament for the ſaid borough, the high-ſheriff cauſed the precept to be delivered to John Viccary and Joſeph Sherry, and hath accepted a return from them; and tranſmitted the ſame to the clerk of the Crown, in defiance of the reſolution of the houſe of the 13th of June 1717: and did refuſe to accept of a return from the petitioners, though tendered to him by one of the petitioners in perſon: and praying &c.

The Journal of the houſe of the 13th of June, 1717, relating to the right of returning members to ſerve in parliament for this borough, was read.

Ordered, that the clerk of the Crown do attend this houſe to-morrow morning with the return of a burgeſs to ſerve in parliament for this borough, in the room of James Milner, eſquire, deceaſed;

The houſe being informed, that John Thomas and John Floyd, the petitioners, were attending at the door with the return by them tendered to the high-ſheriff of the county of Somerſet;

Ordered, that the ſaid John Thomas and John Floyde, conſtables of the ſaid borough, do attend this houſe to-morrow morning with the return which was tendered by them to the high-ſheriff of the ſaid county.

9th. The clerk of the Crown attending, according to order, with the return of a burgeſs to ſerve in this preſent parliament for this borough, in the room of James Milner, eſquire, deceaſed;

The ſaid return was read; which was ſigned by ſeveral of the burgeſſes of the ſaid borough: and alſo the precept of the ſheriff, directed to the burgeſſes and electors of the ſaid borough, was read; but there was not any indorſement on the back of the ſaid precept; and John Thomas and John Floyde, conſtables of the ſaid borough, were called in and examined, and withdrew.

And a witneſs was examined: who delivered in the court-rolls of the manor and borough of Minehead, at a court held October 19, 1721; where the conſtables of the ſaid borough were appointed; and ſo much of the rolls as related to the ſaid appointment, was read.

And then John Thomas and John Floyde, conſtables of the ſaid borough, were called in; and at the bar delivered in the indenture of return, which was by them tendered to the high-ſheriff of the ſaid county of Somerſet, after the late election of a burgeſs to ſerve in this preſent parliament for this borough, and then they withdrew.

And the ſaid indenture was read.

And the reſolution of the houſe of the 13th of June, 1717, by which it was reſolved, that the conſtables of this borough are the proper officers to whom the precept for electing burgeſſes to ſerve in parliament for the ſaid borough ought to be delivered, and to whom the execution of the ſaid precept doth belong, was read.

Ordered, that the clerk of the Crown do take off from the file, the indenture ſigned by John Viccary and Joſeph Sherry, and other burgeſſes of this borough; the ſame not being ſigned by the conſtables of the ſaid borough.

Ordered, that the clerk of the Crown do receive, and annex to the writ for electing of a burgeſs for this borough, the indenture delivered into the houſe by the conſtables of the ſaid borough, which was ſigned by them and tendered to the high-ſheriff of the county.

And he annexed the ſame accordingly.

Reſolved, that John Viccary and Joſeph Sherry, having preſumed to act as returning officers at the late election of a burgeſs to ſerve in this preſent parliament for this borough, in defiance of a reſolution of this houſe, are guilty of an high crime and miſdemeanor.

Ordered, the ſaid John Viccary and Joſeph Sherry be, for their ſaid offence, taken into the cuſtody of the ſerjeant at arms attending this houſe.

Reſolved, that the farther conſideration of the petition of John Thomas and John Floyd, conſtables of this borough, be adjourned till this day fortnight.

Ordered, that Henry Strode, eſquire, late high-ſheriff of the county of Somerſet, Mr. . . . Day late under-ſheriff, and William Blake, eſquire, do then attend.

Ordered, that Sir Richard Lane, knight, be at liberty to petition this houſe, in relation to the late election of a burgeſs to ſerve in this parliament for this borough, within fourteen days next, if he think fit.

11th. Ordered, that Mr. Strode, county-clerk to the late high-ſheriff of the county of Somerſet, do attend this houſe on Tueſday ſeven-night.

The houſe reſumed the farther conſideration of the matter of the miſcarriage of the writ for electing a burgeſs to ſerve in this preſent parliament for this borough: and John Fox attending according to order, he was called in and examined; and then he withdrew.

Reſolved, that John Fox, being employed to carry the writ for the late election of a burgeſs to ſerve in this preſent parliament for this borough, has been guilty of a breach of truſt, in delivering the ſame to a candidate.

Ordered, that the ſaid John Fox be, for his ſaid offence, committed to the cuſtody of the ſerjeant at arms attending this houſe.

Mr. Briſcoe attending according to order, he was called in and examined, and withdrew.

Ordered, the ſaid matter be farther conſidered on this day ſeven-night.

Ordered, that John Wills, eſquire, of Lincoln's-Inn, and Sir Richard Lane, knight, do then attend.

18th. The houſe reſumed the conſideration of the ſaid matter, and John Wills, eſquire, of Lincoln's-Inn, attending, he was called in, and examined, and withdrew.

And Sir Richard Lane attending alſo, was called in and examined, and withdrew.

The queſtion was put, that John Wills, eſquire, is guilty of a crime, in having cauſed the writ for the late election of a member to ſerve in this preſent parliament for this borough to be delivered to a candidate; after a previous queſtion, it paſſed in the negative.

The queſtion was put, that Sir Richard Lane, being a candidate at the late election of a burgeſs, to ſerve in this preſent parliament for this borough, is guilty of a crime, in receiving and detaining the writ directed to the ſheriff for the ſaid election: It paſſed in the negative.

20th. A petition of Sir Richard Lane, knight, was read; ſhewing, that at the late election of a burgeſs to ſerve in parliament for this borough, the honourable Robert Manſell, eſquire, and the petitioner were candidates; that the ſaid Mr. Manſell

ſell, together with John Thomas and John Floyd, pretended conſtables for the ſaid borough, Joſeph Alway, and other his agents, did bribe a great number of the electors to vote for him the ſaid Mr. Manſell, and declared that the ſaid Mr. Manſell ſhould be returned right or wrong: that, upon a fair majority of legal votes, the right of election belonged to the petitioner, and he ought to have been returned accordingly: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

A motion was made and the queſtion propoſed, that the ſaid Sir Richard Lane do attend this houſe on Tueſday; it was diſagreed to.

22d. Ordered, that Sir Richard Lane do attend this houſe to-morrow morning; and alſo John Thomas and John Floyd.

Ordered, that the clerk of the Crown do attend this houſe to-morrow morning with the return of a burgeſs for the ſaid borough; and with the precept, iſſued by the ſheriff of the county of Somerſet for the ſaid election, annexed to the ſaid return.

Ordered, that * Prowle do attend this houſe to-morrow morning.

23d. The houſe reſumed the conſideration of the petition of John Thomas and John Floyd, conſtables of this borough: and the ſerjeant at arms being called upon to give an account, what he had done in relation to ſummoning Henry Stroude, eſquire, late high-ſheriff of the county of Somerſet;

The meſſenger ſaid, he found the ſaid Mr. Stroude in bed and very infirm; and that he was a very ancient man; and, by reaſon of his age and infirmity, not able to travel.

Then Mr. Stroude, county-clerk to the ſaid ſheriff, was called in and examined; and then he withdrew.

Then Mr. * Day, under-ſheriff of the late high-ſheriff of the county of Somerſet, was called in and examined; and he delivered in the receipt by him taken for the precept, which he delivered to John Viccary and Joſeph Sherry, as returning officers for this borough; and then he withdrew.

Then John Thomas and John Floyde, conſtables of the ſaid borough, were ſeverally called in and examined: and being withdrawn;

Part of the act, made in the 7th and 8th years of the reign of the late King William III. intitled, An act for the farther regulating elections of members to ſerve in parliament; and for the preventing irregular proceedings of ſheriffs, and other officers, in the electing and returning ſuch members, was read.

Reſolved, that * Day, late under-ſheriff of the county of Somerſet, having delivered the ſheriff's precept, for electing a burgeſs to ſerve in parliament in this borough, to John Viccary and Joſeph Sherry, two of the burgeſſes for the ſaid borough, but not conſtables thereof, is guilty of a breach of truſt, and contempt of the authority of the houſe.

Ordered, that the ſaid * Day be, for his ſaid offence, taken into the cuſtody of the ſerjeant at arms attending this houſe.

Oct. 18, 1722. A petition of Samuel Edwin and Francis Whitworth, eſquires, was read; ſhewing, that at the election of members to ſerve in parliament for this borough, the petitioners and the honourable Robert Manſell, eſquire, and Thomas Hales, eſquire, were candidates; that notwithſtanding the petitioners were duly elected by a great majority of legal votes, yet the conſtables arbitrarily took upon themſelves to diſallow legal votes, who offered to poll for the petitioners; and to allow unwarrantable votes in favour of Mr. Manſell and Mr. Hales; and in ſo doing, contrary to juſtice, and the rights and liberties of the petitioners, the ſaid conſtables have unduly returned Mr. Manſell and Mr. Hales: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine and report the ſame, with their opinion.

A petition of the capital burgeſſes and electors of the ſaid borough, in behalf of themſelves and the major part of the electors and burgeſſes of the ſaid borough, was read; ſhewing, that at the election of members to ſerve in parliament for the ſaid borough, the candidates were the honourable Robert Manſell, eſquire, Thomas Hales, Samuel Edwin and Francis Whitworth, eſquires; that notwithſtanding the ſaid Mr. Edwin and Mr. Whitworth were duly elected, by a very great majority of legal votes, the conſtables arbitrarily took upon themſelves to diſallow legal votes, who offered to poll for the ſaid Mr. Edwin and Mr. Whitworth; and to allow unwarrantable votes, who offered to poll for the ſaid Mr. Manſell and Mr. Hales; and in ſo doing, contrary to juſtice, and the rights and liberties of the petitioners, the ſaid conſtables have unduly returned the ſaid Mr. Manſell and Mr. Hales: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine and report the ſame, with their opinion.

MONMOUTHSHIRE.

THIS county, part of the Marches of Wales, Sat. 27 H. VIII. c. 6.
was enabled, by the ſtatute in the 27th of Henry the eighth, to ſend members to parliament (the extract of which ſtatute ſee in the Appendix) and from that time has continued ſo to do. The memoirs I have met with, relating to its elections, are theſe.

June 21, 1625. Mr. Drake preferreth a petition concerning Sir John Perrot.—Referred to the committee of privileges.

July 7. Sir George Moore reporteth from the committee for privileges, for this county,—That Mr. Wogan, before the writ for election, ſollicited divers for voices; threatned divers; others impreſt for ſoldiers; divers ſtricken; others hindred from coming to the election.

A petition of Sir James Perrot read; complaining, that the ſheriff that made the return, was no ſheriff; for his commiſſion determined by the death of the King, and not renewed by the preſent King.

The diſpute concerning Sir James Perrot's petition renewed.—No reaſon to ſuffer ſuch miſdemeanors unpuniſhed, if proved true.

Reſolved to leave all this buſineſs to the committee for privileges, as well for new examination of the miſdemeanors, as of the other matters contained in the ſecond petition.

Mr. Cholmely moveth, for his father, for ſome direction in theſe points. 1. Whether lawful for the ſheriff to miniſter an oath to thoſe which ſhall come in as electors, after 11 o'clock. 2. Whether the ſheriff may make deputies to take the oath. Q. Whether ſheriff.

Nov. 12, 1667. A petition of James Herbert, eſquire, complaining of an undue return of a knight to ſerve for this county, was read.

Ordered, that it be referred to the committee of elections, to examine and report the matter of the petition; and whether the return comes from the proper office; and report it to the houſe.

Reſolved, that Sir Trevor Williams, being the perſon returned, do ſit till the election be determined.

Feb. 14. Sir Job Charleton reported from the ſaid committee, the caſe between Sir Trevor Williams and Mr. Herbert, touching the election for this county; that the committee had examined the matter, and found that Sir Trevor Williams had the majority of voices by much; and that he was duly elected and ought to ſit: whereto the houſe agreed.

Oct. 23, 1702. The houſe, taking notice, by the book of returns of the clerk of the Crown, that there are not returns for this county;

Reſolved, that the ſheriff of this county, for not having made a return of his writ, and of the members elected to ſerve in this preſent parliament, by virtue thereof, is guilty of a breach of the privilege of the houſe.

Ordered, that the ſaid ſheriff of this county be, for his ſaid offence, taken into cuſtody of the ſerjeant at arms.

Nov. 18. A petition of William Lewis, ſheriff of this county, (in cuſtody of the ſerjeant at arms, for not making a return of the writ for electing members to ſerve in this preſent parliament for this county) was preſented to the houſe, and read; acknowledging his offence, and begging pardon for the ſame; and praying to be diſcharged out of cuſtody.

Ordered, that the ſaid Mr. Lewis be brought to the bar, to-morrow morning, to be examined.

19th. Mr. Lewis, the high-ſheriff of this county, was (according to order) brought to the bar, and examined touching the not making a return of the ſaid writ: and he acquainted the houſe, that he had executed and ſigned the return of the ſaid writ, and ſoon after delivered it out of his hands to be carried to the clerk of the Crown.

Ordered, that the ſaid Mr. Lewis be diſcharged out of cuſtody, paying his fees.

Nov. 2, 1705. A petition of John Morgan ſenior, eſquire, was read, ſhewing, that John Morgan junior, eſquire, and the petitioner, were duly elected to ſerve in this preſent parliament for this county, and ought to have been returned accordingly; but by the menaces and treating of ſeveral freeholders, after the teſte of the writ, Sir Hopton Williams pretended to have a majority of the petitioner, and hath prevailed upon the ſheriff to return him inſtead of the petitioner, in wrong to him: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter thereof, and report the ſame, with their opinion.

March 5, 1713. A petition of Thomas Lewis of Saint Peer in this county, eſquire, was read; ſhewing, that at the election for this county, Sir Charles Kemeys, baronet, John Morgan of Tredegar, eſquire, and the petitioner, were candidates; that the high-ſheriff of the ſaid county, and alſo the under-ſheriff refuſed to hold the court before the evening, and then refuſed to appoint more than one booth to take the poll, on purpoſe to delay the time, in prejudice of the petitioner, who then had great numbers ready to poll for him; that on the ſecond day the ſheriff adjourned the poll into a common field adjoining to the town, and there ſet up but two booths or carts to take the poll, which was not ſufficient: that the under-ſheriff finding the petitioner would have the majority, if the poll went forward, put a ſtop to the poll at one of the ſaid booths or carts; and the poll being taken at one booth only, where the high-ſheriff refuſed to receive any of the petitioner's voters, until he had polled all for the ſaid Sir Charles Kemeys; and by which illegal proceedings, the ſaid poll was continued from Thurſday the 17th of September till Wedneſday after, though never known to laſt above two days before: that ſeveral were admitted to poll for Sir Charles Kemeys, who had no right, and others, who had a right were refuſed, for the petitioner; and did arreſt ſome, and threatned others of the petitioner's voters; notwithſtanding which illegal proceedings, the ſaid Mr. Morgan and the petitioner had a majority, and ought to have been returned in the room of the ſaid Sir Charles Kemeys: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine and report the ſame, with their opinion.

MONMOUTH Town.

THIS is the ſhire-town of the county, enabled with its contributary boroughs, Uſk and Newport, to ſend one member to parliament, by the ſame act of parliament mentioned in the account of the county. (See the Appendix.) The memoirs relating to matters of election, I have met with, are theſe. Stat. 27 H. VIII. c. 6.

March 10, 1623. Mr. Glandvyle reported from the committee of privileges for this borough.—Heard yeſterday, and received this morning a petition.—Mr. William Steward returned, and they think his election good. The exception againſt him, becauſe a Scotchman, and not naturalized.—Forborn to come into the houſe, till he had leave.—The caſe of one Levinus Munke, a Wallone and Denizen, returned, and ſat here: and ſo Sir Horace Palevifine. Journal, 732.

The committee delivered no opinion in it.

Mr. Glandvile thinks, Mr. Steward ought not to ſit, becauſe, at the time of his election, he was incapable of it. He that is made a Denizen, is not an Engliſhman: That but only perſonal.

Sir Dudley Digs:—In that parliament, when Bacon, attorney, in queſtion, whether he ought to ſit here or no: over-ruled, he ought not; yet, in favour to him, he was ſuffered to ſit here; and an expreſs order, that never any other attorney after ſhould —To do the like by this gentleman.

Sir Edward Coke:—No alien denizated ought to ſit here.— *Tros, Tyriuſque, mihi nullo diſcrimine habetur*—

The other paſſed *ſub ſilentio*—Some ſit here that are under age, and ought not to ſit here, becauſe not queſtioned.

Reſolved, that Mr. Steward hath dealt very worthily in forbearing to come to the houſe.

Nov. 26, 1640. The petition from the inhabitants of the ſeveral towns of Abergavenny, Uſke, and Newport, read; and referred to the committee for privileges.

Oct. 25, 1680. A petition of John Arnold, eſquire, was read.

Ordered, that the ſaid petition be referred to the conſideration of the committee of privileges and elections,

lections, to examine and report the matter, with their opinion.

Nov. 26. Sir William Poultney reports from the ſaid committee of privileges and elections, that the ſaid committee, having taken into conſideration the matter touching the election and return for this borough, had reſolved;

That the election of a burgeſs to ſerve in parliament for this borough, doth not belong to the burgeſſes and inhabitants of this borough only.

That the burgeſſes inhabitants of the boroughs of Newport and Uſk, in this county, have a right to vote at the election of a burgeſs to ſerve in parliament for the ſaid borough.

That Charles Lord Herbert is not duly elected a burgeſs to ſerve in this parliament for this borough.

That John Arnold, eſquire, is duly elected a burgeſs to ſerve in this parliament for this borough: which ſeveral reſolutions, being read twice, were reſolved by the houſe—.

March 31, 1715. A petition of Andrews Windſor, eſquire, was read; ſhewing, that in purſuance of the writ under the great ſeal, a precept of the ſheriff of this borough, was delivered to Mr. Barns mayor thereof, for the election of a burgeſs for that borough; and he, according to the precept, gave due notice of the election; and the electors appeared accordingly; and the petitioner was choſen to repreſent the borough, and ſo declared by the mayor; and an indenture of the return of the petitioner was ſealed and affixed to the precept, and given to the ſheriff, who ſigned the ſame; but pretending that he had ſent his return for the county to London, deſired the petitioner to carry the petitioner's return to the under-ſheriff in London, giving the petitioner a letter to him or his deputy, with directions to receive the return and precept, and annex the ſame to his general return for the county; which letter, with the return ſo affixed, the petitioner delivered, according to the ſheriff's direction here in town; and that perſon was deſired to annex the ſame accordingly, who acquainted the petitioner that the general return was not then come to town; upon which the petitioner left the letter and return with the perſon: but the petitioner finds that the general return for the county is delivered to the clerk of the Crown, without the petitioner's return on the precept, and with an indenture ſigned by the mayor of Newport, and others, to whom the precept was not directed, of William Bray, eſquire; to the great injury of the petitioner and the ſaid borough: and praying &c.

Ordered, that the clerk of the Crown do attend this houſe on the 12th of May next, with the returns for the county of Monmouth.

Ordered, that the high-ſheriff, his deputy, and Mr. Thomas Morgan his agent, do then attend this houſe.

Ordered the matter of the ſaid petition be then heard at the bar of the houſe.

May 11. Ordered the ſaid petition be heard at the bar on Saturday ſeven-night.

Ordered the ſaid perſons, who were ordered to attend to-morrow, do then attend.

21ſt. Ordered, that it be heard at the bar upon Thurſday ſeven-night.

Ordered the ſame perſons, who were ordered to attend this day, do then attend.

June 2. Ordered it be heard at the bar of the houſe on Saturday ſeven-night.

And the ſame perſons then to attend.

11th. The houſe proceeded in hearing the matter of the ſaid petition; and the counſel were called in.

The petition was read; and the counſel for the petitioner inſiſting to proceed upon the matter of the return in the firſt place; which the counſel for the ſitting-member oppoſing, and inſiſting, that the merits of the election ought to be proceeded on at the ſame time: the counſel were heard, and withdrew.

Reſolved, that the counſel for the petitioner be directed to proceed upon the merits of the election, as well as upon the merits of the return for this borough.

Mr. Speaker acquainted them therewith.

Whereupon the counſel for the petitioner acquainted the houſe, that they having depended upon the merits of the return being only proceeded on at this time, they were not ready to proceed now in the merits of the ſaid election; and deſired a farther day might be appointed.

A motion was made to adjourn the farther hearing the merits of the election and return for this borough, till this day ſeven-night; but it was diſagreed to.

Ordered the ſaid merits of the ſaid petition be heard again on Tueſday next.

14th. Reſolved, that the farther hearing of the ſaid election be diſcharged.

The clerk of the Crown attending with the return for the ſaid borough; the ſame was read; and appeared to be made by the mayor of Newport, and ſeveral burgeſſes of Monmouth, Newport, and Uſk, without the precept of the ſheriff of the county of Monmouth being annexed thereto.

Ordered the clerk of the Crown do take the ſaid return off the file, and he took the ſame off accordingly.

And the houſe being informed, that the mayor of this borough was in town, with the return for this borough annexed to the precept to him directed;

Ordered, that the mayor of the ſaid borough do forthwith deliver to the clerk of the Crown, the return with the precept annexed, of a burgeſs to ſerve in this preſent parliament for this borough; and that the clerk of the Crown do annex the ſame to the writ returned by the ſheriff for the county of Monmouth.

MONTGOMERYSHIRE.

THIS is one of the twelve Welſh counties, enabled to ſend a repreſentative to parliament by the ſtatute of the 27th of Henry the eighth; from which time it has returned one knight to parliament. The memoirs relating to its elections, are theſe. See Angleſea.

July 16, 1660. Sir Edward Turner reported, from the committee for privileges and elections, the caſe of the election of a knight to ſerve for this county—That, upon examination of the fact, ſome objections were made againſt the validity of the former election, by reaſon the poll was demanded of the ſheriff, and denied: and that the committee were of opinion, the poll was not ſo demanded and refuſed, as to make the election void; and that John Purcell, eſquire, who is returned to ſerve for the ſaid county, is duly elected and ought to ſit: whereto the houſe agreed.

Oct. 23, 1702. Notice being taken that the ſheriff of this and other counties, had not returned their writs for electing members to ſerve in this preſent parliament; See Monmouthſhire.

Reſolved, that the ſaid ſheriff, for not having made a return of his writ, and of the members elected to ſerve in this preſent parliament by virtue thereof, is guilty of a great breach of the privilege of this houſe.

Ordered to be taken into cuſtody of the ſerjeant at arms attending the houſe.

Nov. 8th. A petition of John Felton, high-ſheriff of this county, in cuſtody of the ſerjeant at arms attending the houſe, for not making a return of the writ for electing members to ſerve in this parliament for this county, was read; acknowledging his offence, and begging pardon for the ſame; and praying to be diſcharged out of cuſtody.

Ordered the ſaid Mr. Felton be brought to the bar upon Monday, to be examined touching the not making the ſaid return.

Ordered, that Mr. Richard Fowkes, under-ſheriff of the ſaid county, be ſummoned to attend forthwith.

9th. Mr. Felton, the high-ſheriff of the county, was, according to order, brought to the bar, and examined touching the not making the return of the ſaid writ for the electing the members to ſerve for this county: and he acquainted the houſe, that he (immediately upon receipt of the writ) ſent it to Mr. Fowkes his under-ſheriff, and that the execution and return thereof was left to his under-ſheriff; and that he ſigned the return accordingly.

Ordered, that the ſaid Mr. Felton be diſcharged out of the cuſtody of the ſerjeant at arms.

MONTGOMERY Town.

Stat. 27 H. VIII, c. 6.

THIS is the ſhire-town of the county of this name; and formerly, with its coadjutor boroughs, Llandidloes, Poole, and Llanvyllin, elected one burgeſs, by virtue of the ſtatute of the 27th of Henry the eighth: but it hath lately been determined, that the right is in this town only. The memoirs, relating to ſeveral elections, in the Journals, are theſe.

1580. In the vacation between the ſeſſions of parliament, ſeveral writs were iſſued by the Lord Chancellor, in the room of members ſick or abſent.

Jan. 19. Several members, elected by virtue of thoſe writs, were allowed to ſit.

D'Ewes' Journal 282.

The names of the members are not in the original Journal; but Sir Symond D'Ewes has inſerted in his Journal, that Richard Herbert, eſquire, was elected, and allowed to ſit for this town, in place of Mr. Pugh, who was ſuppoſed dead, but was only ſick.

Ibid. 307, 308.

March 18. Ordered (upon Mr. Cromwell's report) that Richard Herbert, eſquire, returned a burgeſs for this borough, in the room and place of Rowland Pugh, eſquire, ſuppoſed to be dead, but yet known to be in plain life, ſhall be forthwith amoved from his place; and the ſaid Rowland Pugh ſhall ſtand and continue for the ſaid place.

July 16, 1660. Sir Edward Turner reported, from the committee for privileges, the caſe upon the return of Thomas Middleton, eſquire, to ſerve for this borough; and the petition of Charles Floyd; That, upon examination of the fact, it appears to the committee, that Mr. Middleton is duly choſen, and ought to ſit: whereto the houſe agreed.

March 19, 1678. A petition of Edward Lloyd, eſquire; complaining of undue practices uſed by the bailiffs, in electing and returning Matthew Price, eſquire, to ſerve for this borough, in injury of the petitioner, who was duly elected, and ought to have been returned; was read.

Reſolved, that it be referred to the committee of privileges and elections, to examine and report the matter thereof, with their opinion.

A petition of Matthew Price, eſquire; complaining of an undue return of Edward Lloyd, eſquire, to ſerve as a burgeſs for this town, whereas the petitioner is duly returned by the proper officers; was read.

Reſolved, that it be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

20th. A petition of the mayor, bailiffs, and burgeſſes of Llandidloes, Poole, and Llanvyllin, was read; complaining of undue practices uſed by the bailiff of the town of Montgomery, in not giving timely notice to the inhabitants of the ſaid boroughs of the election; and, upon the day of election, excluding the petitioners from being polled, who had agreed to give their votes for Edward Lloyd, eſquire: but the ſaid bailiff, being influenced by ſome great perſon in the neighbourhood, returned Matthew Price, eſquire, to ſerve in this preſent parliament as burgeſs for the ſaid town; notwithſtanding the petitioners, who were far the greater number, unanimouſly made choice of the ſaid Edward Lloyd, to the great injury of the petitioners; and praying, that the ſaid Edward Lloyd may either have the benefit of their voices, or that the election may be made void.

Reſolved, that the ſaid petition be referred to the committee of privileges and elections, to examine and report the ſame, with their opinion.

April 1, 1679. Sir Thomas Meers reported, that the committee had conſidered the matter of the return for this borough; and agreed on a report, as follows; viz.

There are two indentures, both dated the 18th of February; one, between John Williams, eſquire, ſheriff of this county, of the one part; and Edward Whittingham and Roger Jones, bailiffs, and many of the burgeſſes of this borough, of the other part (wherein Mr. Matthew Price is returned;) and is ſigned by both the bailiffs and many burgeſſes; and a large ſeal againſt the bailiffs names; and a ſeal to each of the burgeſſes names.

The other indenture, between the ſame ſheriff, of the one part; and many burgeſſes of the boroughs of Montgomery, Poole, and Llanvyllin, in the ſame county, of the other part (whereby Mr. Edward Lloyd is returned) and is ſigned by many of the ſaid burgeſſes, but not either of the bailiffs hands, or any ſeal at all.

Whereupon the committee reſolved,

That the indenture, wherein Matthew Price, eſquire, is returned to ſerve in this preſent parliament for this borough, is well and duly returned, and by the proper officers; and that thereupon he ought to ſit in the preſent parliament, as well returned for the ſaid borough of Montgomery: which was alſo reſolved by the houſe.

Oct. 27, 1680. A petition of Sir John Trevor, touching the election for the ſhire-town of Montgomery, was read.

Ordered to be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Nov. 8. A petition of the bailiffs and burgeſſes of the borough of Poole, in the county of Montgomery, touching the election of a burgeſs to ſerve in this preſent parliament for the ſhire-town of Montgomery was read: and a debate ariſing, whether the ſaid petition be exhibited within the time prefixed by the orders of the houſe; it was rejected.

March 24. A petition of Sir John Trevor, touching the election for this ſhire-town, was read.

Ordered, that it be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

May 23, 1685. A petition of Charles Herbert, eſq; touching the election for this town; alſo a petition of the mayor and burgeſſes of this town, and of the boroughs of Llandidloes, Poole, and Llanvyllin, were read.

Ordered, that they be heard at the bar of the houſe, on this day fortnight.

30th. Ordered, that the hearing of the merits of the election of a member, to ſerve in this parliament for this borough be heard at the bar, on the firſt ſitting-day after Whitſunday.

June 10. The houſe proceeded in the hearing of the merits of the ſaid election; and the counſel being called in, and heard at large upon the matter: and afterwards being ordered to withdraw;

Reſolved, that the election of a burgeſs, to ſerve in parliament for this ſhire-town, doth not belong to the burgeſſes of Montgomery only.

That the ſeveral burgeſſes of the ſeveral boroughs of Llandidloes, Poole, and Llanvyllin, in the county of Montgomery, have a right to vote at the election of a burgeſs, to ſerve in parliament for this ſhire-town.

That William Williams, eſquire, is not duly elected a burgeſs to ſerve in this preſent parliament for this ſhire-town.

That the late election of a burgeſs, to ſerve in this preſent parliament for this ſhire-town, is a void election: and a warrant ordered for a new writ.

Nov. 2, 1705. A petition of John Vaughan, eſquire, was read; ſhewing, that the principal and moſt ſubſtantial burgeſſes of this borough deſired the petitioner to repreſent them in the preſent parliament, they reſolving to chuſe him; but Mr. George Beddoes, one of the bailiffs, in the abſence of Mr. Edward Morris, the capital bailiff of Montgomery, having appointed the 18th day of May laſt for the election, though he had not given due notice thereof, the petitioner then appeared with ſeveral ſubſtantial burgeſſes; and as ſoon as the court was called, and the mandate read, ſome of the poorer ſort of the inhabitants (who had no right to vote) without any previous notice, demanded a poll for Mr. Charles Maſon; and though the petitioner, and divers burgeſſes, deſired Mr. Beddoes to adjourn the court for ſome convenient time, to prepare books to take the poll, and clerks and inſpectors; yet he (deſigning to ſurprize the petitioner, and elect Mr. Maſon) refuſed an adjournment, and proceeded to an election; and in an hour's time, in great haſte, before all the burgeſſes preſent had voted for the petitioner, cloſed the poll, and illegally elected and returned the ſaid Mr. Maſon, notwithſtanding the petitioner had the majority of legal votes: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

6th. A petition of Lumley Williams and John Herbert, eſquires, Morgan Edwards, John Davis, John Bembowe, Edward Evans, and Edward Lloyd, gentlemen, burgeſſes of this town and borough, as well on behalf of themſelves, as of the other burgeſſes of the ſaid borough, was read; ſhewing, that a mandate being delivered by the ſheriff of the county of Montgomery to George Beddoes, one of the bailiffs of this borough, for chuſing a member to ſerve in this preſent parliament for the ſaid borough; he, the ſaid Beddoes, intending to ſurprize the petitioners and deprive them of their votes, did, on the 18th of May laſt (in the abſence of the other bailiff) proceed to ſuch election, although he did not give notice thereof, until the very day next before the ſaid election; by which means, and other undue practices, Mr. Charles Maſon was unduly elected and returned; the petitioners intending to have choſen John Vaughan, eſquire, to repreſent them, had they had ſufficient notice of the ſaid election: and praying &c.

Ordered, to be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

8th. A petition of John Wynn and William Nicholls, eſquires, bailiffs of the town and borough of Poole; John Price and Griffith Buckley, eſquires, bailiffs of the borough and town of Llanvyllin; and Jenkin Lloyd, gentleman, mayor of the borough of Llandidloes, in the county of Montgomery; as well in behalf of themſelves, as of the reſt of the burgeſſes of the ſaid ſeveral boroughs, was read; ſhewing, that the petitioners, who have an undoubted right to elect a burgeſs to ſerve in parliament for the borough of Montgomery, intended to have choſen John Vaughan, eſquire, to have been their repreſentative in this preſent parliament; but they were deprived of their votes, for want of due notice of the laſt election: that the bailiffs of Montgomery, particularly George Beddoes, tanner (one of them) combining with ſhoemakers, and other mean tradeſmen and rabble of the town, to bring in Mr. Charles Maſon (whom the petitioners would not have intruſted) did, by ſurprize, unduly and illegally elect and return the ſaid Mr. Maſon, to the great prejudice of the petitioners: and praying &c.

Ordered, to be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Jan. 8th. Ordered, the report be made on Thurſday ſeven-night.

17th. Mr. Compton reported the matter on the ſaid ſeveral petitions, as follows. The petitioners counſel alledged, that the right of election was in the burgeſſes of Montgomery and three out-boroughs; and the ſame was not controverted by Mr. Maſon's counſel.

That it was agreed, Mr. Maſon had a majority on the poll: but the petitioners counſel complained of ill practices uſed, to procure votes for Mr. Maſon; and that there was no due notice given of the election; and alſo of a ſurprize in Mr. Maſon's appearing a candidate.

As to ill practices, they called Evans; who ſaid, that Powell who voted for Mr. Maſon, and demanded a poll for him, offered Francis Herbert ten pounds, to vote as he would have him. Herbert voted for Mr. Vaughan. As to the want of due notice; Evans and others ſaid, the electors were about ſeven or eight hundred perſons: That in Montgomery alone were an hundred and twenty; whereas at this election were polled ſeventy one only: That there was a general complaint of the ſurprize.

Cooper ſaid, he had but an hour's notice of the election: And Evans, one of the ſerjeants, ſaid, he did not proclaim the election at Montgomery, as uſual; but owned, he was ſent by one of the bailiffs (the other not being in the town) on Monday before the election, to Llandidloe:, to give notice to the bailiffs that the election would be the Friday after; and did give ſuch notice accordingly.

It appeared alſo, that it was not known, Mr. Maſon intended to be a candidate, or did appear in the town, till they had actually begun the election, and then Mr. Powell demanded a poll for Mr. Maſon; and Mr. Maſon appeared as candidate.

On the poll, there were for Mr. Maſon, 41.
for Mr. Vaughan, 30.

That Robiſon, who took the poll, ſaid, it was carried on haſtily, ſo that the names of one or two, who polled, were not ſet down by him; but it was admitted, three proclamations were made for perſons to come in to poll, before the poll was cloſed.

For Mr. Maſon—To prove due notice, Edward Davis, an alderman of Montgomery, and who had known the town forty years, ſaid, the election was on Friday; and the Monday before, at nine o'clock in the morning, the two ſerjeants being ſent to give notice to the out-boroughs, he made a proclamation, in the uſual place in Montgomery, of the time of the election. That at the election, two perſons were ſworn on each ſide, to take the poll; and he believed, twelve proclamations were made, before it was cloſed; and though he had been an alderman twenty years, and ſeen ſeveral elections, he never ſaw a fairer.

Richard George ſaid, he heard Mr. Davis make proclamation, as aforeſaid.

Edward Lloyd ſaid, he was ſent, on Monday before the election, by Mr. Beddoe, one of the bailiffs of Montgomery, to the bailiffs of Welſhpool and Llanvyllin, to give them notice the election would be on the Friday; and did give them ſuch notice; and the election was generally talked of in Montgomery, and a letter ſent particularly to a kinſman of Mr. Vaughan's, to give notice of the time of the election. He voted for Mr. Vaughan, as did the other ſerjeant, who gave notice at Llandidloes.

That as to Mr. Maſon's appearing too late; Whittingham ſaid, he ſent to Mr. Maſon, about eleven o'clock the night before, to be a candidate; and Mr. Maſon ſent word, he would if the town would chuſe him; deſiring his name not to be mentioned, till he ſhould be ſatisfied of the election. That thereupon he aſked ſeveral to vote as he ſhould; which they promiſed to do, if it was not for Mr. Vaughan. That there were 10 or 12 proclamations, before the poll cloſed. Upon the whole, the committee reſolved,

That Charles Maſon, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for this ſhire town: whereto the houſe (upon its being twice read) agreed.

March 30, 1715. A petition of Francis Herbert, eſquire, was read; ſhewing, that at the election for this town or borough; the petitioner, with John Pugh, eſquire, were candidates; that notwithſtanding the illegal and indirect proceedings of the ſaid Mr. Pugh, his friends, and agents, and their corruption and bribery, and other violent practices, in order to procure his election and return; yet the petitioner was duly elected by a majority of ſuch votes as had a right to poll, and ought to have been returned accordingly; but the bailiff of the ſaid borough returned the ſaid Mr. Pugh; in prejudice of the petitioner, and the ſaid burgeſſes: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

MORPETH.

THIS borough is in the county of Northumberland; and was firſt repreſented in parliament in 1553. The memoirs relating to its elections, and members in that reſpect, which I have met with, are theſe.

Willis. 1749.38.

Feb. 7, 1620. Sir George Moore made ſeveral reports, relating to elections; amongſt which was a caſe relating to this borough: but it being the third caſe (as appears by what follows) it was only mentioned from the committee in theſe words.

3. All of opinion againſt . . . . a clerk returned becauſe had, or might have, a voice in convocation houſe; therefore not fit to be admitted here: and would have fined the town, but for their poverty.

This is all that is inſerted in the Journal of that day; which ſeems to be the opinion only of the caſe, without naming the borough: only Sir Edward Coke, the ſame day, in debating another caſe, ſaid — Nowell put out, becauſe had voice in convocation.

But on the next day, this matter is explained to concern this borough, as appears by the Journal.

8th. Sir George Moore proceedeth with his report for the third queſtion, concerning the return of . . . a miniſter, returned for this borough.

JohnRobſon de Morpeth. See Willis Liſts (1749.) 181.

Sir Edward Coke,—When he ſpeaker, one put out: and that he ſaw Alexander Nowell, though he had not *curam animarum*, put out, becauſe of the convocation houſe.

Upon the queſtion, reſolved, his return void; and a new writ to iſſue for a new election.

Nov. 25, 1695. A petition of Henry Lumley, eſquire, was read, ſhewing, that George Nicholls, eſquire, and the petitioner, were duly choſen burgeſſes to ſerve in this parliament for this borough; yet one of the pretended bailiffs of the ſaid borough hath returned the ſaid Mr. Nicholls and Sir Henry Bellaſyſe, in prejudice of the petitioner's right: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

March 7th. Ordered the report be made on Monday morning.

9th. Colonel Granville reported, from the ſaid committee, the matter touching the ſaid election, upon the ſaid petition.

The poll was, for Mr. Nicholls, 90.
for Sir Henry Bellaſyſe, 51.
for the petitioner, 39.

That it was agreed, there had not been any controverted election before at this town, and that Mr. Nicholls was agreed to be duly elected.

The queſtion was therefore between Sir Henry Bellaſyſe and the petitioner; and it depended entirely upon determining the right of election.

The petitioner inſiſted, that the freemen of the ſeveral crafts of the borough, being ſeven in number, had an equal right to vote with the free burgeſſes.

For Sir Henry Bellaſyſe it was inſiſted, that the right was in the bailiffs and free burgeſſes only.

To prove the former (viz. the right in the free brothers, for ſo they are called) was read an oath taken by the fullers and dyers, one of the ſaid ſeven crafts; whereby they ſwear to be true and faithful to the town and borough: alſo a copy of ancient articles between Lord Dacre, Lord of the manor, and the burgeſſes and commonalty of the town; whereby the ſeven crafts are inſtituted, and many orders of their regulation are provided; and particularly, that every apprentice, ſerving ſeven years within the ſaid town, ſhould give or pay to the common hutch, for his ſaid freedom twelve pence: by which the ſaid counſel inferred, that the ſaid free brothers were freemen of the town.

But it appeared to the committee, that there was a plain difference in many reſpects; viz. The free burgeſſes had each two ſtints in the common, more than the free brothers; and that the latter did not chuſe either bailiffs or conſtables; nor were ever ſummoned to chuſe parliament-men; only at elections they have appeared, and, at ſuch elections, ſhouted with the free burgeſſes.

For to prove the right in the free burgeſſes, they produced ſeveral returns of members to ſerve in parliament: and one of them, viz. 1 Mary was read; whereby it appeared, the bailiffs and burgeſſes elected. And it was agreed, the returns had been the ſame from that to this time: and called Thompſon, Story, and Tate, who had known the borough 60, 45, and 40 years; and ſaid, the free brothers never voted or claimed to vote. It was proved, the free burgeſſes took an oath to the Lord of the manor, which the free brothers did not; that they, being elected freemen and free burgeſſes within the ſaid borough, ſhould be true and faithful to the Lord of the ſame; and maintain and defend all the orders, privileges, and cuſtoms, belonging to the town and corporation.

The committee reſolved,

That the right of electing burgeſſes, to ſerve in parliament for this borough, is only in the bailiffs, and free burgeſſes, of the ſaid borough.

That Sir Henry Bellaſys is duly elected a burgeſs, to ſerve in this preſent parliament for this borough: which, being twice read, were agreed to by the houſe.

March 5, 1713. A petition of the ſeveral free-burgeſſes and freemen of this corporation-town, whoſe names are ſubſcribed, was read; ſhewing, that contrary to the act of the 7th and 8th of King William III. for preventing charge in elections, Alexander Douglaſs, eſquire, now elected and returned for this borough, was guilty of many notorious briberies, in breach of the aforeſaid act: and praying &c.

Ordered, to be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

March 31, 1715. A petition of Oley Douglaſs was read; ſhewing, that the Lord Morpeth, the Lord Viſcount Caſtlecomer, Thomas Renda, eſquire, and the petitioner were candidates at the election for Morpeth; that the ſaid Lord Caſtlecomer procured himſelf to be elected and returned by ſeveral indirect practices, not only in getting the agents and ſervants of the Earl of Carliſle to make uſe of his lordſhip's name and authority to command and influence the voters of the ſaid corporation, but likewiſe in giving money, meat, and drink, &c. and promiſing rewards to the burgeſſes, or freemen of the ſaid borough; and that ſeveral ſons of freemen, and ſeveral free brothers, having according to the uſual cuſtom legally demanded their freedom, and did ſeverally tender their votes for the petitioner, but were rejected by the bailiffs: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine and report the ſame, with their opinion.

April 20, 1716. Ordered leave to be given to withdraw the ſaid petition.

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PART II.

NEWARK.

Cart. 26, Car. 2di. Willis, 1749. p. 40.

THIS borough is ſituate within the county of Nottingham, and is the moſt modern parliamentary borough in England, being ſo created and incorporated by king Charles II. in the 29th year of his reign, on account of its loyalty to king Charles I. Its firſt election was before its incorporation, and became the ſubject of a petition to the houſe of commons: of which, and other matters relating to the election for this borough, I have met with the following memoirs.

April 17, 1675. A petition of Mr. Saville and Sir Paul Neille, returned burgeſſes for this borough, was read.

Ordered, that this petition be referred to the committee of privileges and elections, to conſider the matter on Monday three weeks, and to report it, with their opinion therein, to the houſe: for which purpoſe they are empowered to ſit that day.

May 10th. A petition of John Girton, Francis Cheetem of Newark, Thomas Wright of Balderton, John Bell of Coddington, John Clerk of Winthorp, in the county of Nottingham, on behalf of themſelves, and the moſt of the gentlemen, freemen, freeholders and copyholders of thoſe ſeveral towns, was read; complaining of undue means and practices in obtaining a charter for ſending two burgeſſes, to ſerve in parliament, for this borough.

Reſolved, that the matter of the ſaid petition, which doth relate to the ſending of burgeſſes, to ſerve in parliament, for this town, be referred to the committee of privileges and elections, to take the ſame into conſideration, at the ſame time when the matter concerning the perſons returned to ſerve for that place, formerly referred, comes into examination.

14th. A petition of John Girton and Francis Cheetam, and others, complaining of undue means and practices in obtaining a charter for ſending two burgeſſes, to ſerve in parliament, for this town.

Reſolved, that this petition be referred to the committee of grievances, to examine the matter of the petition, and report the caſe with their opinion.

Feb. 22, 1676. A petition of Sir Paul Neile was read.

Reſolved, that it be referred to the committee of grievances.

26th. A petition of Mr. Henry Saville elected to ſerve, as a burgeſs, for this borough, in this parliament.

And a queſtion ariſing upon the right of the ſaid town to chuſe burgeſſes to ſerve in parliament.

Reſolved, that the caſe of Mr. Saville, upon the ſaid petition, be heard at the bar of this houſe on Friday next come fortnight; and that notice thereof be given by the petitioner, to this town, that they may come in and be heard.

Reſolved, that the caſe of Sir Paul Neile, upon his petition, being elected to ſerve as a burgeſs for this borough upon his petition, which was referred to the committee of grievances, be heard at the bar at the ſame time; and he to give the like notice.

March 16th. Ordered, that the caſe of the election for this borough be heard on Wedneſday morning next at the bar of the houſe.

21ſt. The houſe proceeded to the hearing of the ſaid caſe: and counſel being called in, and the petition of Mr. Saville read, and the counſel heard.

Reſolved, that by virtue of the charter granted to this town, it hath right to ſend burgeſſes to parliament.

Reſolved, that Mr. Saville and Sir Paul Neille are not duly returned to ſerve in this parliament, for this borough; and a new writ was ordered.

Jan. 31, 1677. A petition of Peniſton Whalley, eſquire, concerning the election for this borough, being tendered: and a queſtion ariſing, whether the ſame be preferred within the time limited by the order of the houſe.

Ordered, that it be referred to the committee of elections and privileges to examine, whether the ſaid petition be preferred in time or not.

Feb. 12th. Sir Thomas Meres reported from the ſaid committee, that the committee had conſidered the matter; and reſolved,

That the petition of Peniſton Whalley, eſquire, complaining of an undue return of a burgeſs for this borough, did not come in due time, according to the orders of the houſe: whereto the houſe agreed.

Dec. 12, 1698. A petition of John Rayner, eſquire, was read; ſhewing, that the petitioner was duly choſen a burgeſs to ſerve in this preſent parliament, for this borough; but many illegal practices were uſed by Edward Hobſon, mayor of the ſaid town, and others, in favour of Sir Francis Mollineux, who polled ſeveral for him that were not qualified, and refuſed ſeveral that were qualified, who would have voted for the petitioner; ſo that the mayor hath falſely returned the ſaid Sir Francis Mollineux, in wrong to the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections to examine the matter thereof, and report the ſame with their opinion.

14th. A petition of ſeveral inhabitants of this borough, paying ſcot and lot, on behalf of themſelves and divers others ſo qualified, inhabiting within the ſaid borough, was read; ſhewing, that at the late election of members, to ſerve in this parliament, for the ſaid borough; the greateſt part of the legal voters appeared to vote for John Rayner, eſquire, and demanded to be polled; but Edward Hobſon, mayor of the ſaid borough, refuſed to poll them, and polled others that were not qualified, for Sir Francis Mollineux; and by other undue practices hath returned him with James Saunderſon, eſquire, in great violation of the rights of the petitioners and the ſaid Mr. Rayner, who ought to have been returned their repreſentative in parliament: and praying &c.

Ordered, that it be referred to the committee of privileges and elections to examine the matter thereof, and report the ſame with their opinion.

Nov. 16, 1699. A petition of John Rayner, eſquire, was read; ſhewing, that at the laſt election of burgeſſes, to ſerve in this parliament, for this borough; the petitioner and James Saunderſon, eſquire, were duly elected to ſerve for this borough; but many illegal practices were uſed by Edward Hobſon, the then mayor, and ſeveral others, who refuſed to poll ſeveral qualified Perſons who would have

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voted for the petitioner; and polled ſeveral unqualified for Sir Francis Mollineux, whom the mayor hath returned with the ſaid Mr. Saunderſon, in wrong to the petitioner: and praying &c.

Ordered, that the ſaid petition be referred to the committee of privileges and elections to examine the matter, and report the ſame with their opinion.

A petition of ſeveral inhabitants of the ſaid borough, paying ſcot and lot, on behalf of themſelves and divers others, was read; ſhewing, that at the laſt election of burgeſſes, to ſerve in this parliament, for this borough; James Saunderſon, eſquire, Sir Francis Mollineux, and John Rayner, eſquire, were candidates, and the majority of qualified voters appeared and demanded to poll for John Rayner, eſquire, who ought to have been returned with the ſaid Mr. Saunderſon; but Edward Hobſon the mayor, with divers others, uſed many undue practices, by polling unqualified votes for Sir Francis Mollineux, and refuſing thoſe who were qualified and demanded to poll for Mr. Rayner, and hath returned Sir Francis Mollineux with Mr. Saunderſon, in violation of the rights of the inhabitants of the ſaid borough, and in wrong to the ſaid Mr. Rayner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections to examine, and report the matter with their opinion.

Jan. 8th. Ordered the report to be made on Thurſday next.

11th. Sir Rowland Gwynn reported, according to order, the matter of the ſaid election, in the ſaid petition, viz.

That upon the firſt poll delivered to the petitioners, and ſigned by the town clerk, the numbers were for Sir Francis Mollineux 158.——For the petitioner 146. —— But afterwards the petitioner had another poll delivered to him, wherein the numbers were for Sir Francis Mollineux 156.—For Mr. Rayner 141. However, the firſt poll was at laſt admitted by Sir Francis Mollineux.——The petitioner's counſel inſiſted that fifty that had a right of voting, and would have voted for the petitioner, were refuſed: which they reckoned thus ——20 in the poor's books, for 1697 and 1698.— 3 rated for 1698 only. — 8 for 1697 left out fraudulently for 1698.—15 others neither within the rate for 1697 or 1698; but were men of ſubſtance, and ought to pay.—4 others, who did pay, but their tenements were in other people's names.

They alſo complained of partiality of the mayor, town-clerk, and others concerned in the election. That it was admitted, that by the charter, which gives the town the right of ſending members to parliament, the right was in the inhabitants paying, and which ought to pay, ſcot and lot.

As to the partiality, they called Gilbert Cozens; who ſaid, he was at one Stow's the day before the election, where were preſent the then mayor, alderman Snell, Mr. Morris, Mr. Reed, Mr. Ellis the high-ſheriff, and Sir Francis Mollineux: and the mayor ſaid to Sir Francis, be not daunted: right or wrong, we will have you: and Snell ſaid, if the others had as many more, he ſhould have it.

Lee ſaid, Sir Francis's friends aſked his vote; but having promiſed Mr. Rayner, he offered his vote for him, and was refuſed.

Snow ſaid, the mayor at the election took him by the hand, and told him he was glad to ſee him, he having promiſed to vote for Sir Francis Mollineux: but after he declared he voted for Mr. Rayner, the mayor ſaid he had no vote, and bid the officers turn him down. That he lived in part of an houſe, not inhabited by any other; had a ſhop in the market; and paid ſcot and lot, both in reſpect of his habitation and ſtock; and had voted before for Sir Richard Erle.

William Cork, Richard Cook, John Clayton, Paul Hare, John Robinſon, Robert Wootton, William Pace, being ſeverally examined; ſaid, they had been ſolicited by the mayor, Sir Francis Mollineux, Mr. Morris, and one or more of the aldermen, to vote for Sir Francis Mollineux and Mr. Saunderſon; yet, when they came and offered for Mr. Rayner, they were told they had no vote, and turned down by order of the mayor, the town-clerk, alderman Snell, alderman Morris, Mr. Ellis, and doctor Yarborough, or ſome of them; who all concerned themſelves in a very partial manner for Sir Francis Mollineux; and were alſo further affronted by their officers: and they ſeverally ſaid, they lived in diſtinct tenements, and paid ſcot and lot; but Clayton owned, he was excuſed from the window tax, upon ſwearing that he did not live in an entire houſe.

Richard Parker ſaid, that, at the time of the election, he heard alderman Snell ſay; that he, who did not vote aright, ſhould have ſhackles, and fetters, and incumbrances.

Bryan Cumberland ſaid, the town clerk ſaid in converſation (upon his ſaying that Mr. Rayner ſtood fair) no matter for that, ſaid the town clerk, Mr. Saunderſon and Sir Francis Mollineux muſt be returned this time, if he (Rayner) had the majority never ſo much.

William Glover, junior, ſaid; that one Hacker aſking Mr. Morris how it went, Mr. Morris replied, they need not fear, for all their party ſhould have votes.

Thomas Hackenfield ſaid, he was at the election, and would have polled; whereupon they aſked him, who he was for; and he anſwering, for Mr. Saunderſon; they then aſked him, for whom elſe; and he anſwering, for Mr. Rayner, they bid him go down, for he had no vote; though the collector ſaid, he was in the church-books; and, in fact, had paid ſcot and lot above nine years, and had voted for Sir Francis Mollineux againſt Sir Richard Erle: however, he owned, that Richard Bakeman lived under the ſame roof; but he ſaid his was a diſtinct dwelling, and each had a door.

Mr. Robert Banks ſaid, he went into the chamber to vote; and met Doctor Yarborough, who ſaid to him (with a curſe) "take the oaths:" whereupon he offered ſo to do; but they thruſt him away: and the doctor run his cane at him; ſo he was forced to go away without polling, though he has paid ſcot and lot eighteen years, and is an houſekeeper, and had voted for Sir Francis Mollineux at two or three former elections; and at this time, doctor Yarborough had ſent to him to vote for Sir Francis Mollineux.

Bartholomew Martin ſaid, he voted at the election; but one Hall, who paid ſcot and lot, was turned down by the high-ſheriff, Mr. Ellis, without voting; and the reaſon Mr. Ellis gave for it, was, that he had had his trial before. It was owned, the chamber was full; and Sir John Bolles and Mr. Clerk were there for Mr. Rayner.

Robert Pocklington ſaid, he was denied his vote, and told, it was ſo agreed by the company; though he had been a trader twenty-ſeven years, and pays ſcot and lot, and has born all offices, but thoſe of mayor and alderman, and was never denied before. That though alderman Morris had before importuned him to be for Sir Francis Mollineux, they now thruſt him down, and told him, he was an inmate; though he paid 10 l. a year for his dwelling and ſhop; and 40l. or 50l. a year for lands beſides; that he had lived where he now does theſe five years; but acknowledged, that Samuel Willſon lived in the back part of his houſe.

John Branſdale ſaid, there were three of them working for alderman Ellis the day before the election: that he did not pay to church and poor; but Mr. Ellis deſired their votes for Sir Francis Mollineux; and told them he could not tell, but if they voted for Sir Francis Mollineux, they might have a right; and accordingly he was permitted to vote for Sir Francis Mollineux.

Bernard Willſon and John Hobman ſaid, they were in the chamber, where they ſaw a great many of Mr. Saunderſon's and Mr. Rayner's friends turned down; and, at the ſame time, thoſe who voted for Sir Francis Mollineux were treated fairly.

Wilſon ſaid, he complained to Mr. Hewet, who threatened to break his head; and that Mr. Rayner himſelf was thruſt down.

The petitioner's counſel alſo inſiſted on ſome indirect practice in making the rate: and called John Hobman, who ſaid, the uſual time for delivering out the poor's book was at Midſummer.

And Gabriel Alby, who was overſeer in 1698, ſaid, he did not receive it till the morning of the election; and that it was that morning ſigned by the juſtices: but ſaid, he did not ſee it ſigned; but it was dated, as ſigned the 4th of June: but nothing more was made out in reſpect of this matter.

As to the twenty inſiſted to be in the poor's rate; as well for 1697 as 1698, and refuſed to be polled; it did appear, that Mr. Banks, John Booth, John Leeſon, James Wharton, Thomas Hopkinſon, Richard Cook, John Doubleday, John Farley, Richard Lovet, Robert Pocklington, Mr. John Clayton, Richard Heppinſtall, William Stevenſon, John Comyns, William Corke, John Lees, Stephen Martin, John Shackleton, Charles Statham, William Elſton, were all rated in 1698, and moſt of them in 1697.

As to the four who paid, and are rated in other names; Wilſon ſaid, Robert Fowkes paid both in 1697 and 1698, though his mother's name remained in the books.

Clark ſaid, he received of Robert Fowkes, in his own name and right, in 1698: that he received of Robert Wootton, though not named in the books. Robert Wootton ſaid, he paid to Clark in 1698, for church and poor, in his own right; but believes his father Fowkes's name only is in the books, though they live in two diſtinct dwellings.

Spragging ſaid, he received of William Pace for the poor in 1698; though John Pace's name is in the rate.

William Pace ſaid, that he paid to church and poor 13 s. 4 d. in his own right, in 1698: that his father paid ten years before, under the title of Stanager's name.

As to the three charged only in 1698, it appeared, that Jackſon and the two Hares, were ſo charged.

Though the counſel alledged, there were eight charged in 1697, and fraudulently left out in 1698; evidence was only given to ſeven; and it appeared, by the book, that Snow, Robinſon, and Knight were charged in 1697. But the book for 1697, for one part of the town not being produced, they called the then collectors; Mr. Clark and Mr. Spragging, who ſaid, they received of Robert Hall, in 1697, for a little cloſe: that Dixon and Goddard are rated for 1697, but they could not pay, being poor; that Hackenfield's wife paid them.

As to the fifteen others inſiſted on to be left out of the poor's rate fraudulently, they called Cumberland and Bilſon; who ſaid, Pearſon rents 38 s. yearly; and is able to pay: that Poe was one of the town waits, and lived as well as moſt in town: that Rawlins is a carpenter, has a good trade, and lives in a houſe of 30 s. yearly; but could not ſay, he ever paid: that Ragſdale is a labourer, and lives in an houſe of 15 s. yearly: that Hilton lives in an houſe of 21 s. a year; believes him able, but cannot ſay, he ever paid: that Tuxford's rent is 20 s. yearly, is a tapſter, and able to pay: that Jackſon is a carpenter, lives handſomely in an houſe of 20 s. yearly: that Wilſon is a carpenter, and his houſe about 20 s. yearly: that Holland is a flax-dreſſer, and maintains his family well: that Naylor is a labourer, his houſe about 12 s. yearly; but cannot ſay, whether he is able: that Alcock is a joiner, and lives handſomely in a little houſe; but cannot ſay, whether able: that Gabitas lives in an houſe of 19 s. yearly: that Hoyes is a ropemaker; cannot tell his rent, but believes him able.

Gilbert Cozens they could not ſpeak to. Richard Hodſon was found in the books for 1698.

Cumberland was called to prove theſe ſeveral perſons inſiſted on being polled, but were refuſed: and he ſaid, he was in the chamber, where the poll was taken, at the time of the poll; but he could not ſay, the perſons demanded to be polled in the hearing of the mayor; but he heard them; and the mayor knew who they were for, and would preſently bid them be put down; and as they went down, he aſked them, who they were for:

And that 1. Robert Banks, 2. John Booth, 3. John Leeſon, 4. James Wharton, 5. Thomas Hopkinſon, 6. Richard Cook, 7. John Doubleday, 8. John Farley, 9. Richard Lovet, 10. Robert Pocklington, 11. John Clayton, 12. Richard Heppinſtall, 13. William Stevenſon, 14. John Comyns, 15. Charles Statham, 16. William Corke, 17. John Leeze, 18. Stephen Martin, 19. John Shackleton, 20. William Elſon, 21. Robert Fawkes, 22. Robert Wootton, 23. William Pace, 24. George Jackſon, 25. Paul Hare, 26. Paul Hare, 27. —— Snow, 28. —— Robinſon, 29. Robert Hall, 30. Francis Dixon, 31. Thomas Knight, 32. Nicholas Goddard, 33. Thomas Hackenfield, 34. Edward Peirſon, 35. Richard Poe, 36. Thomas Rawlins, 37. John Ragſdale, 38. William Hilton, 39. Henry Tuxford, 40. Richard Hodſon, 41. Timothy Jackſon, 42. John Wilſon, 43. John Holland, 44. Richard Naylor, 45. Richard Alcock, 46. William Gabitas, 47. Robert Hoyes, were ſeverally in the chamber, and would have polled for Mr. Saunderſon and Mr. Rayner; or, at leaſt, for Mr. Rayner.

They then proceeded to take off ſeventeen who were inſerted in the petitioner's poll: and called Peate and Clark. Peate ſaid, he was an officer in 1697 and 1698; and knew Kitchin; and he did not pay; but was excuſed on giving up his accompts; that Sutton was a child, and received 1 s. and 6 d. weekly, for charity, in 1697: that Lilly lives at Kelham, about two miles from Newark: that he took an houſe, but never brought his family to it; and was diſcharged for want of ſecurity, the year before the election: that Surft was not of age, and an apprentice; and they produced a certificate of his baptiſm in 1678: ſaid, he was there all the time of the poll, and did not ſee Richard

Hunt; but they inſerted his name from a paper that was given in.

Randolph ſaid, he was with Hunt all the time of the poll, in the Bell chamber; and he being for Mr. Rayner, and Hunt for Sir Francis Mollineux, they agreed not to come; and were locked up by the ſexton.

Wilſon ſaid, the mayor ordered him to write down Hunt's name; though he did not ſee him there.

Clark ſaid, Cheeſeman lives in the next yard to him; and he never knew him an houſekeeper: that he uſed to employ him to weed woad; and believed he never paid; and that he had been diſcharged for poverty, ſince Michaelmas.

Hern and Wilſon, or one of them, ſaid, they could not find Billing's name in the book, either in 1697 or 1698: that the rent of his houſe is 11 s. yearly: that Lupton is not in the poor's book: his rent 15 s. yearly: that Roger Hewet is not in the poor's book; his rent 7 s. yearly; and he was excuſed his rent for poverty, and had charity before the election: that Scorer is not in the books; is bellman; but believes he may be able: that Bland is not in the book, and very poor.

Barnſdale owned before the committee, he was not rated in 1698: that Oxfringe was not rated till 1698: that Middleback was not rated till 1698; his rent 5 s. yearly; and lives in an almſhouſe: that White's rent is but 9 s. yearly; which is not taxable: that Reed's rent is but 18 s. yearly; and not rated till 1698: that Gill's rent is but 10 or 11 s. yearly; and not charged till 1698. And Gill himſelf was preſent, and ſaid, he did not pay before this election: that alderman Hering and Sir Francis deſired his vote, though he told his maſter, he had no vote.

Willſon ſaid, he voted for Mr. Rayner and Mr. Saunderſon; and they inſerted him in the poll for Sir Francis Mollineux and Mr. Saunderſon: that he heard alderman Snell ſay, right or wrong, gentlemen, we will have it; ſpeaking to all the company.

To anſwer this evidence, for Sir Francis Mollineux, it was inſiſted; that it would be hard to put Sir Francis Mollineux *extempore* on juſtifying all the votes excepted to; but they ſaid, they ſhould rely on an agreement between the candidates; viz. That none of the candidates ſhould be preſent; but two perſons on each's behalf, to agree among themſelves what perſons were qualified to vote; and accordingly the mayor was to direct the clerk to ſet them down: that none, who did not pay ſcot and lot, ſhould vote: that only one ſhould vote for one houſe. And alſo inſiſted, that the polling place was the ſame as uſual, viz. in the chamber; and that now, as formerly, they came up the ſtairs to the chamber; and, when they went away, they went down by a ladder into the church yard. That, if any riot or diſorder was, it was begun by Mr. Rayner and his party.

And called Henly and Scorer, who ſaid, they were conſtables at the election. And Henly ſaid, the poll was taken at the uſual place, in the chamber over the ſouth porch; that now, as at former elections, they went from the chamber, by a ladder, into the church yard.

The ſaid Henly and Scorer ſaid, they were placed to keep the ſouth door of the church: that, before the church doors were ſhut up, the voters were generally let in; and they were appointed to keep out the rabble: but, after the poll was over, Mr. Hern, and others of Mr. Rayner's party, encouraged by Mr. Rayner at the head of them, joining with others without; endeavoured, by violence, to force the door, and preſſed upon them; and one threw a ſtone at Henly, and hit him on the neck; and Scorer ſaid, his arms were like to be pulled from his body; and ſeveral pulled off their cravats, and put themſelves in a fighting poſture; and called out, a "Rayner!"

Killinger ſaid, he heard ſome ſay, (almoſt at the end of the poll) that Sir Francis Mollineux, and all there, ſhould not come down alive: that Gibſon, and others, who voted for Mr. Rayner, had their cravats off, and ſticks in their hands, before the election was declared: that he voted for Sir Francis Mollineux; and, before he came off the bottom of the ladder, Gunter beat him off, and abuſed him, becauſe he voted for Sir Francis Mollineux; and thoſe for Mr. Rayner were not uſed ſo ill: that ſtones were thrown into the chamber, before the poll was ended, and others in the market place, when Sir Francis was in the chair.

Clay ſaid, he was in the chamber all the time; and did not obſerve any illegal proceedings.

Henly ſaid, that Sir Francis Mollineux deſired him to let in Mr. Smith, the parſon, at the north door, there being a great crowd; but Mr. Rayner put his back to the door, and ſaid, if any let him in, he would break his pate.

Six origine.

Henly, Blunt, and Stow, ſaid, that one Farrer going up ſtairs to the chamber to vote, Mr. Rayner held up his cane at him, and would not let him go up, telling him, he had no vote; and Blunt ſaid, Mr. Rayner ſtruck at Farrer, and abuſed him, though he did not ſee any provocation given him.

As to the agreement——Clay, Read, Potter, and Clark, ſaid, that it was agreed, before the poll, that none ſhould vote, but ſuch as were in the town aſſeſſments to the poor: that ſuch as received pariſh collection ſhould not vote; and there ſhould only be one vote for an houſe, according to the late act of parliament.

And the agreement was made by thoſe they called the triers, no one oppoſing; and the triers were two appointed by each candidate, to ſee things carried fairly; neither of the candidates being in the chamber where the poll was: that accordingly, they believed, ſeveral who lived two in one houſe, who were for Sir Francis Mollineux, were not admitted to poll; and ſeveral for not being aſſeſſed. Mr. Read ſaid, when the poll was over, Mr. Rayner aſked Sir John Bolles, how it went; and Sir John, anſwering, he had loſt it by two, Mr. Rayner bid him proclaim the other two.

As to thoſe Mr. Rayner would have added to his poll, it was inſiſted for Sir Francis Mollineux, that they were generally inmates: and called Ally, Killinger, and Henly: one or more of whom ſaid, Booth was a beggar, though on the books; that Leeſon's wife did the ſame at Chriſtmas, before and ſince the election; Wharton was not ſpoke to: Hopkinſon lives in Reynold's houſe, and has a chamber there: Cook, at the time of the election, lived in part of Hobman's houſe: that it has been diſtinct ſeveral years; but both go in at one door, and have but one brewhouſe: that Doubleday lived in an houſe of Mr. Richard Eaſtland's in ſome back room, and they had but one common door: but it was owned, he kept a mercer's ſhop, was rated, paid, and had borne offices: that Farley lived in part of an houſe, with one Hall; but it was divided twelve months before the election: one being an innkeeper, the other a joiner: that

Lovet tabled with Bradſhaw, a weaver; but could not ſay, whether he paid rates; yet owned, he was a butcher, and had a ſhop at a diſtance from the houſe where he tabled: that Pocklington lived with Samuel Wilſon; and Pocklington was refuſed, becauſe Wilſon had voted: yet owned, they were diſtinct dwellings, and had been ſo a year before the election: that Pocklington rented a great deal of ground; paid rates; and had been chamberlain.

As to Clayton, Heppinſtall, Stevenſon, Comyns, and Statham, there was no anſwer.

That Cork lived in part of the houſe with John Comyns; that each go in at a common door, though each had a door to his dwelling: that John Lee's was the like caſe: that Martin was very poor; and would not pay to the poor; and was excuſed by the juſtices: that Shakleton lives in a little tenement in a yard; but paid two-pence half-penny a quarter: that Elſton is very poor.

As to thoſe charged in 1697, and not in 1698, the counſel inſiſted, that the books were to be the meaſure they were to go by, and no fraud was proved: however; Ally, Henly and Killingham, ſaid, Robinſon's name was not in the rate till after the election; but, when his brother died, he contracted for his perſonal eſtate; and hired the houſe ſome time before the election: that he had part of George Wilkinſon's houſe, who did not vote.

No anſwer was given as to Hall. That Knight lived with his father; and his father had a vote: that Goddard was very poor: that Hackenfield and Dixon were very poor.

As to the perſons ſaid to have paid, though rated in other names——Fawkes is a tabler, and lives with his mother; and ſhe paid the aſſeſſment in 1698: but it was owned, he kept a ſadler's ſhop twelve months before the election: that Robert Wootton was an inmate with his father at the time of the election; and ſaid, he neither did nor would pay: that William Pace lived with his father.

As to thoſe in the aſſeſſment for 1698, and not admitted to poll——George Jackſon was a drunken idle fellow: that Hare ſenior, though rated, told the overſeer, he was not able to pay; and has a weekly allowance, but could not ſay at the time of the election: that Hare junior lived with Hering; but his dwelling was divided a year or two before the election, and they have two doors to the ſtreet.

As to thoſe ſaid to be left fraudulently out of the rate——Pierſon's circumſtances were very mean at the time of the election: Poe is able to pay: Rawlins is a carpenter, but mean, and a new comer: Ragſdale was poor; and his mother and he lived in one room: Hilton is an inmate, and rents a room of 10s. yearly of Mr. Rawſon: Tuxford is a tapſter, and lived in a little dark place: Hudſon was found rated, but very poor: Jackſon poor, and not able to pay: Wilſon is run away; and was very poor at the time of the election: Holland very poor: Naylor the ſhalloweſt creature in the world: Alcock the ſame: Gabitas and Hoyes were not able to pay.

Then Sir Francis Mollineux's counſel proceeded to juſtify the eighteen votes, againſt whom exceptions were made by the petitioner.

The beforeſaid three witneſſes, or one of them, ſaid, that Kitchin did pay in 1698; is a graſier, and was taxed for his trade, returning 1000 per annum, in hogs: that Sutton had eight pence weekly collection for his child: that Lilly paid the king's aſſeſſment for a malt houſe in this borough, which he left ſoon after the election; nor could he ſay he lodged at Newark: admitted Smith to be a minor: that Cheeſeman rented an houſe, which he left Lady-day laſt; that he was not relieved in 1698, but has been ſince: that he could not ſay Billing was rated in 1698; but married a widow ſince, and carries on a pretty trade: that Lupton, Hewet, and Bland, were allowed to be very poor; and neither they or Scorer rated: that Barnſdale, Oxſpring, Milbrook, Read, and William Gill, are able to pay; and Oxſpring always voted.

White ſaid, he paid; and had done ſo before the election.——As to Wilſon, his vote reſted upon the poll, and the petitioner's evidence.

They then excepted to twelve of the petitioner's voters: but gave evidence only as to eleven.

Alby and Killiner, or one of them, ſaid, that Hutchinſon, Wilſon, and another lived in one houſe: that Armſtrong lives with another perſon; and his children beg: that Bellamy cannot work, and is very poor: Gregg is an inmate with Burton: Brown is a malſter; but his wife begs at Chriſtmas: Booth begs daily: Drew's wife and child do the ſame: Bridgeman is very poor: Arnold lives in a part of Hobland's houſe, but aſunder: Goddard is poor, and goes about with nails: Clark is an inmate.

In reply——Mr. Clark ſaid, he was an inſpector, with Sir John Bolles, for Mr. Rayner. He owned, it was agreed, that none ſhould poll, but ſuch as paid ſcot and lot, according to the charter; and that none ſhould vote, who had collection. As to voting only one vote for an houſe, he ſaid, the act in that caſe was brought before them; but knew of no agreement about it: that, after the election, the people were in an outrage, becauſe they thought themſelves injured: and Mr. Rayner deſired them to be quiet, and he would ſee to do himſelf and them right, and did not agree to the return.

Sir Matthew Jenſon ſaid, that, after the poll, alderman Snell endeavoured to get a conſent of Mr. Rayner; but he refuſed it: that he was in the church; and Mr. Hewet came down, and ſaid, he believed they would knock Sir Francis Mollineux on the head.

The petitioner, to anſwer the exceptions againſt his voters, called Spragging; who ſaid, that Hutchinſon paid ſcot and lot, at the time of the election: that Armſtrong is rated to the poor, but excuſed to the church, being a ringer: Bellamy was in the rate: Brown paid in 1698; and he never knew any of his family beg: that Booth paid in 1698, but begged before and ſince the election: that Drewry paid in 1698, but is a beggar: that Bridgeman paid in 1698, and is an houſekeeper: that Arnold paid in 1698, and has done ſo two years; goes into his houſe at the common door, but has a diſtinct tenement: that Goddard, ſenior, is a houſekeeper: that Clark paid in 1698, and is a houſekeeper, but could not ſay, he lived alone.

John Clark ſaid, Gregg is charged, and is churchwarden; and has voted theſe ten years.

Upon the whole, the committee reſolved, that all the inhabitants within this borough, who pay, or ought to pay, ſcot and lot within the ſaid borough, have a right to vote at the election of members to ſerve in parliament for the ſaid borough.

That Sir Francis Mollineux, baronet, is not duly elected a burgeſs to ſerve in this preſent parliament for the ſaid borough.

That John Rayner, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for the ſaid borough.

The firſt reſolution being read a ſecond time;

an amendment was propoſed to be made therein, after the word "that," to inſert "the mayor, aldermen, "and" to which the houſe agreed, and reſolved,

That the houſe doth agree with the committee in the ſaid reſolution, ſo amended; that the mayor, aldermen, and all the inhabitants within this borough, who pay, or ought to pay, ſcot and lot within the ſaid borough, have a right to vote at the election of members to ſerve in parliament for the ſaid borough.

The ſecond and third reſolutions, being read a ſecond time, were, upon the queſtion ſeverally put thereupon, agreed unto by the houſe.

Ordered, that the clerk of the crown do attend this houſe to-morrow morning, to amend the return for the ſaid borough, by raſing out the name of Sir Francis Mollineux, baronet, and inſerting the name of John Rayner, eſquire, inſtead thereof.

Ordered, that Edward Hobſon, late mayor of this borough, for his irregular proceedings at the election for the ſaid borough, be taken into the cuſtody of the Sergeant at Arms attending this houſe.

Feb. 14th, 1700. A petition of James Saunderſon, eſquire, was read; ſhewing, that the petitioner ſtood a candidate with Sir George Markham, to ſerve as a burgeſs in this preſent parliament for this borough: at which election divers perſons were allowed to vote for Sir George Markham, who were not qualified; and many, who were qualified, were refuſed to vote for the petitioner; and ſeveral undue practices were made uſe of by Mr. Bernard Wilſon, to get votes for Sir George Markham, and to diſcourage others from voting for the petitioner: and the mayor of the ſaid borough hath returned Sir George Markham, to the petitioner's injury, who was legally choſen: and praying &c.

Ordered, that the conſideration of the ſaid petition be referred to the committee of privileges and elections, and that they do examine the matter thereof, and report the ſame, with their opinion therein, to the houſe.

Jan. 3d, 1701. A petition of John Rayner, eſquire, was read; ſhewing, that, at the election of members to ſerve in this preſent parliament for this borough, the honourable James Saunderſon, eſquire, Sir Matthew Jenniſon, and the petitioner, ſtood candidates: that Sir Matthew Jenniſon, after the teſte of the writ, by himſelf and agents, in a publick manner, did give and ſend money to all the publick houſes in the ſaid borough, and cauſed all the voters to be publickly entertained there, in order to procure himſelf, and Sir George Markham, to be elected: by which, and many other undue practices, the ſaid Sir Matthew Jenniſon procured himſelf to be returned; though the petitioner, ſetting aſide the votes unduly obtained by Sir Matthew, had the majority of legal electors: and praying &c.

Ordered, that the conſideration of the ſaid petition be referred to the committee of privileges and elections, and that they examine the matter thereof, and report the ſame, with their opinion therein, to the houſe.

Dec. 5th, 1710. A petition of Richard Sutton, eſquire, was read; ſhewing, that, at the election of burgeſſes to ſerve in parliament for this borough, Sir Thomas Willoughby and the petitioner were duly elected; notwithſtanding Richard Newdigate, and his agents, by beating ſeveral of the petitioner's good voters, deterring others from coming to vote for him; and by bribery, and other undue practices, Mr. Newdigate hath procured himſelf to be returned with Sir Thomas Willoughby, to the petitioner's prejudice: and praying &c.

Ordered, that the conſideration of the ſaid petition be referred to the committee of privileges and elections, and that they do examine the matter thereof, and report the ſame, with their opinion therein, to the houſe.

March 30, 1715. A petition of Richard Newdigate, eſquire, was read; ſhewing, that at the election of this borough, the honourable brigadier Richard Sutton and the honourable Conyers Darcy, eſquires, with the Petitioner, were candidates; that the ſaid brigadier Sutton and Mr. Darcy by threats, bribery, and other illegal practices, procured themſelves to be returned in prejudice of the petitioner, who had a majority of legal votes, and ought to have been returned: and praying &c.

Ordered, that it be referred to the committee of privileges and elections to examine the matter, and report the ſame, with their opinion.

Dec. 14. Ordered, a warrant for a new writ for electing a burgeſs to ſerve in this preſent parliament, for this borough, in the room of the honourable Conyers Darcy, eſquire, made maſter of the horſe.

Jan. 22, 1719. Ordered a warrant for a new writ for electing a burgeſs to ſerve in this preſent parliament, for this borough, in the room of Conyers Darcy, eſquire, made maſter of the houſhold.

NEWCASTLE under Line.

THIS borough is within the county of Stafford: It was incorporated by King Charles II. but hath been repreſented in parliament from the 28th of Edward III. and hath continued to be ſo till this time. I have not ſeen any of the ancient returns, nor have I met with any memoirs of its right of election, until ſince the reformation, when the journals of the houſe of commons afford the following memoirs relating to the ſame. 4 Reg. 1074.

March 1, 1592. Upon a report from the committee of privileges by Mr. Serjeant Yelverton.—— Thomas Fitzherbert, of Staffordſhire, being outlawed upon a *capias utlagatum* after judgment, was elected burgeſs for this borough: and two hours after his election, before the indenture returned, the ſheriff arreſted him upon the *capias utlagatum*; and he was detained in execution.——Now ſendeth to this houſe to have a writ from the ſame to be enlarged, to have the privilege in this caſe to be grantable.—— Upon this, a debate aroſe, and broke off without any reſolution. Dewes Journal, 479, 480. See the whole debate of this caſe in Dewes Journal, 479, 480, 481, 482, 490, 502, 512, 514.

March 2d. There was no buſineſs entered upon but this of Mr. Fitzherbert's: and it was agreed to ſend an *Habeas Corpus cum cauſa* to the ſheriff, to bring the party to the houſe. Ib. 481, 482.

March 7th. Sir Edward Hobby moveth the cauſe of Mr. Fitzherbert, his bringing up unto the houſe by an *Habeas Corpus cum cauſa* from the Lord-keeper.—Sheweth, that he had moved the Lord-keeper touching the ſaid writ; and that his lordſhip thinketh beſt that in regard of the ancient liberties and privileges of the houſe, that a Sergeant at Arms be ſent, by the order of the houſe, for the ſaid Mr. Fitzherbert, at his own charge; by reaſon whereof he may be brought hither to the houſe, without peril of further being arreſted by the way; and the ſtate of his cauſe to be conſidered of and examined, when he ſhall be brought hither: which was well liked, and allowed by the houſe. Ib. 490.

March 17th. The ſheriffs of Derby and their counſel were heard, touching the ſaid matter. And the houſe reſolved, Ib. 502.

That this houſe, being a court of record, would take no notice of matter of fact at all in the ſaid caſe, but only matters of record; and that Mr. Speaker on behalf of the houſe ſhould move—the Lord Keeper of the great ſeal for return to be made by the ſheriff into Chancery of the writ of *Habeas Corpus cum cauſa*, in that caſe lately awarded by his lordſhip to the ſaid ſheriff, upon motion to his lordſhip from this houſe in that behalf, according to the purport of the ſaid writ; which not being done with ſuch due expedition as it ought, (the ſame being *indilate*,) his lordſhip will, at the requeſt of this houſe, aſſeſs a good round fine upon the ſaid ſheriff for his contempt.

Ibid. 512. March 30. Mr. Broughton and Sir Edward Dyer were appointed to attend the Lord Keeper, touching the return of the *Habeas Corpus cum cauſa* for bringing up the body of Mr. Fitzherbert.

Ibid. 514. April 3. The return of the *Habeas Corpus cum cauſa* made by the ſheriff of the county of Derby for Mr. Thomas Fitzherbert.

The houſe was informed, that the Lord Keeper had ſent the record of Mr. Fitzherbert's execution hither to the houſe. That the chancery-men, who brought it, were called to the bar, and read it, *ut clerici*: and the houſe appointed the writ ſent out of chancery to be annext to the record. The words of the writ were—*tibi præcipimus quod capias corpus Thomæ Fitzherbert quocunque, &c. Dat. apud Weſtmonaſterium* 7°. *Martii*, 35°. *Eliz.* The ſheriff's return; *deliberatum fuit hoc breve* 15°. *die Martii, &c. ſed ante adventum iſtius brevis ſcilicet*, 3°. *Feb.* 35°. *Eliz. captus fuit* Thomas Fitzherbert, *&c.* Upon this, the matter was debated; but no reſolution.

Ibid. 518. April 5. The ſaid matter was again debated; and thereupon grew two queſtions: 1. Whether Mr. Fitzherbert were a member of the houſe? 2. Whether admitting he were, yet whether he ought to have privilege?

The judgment of the houſe was, that Thomas Fitzherbert was, by his election, a member of the houſe; yet he ought not to have privilege, 1ſt, becauſe he was taken in execution before the return of the indenture.—2dly, becauſe he had been outlawed at the Queen's ſuit, and was now taken in execution for the Queen's debt.—3dly, and laſtly, in regard he was ſo taken by the ſheriff, neither *ſedente parliamento*, nor *eundo* nor *redeundo*.

April 9, 1624. Mr. Glanville reported from the committee of privileges for this borough—The caſe thus.—The cuſtom this.—The mayor, aldermen, two bailiffs, and twenty four, and all common council, uſed to return. This appeared by ancient indenture.—Have a new charter.—Incorporated by a new name.—Made a conſtitution, that the mayor, two bailiffs, and chief burgeſſes, ſhould elect.—According to this they have elected.—At the day, the chief at the upper room, none of the commonalty.—Mr. Lucy 26.—Sir Edward Vere 16.—Keeling 9.—After a 30 or 40.—Afternoon for Keeling, and ſo departed. Two points: 1. Of opinion, that Mr. Lucy was well choſen, no body againſt him. 2. Next that Sir Edward Vere was not well elected, nor Mr. Keeling: and ſo a new writ.

The coming of theſe burgeſſes in an undue manner, and went to the polling above. Theſe were not lawfully preſent.

Reſolved, upon the queſtion, that this late conſtitution alters not the former cuſtom, and that Mr. Richard Lucy was well choſen; and that the election void for Sir Edward Vere and Mr. Keeling; and that a new writ ſhall go out for the election of a new burgeſs.

May 4, 1675. A petition of Sir John Bowyer, baronet, was read; complaining of ſeveral undue practices, uſed in the election of Leveſon Gower, eſquire, to ſerve for this borough, in injury of the petitioner.

Ordered, (if it be not excluded in point of time) to be referred to the committee of privileges and elections to examine, and report with their opinion.

May 23, 1685. A petition of Sir Thomas Bellot, baronet, and William Leveſon Gower, eſquire, complaining of the undue return and election of Edward Manwaring and William Sneyd, junior, eſquires, as burgeſſes for this borough; to ſerve in the preſent parliament, in injury of the petitioners, who were duly elected, and ought to have been returned.

Ordered, to be referred to the committee of privileges and elections to examine the matter, and report the ſame with their opinion.

Dec. 21, 1699. A petition of John Lawton, eſquire, was read; ſhewing, that on the 28th day of November laſt, the petitioner and Mr. Cotton were candidates for one of the burgeſſes for this town; and the petitioner polled 140, and Mr. Cotton 155; but a great many of his voices were unqualified, by reaſon they received alms of the ſaid town, and the petitioner had the majority of qualified votes, and ought to have been returned; and beſides this, Mr. Cotton and his agents expended upon the voters above 300l. in meat and drink; alſo beneficial preſents and ſums of money, as bribes, to ſeveral perſons for their votes; and promiſes to others of leaſes of houſes and lands; all which proceedings are contrary to a late act of parliament to prevent expences in elections, and injurious to the petitioner's right: and praying, &c.

Ordered, to be referred to the committee of privileges and elections to examine the matter, and report the ſame with their opinion.

Feb. 28. Ordered, Mr. Lawton have leave to withdraw his petition.

Dec. 15, 1703. A petition of Sir Thomas Bellot, baronet; ſhewing, that at the election of a burgeſs to ſerve in this preſent parliament for this borough, in the room of the lord Gower; the petitioner and John Crew Offley, eſquire, were candidates; and the petitioner was duly elected, and ought to have been returned; but Mr. Burton, the preſent mayor, polled ſeveral for Mr. Offley, who had no right to vote, and rejected ſeveral, who had a right, and would have polled for the petitioner; and hath returned Mr. Offley, to the petitioner's prejudice; and the ſaid mayor, Mr. Offley himſelf, the late mayor, and other of Mr. Offley's agents, did, by treating, bribery, and other illegal means, procure voices for him: and praying, &c.

Ordered, that it be referred to the committee of privileges and elections to examine the matter, and report the ſame with their opinion.

Jan. 27. Ordered, the report be made on Tueſday next.

Feb. 1. Mr. Bromley reported the matter of the ſaid election, upon the ſaid petition.—That it was agreed, the right of election was in the mayor, bailiffs, and burgeſſes. That the ſons of freemen, born while their fathers were reſident within the borough, and thoſe who have ſerved their apprenticeſhips, demanding to be made free within a year after their apprenticeſhips expired, have a right to their freedom.—That it was alſo agreed, that the burgeſſes, living out of the borough one year and one day, have no right to their freedoms.

The petitioner's counſel opened.—They did not pretend to a majority on the poll, nor particularly to take off ſo many votes as would give it them, but ſhould prove ſuch practices in Mr. Offley or his agents, as would ſet aſide the election; and hoped the committee would be of opinion, that the petitioner with a leſs number was duly elected. They called evidence, to prove the mayor was very partial in ſoliciting votes for the ſitting member; in refuſing to ſwear ſome that had a right to their freedom; in denying to poll others; and in binding ſome of the petitioner's voters to the peace. Alſo there was evidence given as to treating and entertainments for Mr. Offley.—That at the election there were ſeveral by-brewers, who drew drink for the burgeſſes, that voted for Mr. Offley, and the houſes were diſtinguiſhed by green boughs at their doors: and that Mr. Offley had given two ſhillings and ſix-pence to two of the voters.

That in anſwer, Mr. Offley's counſel firſt produced the poll; upon which it appeared, that there were for Mr. Offley 223; for the petitioner 83. And evidence was given, that, the firſt time Mr. Offley came to the borough, he was promiſed 240 votes, and was therefore under no temptation to uſe any indirect practices to ſecure his election. That no burgeſs was refuſed his vote, but only a minor, who would have voted for Mr. Offley. That the mayor made men free, even on the day of election, who demanded their freedom, and refuſed none who had a right. That ſome of the burgeſſes, and others, were diſorderly, and made ſuch diſturbance at Mr. Offley's inn, that the magiſtrates were ſent for, who bound over all indifferently who were informed againſt. That Mr. Offley himſelf forbid ſeveral publick houſes treating on his account. That the burgeſſes, when they were at publick houſes, generally paid their clubs. That green boughs were common at moſt houſes in the town, and ſome ſtrewed in the ſtreets. That ſeveral were treated on the petitioner's account. That ſome were threatened they ſhould be proſecuted for money they owed, if they did not vote for the petitioner: and it was engaged, others ſhould not be troubled, if they voted for him. That money was given, and more offered, and ſome lent, to burgeſſes, with a promiſe it ſhould not be demanded, if they voted for the petitioner. Upon the whole, the committee reſolved,

That John Crew Offley, eſquire, is not duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

That Sir Thomas Bellot, baronet, is not duly elected a burgeſs, to ſerve in this preſent parliament, for this borough.

That the laſt election for the ſaid borough is a void election: whereto the houſe (upon their being twice read) agreed.

Reſolved, that no warrant do iſſue this ſeſſion for making out a new writ for electing a burgeſs for the ſaid borough, in the room of Mr. Offley, whoſe election is declared void.

Nov. 2, *1705*. A petition of Crew Offley, eſquire, and John Lawton, eſquire, was read; ſhewing, that at the election of burgeſſes to ſerve in this preſent parliament for this borough; the petitioners, and Sir Thomas Bellot and Rowland Cotton, eſquire, were candidates; and the petitioners were duly elected: but the ſaid Sir Thomas and Mr. Cotton, by themſelves, and Mr. William Burſlan receiver general of the taxes for the ſaid county, Richard Welſh, Robert Rhodes, and others their agents, did by treating, bribery, menaces, and other illegal practices, procure divers votes, by means whereof the ſaid Sir Thomas Bellot and Mr. Cotton are returned.

Ordered, to be referred to the committee of privileges to examine and report the matter, with their opinion.

Feb. 16. Ordered the committee of privileges and elections do hear the matter of the ſaid petition upon Thurſday next, in the afternoon.

25th. Ordered, the report be made on Wedneſday.

27th. Mr. Compton reported the ſaid matter, viz. that the right of election was agreed to be in the mayor, bailiffs, and burgeſſes or freemen reſident. On the poll, for Sir Thomas Bellot 182——for Mr. Cotton 173——for Mr. Offley 168——for Mr. Lawton 138. But the petitioners counſel inſiſted, they ſhould diſqualify ſo many of the ſitting members voters on account of treating and corrupt practices, as would make the petitioners a great majority: and called John Clowes, who ſaid, that one Richard Rhodes came and offered him nine guineas and an half to vote for Sir Thomas Bellot and Mr. Cotton, but he did refuſe to accept them. That afterwards, he had five ſhillings of Richard Welſh to drink the ſitting members healths. That Bourne offered him five pounds for 2 lb. of fiſh, for his vote for them; and that Mr. Burſlem the receiver general offered him ten pounds to vote for them, to be paid him after the election: but ſaid, he would not truſt; and that at ſix or ſeven o'clock, next day, Mr. Welſh brought him three pounds in part of the ten pounds, which he received; and not being ſatisfied becauſe he had not brought the whole ten pounds, Welſh told him, Mr. Burſlem was ſufficient to anſwer the remainder.

That ſeveral other of the ſitting members voters were treated at Bourne's, Welſh's, and other places, at ſeveral times, and the ſaid treating was carried on till within three days of the election; and gave an account of above thirty who were treated; and he ſaw Welſh, an agent for Sir Thomas Bellot and Mr. Cotton, pay a reckoning. Clows voted for Sir Thomas Bellot and Mr. Offley.

Eccles ſaid, his brother Williams gave him five pounds to vote for Mr. Cotton; and Machell promiſed him forty ſhillings to be for Sir Thomas Bellot; but he did not receive the forty ſhillings.

Thomas Clows ſaid, he was in company with Bagnat, Biddle and Lilly, which laſt was employed for Sir Thomas Bellot and Mr. Cotton. That he deſired Bagnat and Biddle to vote for Sir Thomas Bellot and Mr. Cotton: and they ſaying, they were engaged, Lilly paid them three pounds each, to vote for them, and he bid Clows remember the conſideration; that, if they did not vote, he might have his money again; and Lilly owned, he had ſix guineas of Sir Thomas Bellot. Bagnal and Biddle did vote for Sir Thomas Bellot and Mr. Cotton. That Lilly likewiſe threatned ſeveral who owed him money, to ſend them to goal, if they did not vote for Sir Thomas Bellot and Mr. Cotton.

Brougham ſaid, Welſh had often ſolicited him to be for the ſitting members, and a month before May-day gave him fifty ſhillings of Mr. Cotton's money to put out a boy, in caſe he would vote for them, or he would have been for the petitioners.

Barker ſaid, Mr. Barſlem ſeveral times ſollicited him to vote for the ſitting members, and for that he received twenty-two ſhillings and ſix-pence at twice, of Holland, by Barſlem's direction; but he voted for the petitioners. He gave evidence alſo of about thirty, and their wives, who were treated at ſeveral places within a week of the election, and ſome but three days before the election.

Dudley ſaid, he ſolicited votes for the ſitting members; that a week before the election he met Sir Thomas Bellot, who aſked him if he had not an intereſt with one Hall; and he telling Sir Thomas that Hall wanted money, he had ten pounds brought him next day by John Richards and Rhodes, who bid him give it to Hall, or do what he would with it, ſo he engaged his vote for Sir Thomas Bellot and Mr. Cotton. That he offered to lend the money to Hall, on condition of voting, and take Hall's bond for the repayment of the ſame quarterly: and Hall refuſing to receive the money on theſe terms, he afterwards met Sir Thomas Bellot, and told him of it; and Sir Thomas Bellot bid him keep to the text, and keep the money himſelf. He voted for Sir Thomas Bellot and Mr. Offley; and ſaid, ſince Michaelmas, he had been ſued for the money.

The counſel for Sir Thomas Bellot and Mr. Cotton, to invalidate the petitioner's evidence, called Owlton; who ſaid, in October laſt, he was with Dudley, who told him, Mr. Offley wanted witneſſes; and believed, he (the witneſs) knew ſomething of the matter, and if he would give evidence for the petitioners, he ſhould have an hundred pounds, or fifty pounds for ſeven years without intereſt, and ſhewed a letter from Mr. Offley; and was alſo with Dudley, the Monday before he came from Newcaſtle, who ſhewed him ſome farthings, and ſaid, he was to have as many guineas for to go up to be a witneſs.

Dudley was called to confront him, and in a ſolemn manner denied the matter wherewith Owlton charged him. He owned, he had ſeveral letters from Mr. Offley, but none ſuch as theſe.

Mr. Wood ſaid, he was employed to ſue Dudley for the ten pounds, and he was arreſted, and put in bail; and having had ſome diſcourſe with Dudley about it, he did not pretend it was given him, but ſaid he had ſquandered it away, and he would take care to ſatisfy Richards.

Mitchell ſaid, that Clowes was a perſon of no reputation, and had taken ſome of Mitchell's goods, and ſold them.

That as to bribery and treating, they called Deane; who ſaid, Mr. William Lawton gave him thirty ſhillings, for voting for Mr. Lawton and Mr. Offley. That he afterwards repented he took it, being intended for Sir Thomas Bellot and Mr. Cotton, and he laid down the money, but Mr. Offley came in and made him take it up again; and he produced the money. He alſo ſaid, at Crew-Hall he met with Mr. Parrock and Mr. Offley, and telling the former he had occaſion for twenty ſhillings, he put the twenty ſhillings in his hand, at a former election, and was not paid. That he lived in a pariſh houſe, and received no collection; voted for Mr. Offley and Mr. Cotton.

Kniveton ſaid, about ten days or a fortnight before the election, he was at Mr. Offley's with others, and Mr. Offley took one Cooke aſide and put money into his hand; and they were treated with wine; and ſaid he treated at ſeveral houſes for Mr. Offley within five or ſix days of the election, to the amount of eight pounds; and named 12 perſons whom he had treated: and that Mr. Sidney, Mr. John Offley's ſteward, paid him five pounds. He owned, he diſburſed money at a former election for Mr. John Offley, and had attended at a former committee on a diſputed election, and had deſerved ſo much for his former trouble.

Samuel Wetwood ſaid, Mr. Sparrow, who he thought was Mr. Lawton's bailiff, aſked his vote for the petitioners, and he refuſed, becauſe he had not been kind to him formerly; whereupon Mr. Sparrow gave him fifteen ſhillings, and ſent him ſix ſhillings and ſix-pence after. That he was alſo in the mayor's company with one Burton, and they aſked Burton for his vote for the petitioners, who ſaid Mr. Offley owed him twenty-nine ſhillings formerly, which if they would pay, he would vote ſo; and they did pay his bill, and he did ſo vote.

Unwin ſaid, Mr. John Lawton gave him five ſhillings, and alſo had three pounds five ſhillings of Mr. Hatrell, to vote for the petitioners.

Margaret Pattiſon ſaid, ſhe heard Boughby offer Turner three guineas for his vote, but he inſiſted on five, which Boughby gave him, and a crown. That Turner put her hand in his, and bid her ſee what he had for to vote for Offley and Lawton, and ſhe felt four or five pieces; and when he came home, he flung them down, and they appeared to be guineas.

In anſwer for the petitioners; Mary Stubbs ſaid, ſhe knew Boughby to be mad; and his mother was mad, and kept up at the election, and ſeveral times before.

Upon the whole the committee reſolved,

That Sir Thomas Bellot, baronet, is not duly elected a burgeſs, to ſerve in this parliament, for this borough.

That Rowland Cotton, eſquire, is not duly elected a burgeſs, to ſerve in this parliament, for this borough.

That Crew Offley, eſquire, is duly elected a burgeſs, to ſerve in this parliament, for this borough.

That John Lawton, eſquire, is duly elected a burgeſs, to ſerve in this parliament, for this borough: which, being twice read, were agreed to by the houſe; and the return ordered to be amended.

Reſolved, that Mr. William Burſlan, receiver general of the county of Stafford, is guilty of bribery, in endeavouring to procure the ſaid Sir Thomas Bellot and Rowland Cotton to be elected burgeſſes, to ſerve in this preſent parliament, for this borough.

Reſolved, that an humble addreſs be preſented to her majeſty, that ſhe will be pleaſed to diſcharge the ſaid Mr. William Burſlem from his ſaid employment of receiver general.

Nov. 24, 1708. A petition of Crew Offley and John Lawton, eſquires, was read; ſhewing, that at the election for burgeſſes, to ſerve in parliament, for this borough; the petitioners, Sir Thomas Bellot, baronet, and Rowland Cotton, were candidates; and the petitioners were duly elected; but Sir Thomas Bellot and Mr. Cotton, by themſelves, and by Mr. William Burſlem and others their agents, did, by treating, bribery, and other illegal practices, procure divers votes, whereby the ſaid Sir Thomas Bellot and Mr. Cotton are returned burgeſſes, in wrong of the petitioners: and praying, &c.

Ordered it be heard at the bar on the 18th day of January next. But it was not heard until

Feb. 1ſt. The houſe proceeded in the hearing the merits of the ſaid election: and the counſel were called in, and the ſaid petition read; and the counſel on both ſides heard, and divers witneſſes examined. And being withdrawn,

Reſolved, that Sir Thomas Bellot deceaſed was not duly elected a burgeſs, to ſerve in this preſent parliament, for this borough.

Reſolved, that Rowland Cotton is not duly elected a burgeſs, to ſerve in this preſent parliament, for this borough.

Reſolved, that Crew Offley, eſquire, is duly elected a burgeſs, to ſerve in this parliament, for this borough.

Reſolved, that John Lawton, eſquire, is duly elected a burgeſs, to ſerve in this parliament, for this borough. And ordered the return to be amended.

Then a motion was made to adjourn, but diſagreed to.

Reſolved, that it appears to this houſe, that Mr. William Burſlem is guilty of bribery and indirect practices, in order to procure votes for Sir Thomas Bellot and Rowland Cotton, at the election of burgeſſes, to ſerve in parliament, for this borough.

Ordered, that the ſaid Mr. William Burſlem be, for his ſaid offence, taken into the cuſtody of the ſerjeant at arms attending this houſe.

March 5, 1713. A petition of Crew Offley, eſquire, was read; ſhewing that, at the election for this borough, the petitioner and William Burſlem, eſquire, were candidates; that the petitioner had the majority, and ought to have been returned; and the petitioner is ready to produce a rental of his eſtate, whereby to make appear his qualification: and praying the ſaid William Burſlem may do the like, and in default the petitioner be deemed qualified and duly elected.

Ordered to be referred to the committee of privileges and elections, to examine the matter, and report the ſame with their opinion.

March 28, 1715. A petition of Sir Bryan Broughton, baronet, and Crew Offley, eſquire, was read; ſhewing, that at the election of members for this borough; the petitioners Henry Vernon and Rowland Cotton, eſquires, ſtood candidates; and ſeveral perſons who were born burgeſſes, and others who had ſerved apprenticeſhips within the ſaid borough, and who had a right to be admitted and ſworn burgeſſes, did before the teſte of the writ of ſummons, apply themſelves to John Fenton mayor, and demanded to be admitted, and ſworn burgeſſes, but were refuſed; and ſeveral others, who had no right, were made burgeſſes, and voted for the ſaid Mr. Vernon and Mr. Cotton; and they by bribery and other illegal practices, the ſaid Mr. Vernon and Mr. Cotton procured themſelves to be returned burgeſſes for the ſaid borough, although the petitioners were duly elected, and ought to have been returned: and praying, &c.

Ordered it to be heard at the bar on the 10th of May next.

May 10th. Ordered it to be heard on this day ſevennight.

17th. Ordered it to be heard on Saturday next, at twelve o'clock.

21ſt. Ordered it to be heard on Tueſday ſevennight.

31ſt. The houſe proceeded in the hearing of the merits of the ſaid election, and the counſel were called in and the petition read.

And the petitioners counſel examined a witneſs, touching one of the petitioners witneſſes being ſeduced away by the mayor; and alſo witneſſes for the adding ſeveral perſons to the petitioners poll, which had been refuſed by the mayor; and to diſqualify ſeveral of the voters for the ſitting members, and alſo touching bribery, threats and other undue practices.

And the counſel on both ſides were directed to withdraw.

Ordered, to be farther heard on Thurſday next.

June 2d. The houſe proceeded in the ſaid hearing, and the counſel for the ſitting members examined witneſſes to diſcredit the witneſs examined on Tueſday, touching one of the petitioners witneſſes being ſeduced away by the mayor; and alſo examined witneſſes to diſqualify thoſe perſons who the petitioners counſel would have added to the petitioners poll; and to qualify thoſe perſons the petitioners counſel would have diſqualified; and alſo to diſqualify ſeveral perſons who voted for the petitioner.

And one Ralph Mare being offered as a witneſs, to prove the diſtributing wheat, and money inſtead thereof, to the burgeſſes:

The petitioners counſel objected againſt his being examined, he being charged by the petitioners evidence with having confeſſed he had thirty ſhillings to come up to be a witneſs.

To which matter the counſel being heard;

Reſolved, that the ſitting members counſel be admitted to examine Ralph Mares, a witneſs touching wheat being diſtributed at this borough.

Mr. Speaker acquainted the counſel therewith.

Then the ſitting members counſel examined him and other witneſſes, touching the diſtribution of wheat, and money inſtead thereof, before the election; and alſo touching bribery.

And the ſitting members counſel ſummed up the evidence.

And the petitioners counſel replied; and called one Samuel Lowe to be examined as a witneſs, touching a declaration of the petitioner Mr. Offley, before her late majeſty's death, of his intention to diſtribute the wheat.

And the ſitting members counſel objected againſt his being examined as a witneſs, he being charged by the ſitting members evidence to have diſtributed wheat.

To which the counſel were heard.

Reſolved, that the counſel for the petitioner be admitted to examine Samuel Lowe, in relation to the wheat diſtributed at this borough.

Mr. Speaker acquainted them therewith.

And the ſaid Samuel Lowe was examined, and alſo a witneſs to diſcredit Ralph Mare, one of the witneſſes for the ſitting members.

And the counſel withdrew.

Mr. Cotton was heard in his place.

Reſolved, that Rowland Cotton, eſquire, is not duly elected a burgeſs to ſerve in this preſent parliament for this borough.

Reſolved, that Henry Vernon, eſquire, is not duly elected a burgeſs to ſerve in this preſent parliament for this borough.

Reſolved, that Sir Bryan Broughton, baronet, is duly elected a burgeſs to ſerve in this preſent parliament for this borough.

Reſolved, that Crew Offley, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for this borough.

Ordered, the return to be amended.

Dec. 7. 1724. A petition of William Corbett, eſquire, was read; ſhewing, that at the laſt election of a burgeſs to ſerve in this preſent parliament for this borough, which was on the 20th of November laſt: Sir Walter Wagſtaff Bagott and the petitioner, were candidates; and the petitioner had a great majority of legal votes, was duly elected, and ought to have been returned; but the ſaid Sir Walter, by bribery and other illegal practices, by himſelf and his agents, procured ſeveral perſons to vote for him, who would otherwiſe have voted for the petitioner; and alſo prevailed upon Thomas

Fenton the then mayor and returning officer, publickly to ſollicit ſome, and terrify others, to vote for Sir Walter; and accordingly hath returned him in wrong to the petitioner: and praying, &c.

Ordered, that it be referred to the committee of privileges and elections, to examine and report the ſame, with their opinion.

NEWCASTLE upon Tine.

4. Reg. 1076. THIS borough is ſituate within the county of Northumberland. It ſent burgeſſes to the Br. Parl. 26. Ed. I. parliament from the 26th of Edward the firſt, when the return of the ſheriff's writ was—*Nomina burgenſium electi pro communitate burgi Novi Caſtri ſuper Tinam, ſunt in cedula huic brevi annex.* and received ſummons conſtantly for that purpoſe, but often intermitted and made no returns, as appears by the returns for the county. (See the county of Northumberland.) The return made to the ſheriff's B. P. R. 165. precept, 1°. Ed. III. was this——*Ballivi Novi Caſtri ſuper Tinam ſic reſpondent, quod ipſi tam onerantur circa ſalv. cuſtodiam villæ prædict. quod neminem poſſunt de dicta villa carere ideo executio iſtius brevis ad præſens fieri non poteſt.* In the reign of King Henry the ſixth, it was made a county: and in the 25th of that king, the return was between the ſheriff and Roger Thornton and William Harding, eſquires, and thirty-four others, named therein — *probos homines villæ prædict. qui proclamationi factæ unde in brevi huic indentur, conſut, ſit mentio interfuerunt authoritate ejuſdem brevis eligerunt*—See the indenture in the Appendix. The journals afford no memoirs of its elections, until this preſent century, when theſe following occur.

Mar. 30, 1715. A petition of James Clavering of the town and county of Newcaſtle upon Tyne, was read; ſhewing, that at the election for the ſaid town and county, Sir William Blacket, baronet, William Wrightſon, eſquire, and the petitioner were candidates: that the ſaid Sir William Blacket and Mr. Wrightſon were returned by Mr. Malfen, ſheriff for the ſaid town and county; but the ſaid Mr. Wrightſon was not qualified according to the late act of parliament; and therefore the ſaid election of the ſaid Mr. Wrightſon is void. And that the petitioner being qualified, and having polled two hundred and ſixty two legal votes was duly choſen, and ought to be returned in room of the ſaid Mr. Wrightſon: and praying, &c.

Ordered, that it be referred to the committee of privileges and elections to examine the matter, and report the ſame with their opinion.

NEWPORT in Cornwall.

Willis, 1749. 12. THIS borough is ſituate in the county of Cornwall. It never ſent a burgeſs to parliament, until the reign of Edward the ſixth, from which time it has continued ſo to do. The memoirs I have met with relating to its elections, and its members in that reſpect, are theſe:

March 17, 1625. Sir John Finch reporteth, from the committee for privileges, for this borough.—Mr. Wyllyam's caſe.—Three indentures of . . . . returned; one dated 18. Jan. the other, 12°. Jan.

The ſecond is by the inhabitants and freeholders for Mr. Willyams. He deſerted the cauſe, and therefore the committee were of opinion, that the indenture for Mr. Willyams ſhould be withdrawn, being with the clerk of the crown.——And the other two, viz. . . . . Hungayte and Mr. Gewen, to ſerve by the two other indentures.—Upon queſtion, ordered.

March 22, 1627. A motion made concerning the election at this borough. This referred to the committee of privileges to be heard according to former orders about the return.

April 14, 1628. Mr. Hackwyll reporteth, from the committee for privileges, the caſe about this borough. Four indentures returned. — The opinion of the committee, that Mr. Treſuſis and Mr. Edgecombe were well choſen.

1. Upon queſtion, this not to be recommitted.
2. Upon queſtion, Mr. Edgecombe well elected.
3. Upon queſtion, a *ſuperſedeas* to be awarded to the clerk of the crown, for the ſtay of the writ made upon Sir William Killigrew, his refuſal to ſerve for that place. 4. The indentures, which concern not the election of Mr. Treſuſis and Mr. Edgecombe, to be withdrawn.

April 24, 1661. A petition of Henry Ford, eſquire, touching the election for this borough, was this day read.

Ordered, that the ſaid petition be admitted; and that it be referred to the committee of privileges and elections, to take the ſame into their conſideration at their next meeting after their receſs.

April 29, 1662. Upon information, that there was a day appointed by the committee of elections, to hear the cauſe touching the election for this town; and that Mr. Edgecombe, who is concerned, being at a great diſtance, and depending upon the adjournment of the houſe, could not attend, or bring up his witneſſes by the day appointed.

Ordered, that the matter touching the election for this town be adjourned, till the next meeting of the houſe after the receſs.

Ordered, that the committee of elections have liberty to proceed to the hearing of all ſuch matters touching elections, where the parties can be ready, and attend on both ſides with their witneſſes: but that Mr. Edgecombe's caſe, and ſuch other caſes, where the parties cannot be ready, they do adjourn till after the intended receſs.

May 6. Ordered, that ſuch witneſſes, as are in town, be examined before the committee for elections, touching the election for this borough, the next ſitting of the committee after this day.

Feb. 23, 1677. A petition of Sir Walter Yonge, baronet, complaining of an undue return for this borough, was read.

Reſolved, that the ſaid petition be referred to the committee of privileges and elections to examine, and report the matter with their opinion.

May 23, 1678. A petition of John Coryton, eſquire; complaining of an undue return of Ambroſe Manaton, eſquire, to ſerve for this borough.

Ordered, that it be referred to the committee of privileges and elections to examine, and report the matter with their opinion.

25th. A petition of Sir Walter Yonge, baronet; complaining of an undue return of Ambroſe Manaton, eſquire, to ſerve for this borough, in injury of the petitioner, who was duly elected, and ought to have been returned.

Ordered, that it be referred to the committee of privileges and elections to examine, and report the matter with their opinion.

October 23. A petition of John Coryton, eſquire, complaining of an undue return of Ambroſe Manaton, eſquire, to ſerve for this borough; alledging the ſaid Ambroſe Manaton was returned but by one of the vianders of the ſaid borough, whereas the two vianders of the borough make but one officer; and that the petitioner was duly elected, and ought to have been returned; was read.

Ordered, that it be referred to the committee of privileges and elections to examine the matter thereof: but the committee is in the firſt place to examine the merits of the ſaid return, and report the ſame with their opinion.

25th. The petition of Sir Walter Yonge, in ſubſtance the ſame as before, was again preſented, and read.

Ordered, that it be referred to the committee of privileges and elections to examine the matter, and report the ſame with their opinion.

March 20. A petition of John Maurice, merchant, complaining of an undue return of John Coryton, eſquire, to ſerve in this preſent parliament for this borough, in injury of the petitioner.

Ordered, that it be referred to the committee of privileges and elections to examine, and report the matter with their opinion.

Dec. 31, 1690. A petition of Narciſſus Luttrell, eſquire, was read; complaining of an undue election of a burgeſs to ſerve in this parliament for this borough. But by reaſon the prayer thereof was conceived to be irregular, the ſaid petition was, by leave of the houſe, withdrawn.

Jan. 1. A petition of Narciſſus Luttrell, eſquire, was read; ſhewing, that the petitioner was duly elected by the majority of the electors of this borough, and an indenture ſealed by Mr. Manaton, a member of this houſe, and one of the vianders of this borough, and the majority of the burgeſſes; but that by an indenture under the ſeal of Mr. Horwell, the other viander, and ſome others, John Morrice, eſquire, is returned, in prejudice of the petitioner: and praying, &c.

Ordered to be heard at the bar on this day ſix weeks. But nothing was done in it.

Feb. 16, 1698. A petition of John Prideaux, eſquire, was read; ſhewing, that the petitioner and Thomas Stratford, eſquire, were candidates at the election of a burgeſs to ſerve in this parliament for this borough, where the petitioner had a majority of thirty four voices duly qualified; yet the vianders, who, with the freeholders and inhabitants ought to have made the return, withdrew themſelves from the ſaid borough, without declaring who was elected, though demanded thereto by the petitioner and his electors; and in another county by themſelves alone ſigned a return for Mr. Stratford, contrary to the conſtitution of the borough and the petitioner's right: and praying, &c.

Ordered, to be referred to the committee of privileges and elections to examine the matter, and report the ſame with their opinion.

November 16, 1699. The petition of John Prideaux, the ſame in ſubſtance was again read.

Ordered, to be referred to the committee of privileges and elections to examine the matter, and report the ſame with their opinion.

March 11, Ordered the report to be made on Thurſday.

14th. A motion, then to receive the ſaid report, but diſagreed to.

Ordered, to be made on Tueſday.

19th. A motion, to receive the ſaid report on Saturday next, but diſagreed to.——Ordered the ſaid report to be made on this day ſeven-night. But was not then received, nor any thing more done in the matter.

Feb. 13, 1700. A petition of John Granville, eſquire, was preſented to the houſe; ſhewing, that the petitioner was duly elected by this borough to be their repreſentative in this preſent parliament; yet the vianders, being prevailed on by unjuſtifiable practices, went from the place of election, without declaring the majority; and refuſed a ſcrutiny; and have, arbitrarily and falſly, returned Francis Stratford, eſquire, having declared their reſolutions ſo to do, before the election, if he had but ten votes: Which practices are a violation of the rights of this borough, and a wrong to the petitioner: and praying the conſideration of the houſe in the premiſes, and relief therein.

—A motion was made, that the matter of the ſaid petition be heard at the bar of the houſe, but diſagreed to.

Ordered, that the conſideration of the ſaid petition be referred to the committee of privileges and elections; and that they report the ſame, with their opinion therein, to the houſe.

Feb. 13. A petition of the freeholders and inhabitants of this borough was read; ſhewing, that at the late election of burgeſſes to ſerve in this parliament for this borough, John Granville, John Prideaux, Francis Stratford, and John Morrice, eſquires, were candidates; that the right of returning members to parliament is in the electors and two annual officers, called vianders; that Mr. Granville and Mr. Prideaux were duly choſen by a vaſt majority; and that an indenture for their return was tendered to the vianders ſigned by the electors, who refuſed to execute it, as alſo to take a ſcrutiny, but promiſed to take a ſcrutiny; the next day withdrawing with one Nicholas Morrice, eſquire, into another county, but late in the evening, one Richard Blight, a ſervant to Mr. Nicholas Morrice, by whom the vianders were ſolely governed, came into the borough, and with the tythingman declared that the vianders had returned an indenture for the ſaid Francis Stratford, in prejudice to the right of Mr. Granville and the electors: all which was chiefly tranſacted by the ſaid Nicholas Morrice, who recommended the ſaid Francis Stratford to the ſaid borough, and is lord of the manor as truſtee to his nephew Sir Nicholas Morrice. That twice, within ſeven years, he got himſelf choſen a viander, though not a freeholder, which is contrary to the ancient cuſtom of the ſaid borough, to over-awe the tenants, and return whom he pleaſes to parliament, which he unjuſtly put in practice at an election in 1698, when he returned Mr. Francis Stratford in wrong to Mr. Prideaux, who then had a majority of thirty three votes; and as a continuance of his arbitrary proceedings, got, laſt Michaelmas, a mean taylor, who works for a groat a day, and his nephew's ſervant, to be choſen vianders, having once before gotten the ſaid ſervant, while a ſchool boy, to be choſen viander: and praying &c.

Ordered, to be referred to the committee of privileges and elections to examine the matter, and report the ſame with their opinion.

May 7, 1701. Ordered, that Col. Granville, and the inhabitants of the ſaid borough, have leave to withdraw the ſaid petitions.

Dec. 12, 1711. A warrant ordered for a new writ in the room of George Courtenay, eſquire, made a commiſſioner of the victualling office.

NEWPORT or MEDENA.

THIS borough is within the county of Hants and Iſle of Wight. Dr. Willis writes, that it returned burgeſſes to a parliament in the

23d of Edward I. but Mr. Prynne takes no notice of it. It afterwards ceaſed until the 27th of Queen Elizabeth, when ſhe reſtored it. Of which I meet with only this memoir.

Ex Munimentis Burgi.

“ Memorandum. That at the ſpecial inſtance
“ and procurement of Sir George Carew, knt. mar-
“ ſhal of her majeſty's moſt honourable houſhold
“ and captain of the Iſle of Wight, two burgeſſes
“ were admitted into the high court of parliament,
“ holden at the city of Weſtminſter the 23d day of
“ Nov. in the 27th year of the reign of our moſt gra-
“ cious and ſovereign lady Elizabeth, by the grace
“ of God, Queen of England, France, and Ireland,
“ defender of the faith, &c. for our town of New-
“ port (that is to ſay) Sir Arthur Bowcher, knt.
“ and Edmund Carey, eſquire. Whereas there were
“ never burgeſſes admitted in any court of parlia-
“ ment for that time during the memory of man be-
“ fore; for the ſaid town, the ſheriff's warrant (Tho-
“ mas Dabridgecourt, eſquire) for that election bears
“ date October 18, 1584, and is directed to the
“ bailiff of the town of Newport in the Iſle of
“ Wight, and the returns made by the bailiff and
“ burgeſſes of the ſaid borough.”

I don't find any thing of its right of election, till ſince the revolution 1688: after which the following occur.

Jan. 28, 1698. A petition of John Acton, eſquire, was read; ſhewing, that the petitioner, and ——— Greenhill, eſquire, ſtood candidates to ſerve in this preſent parliament, as a burgeſs for this borough; and the petitioner was duly elected by the majority of legal voters; but Mr. Greenhill, being commiſſioner of the king's dock at Portſmouth, not only by corrupt methods, but by notorious practices, to the apparent diſſervice of his majeſty, and very prejudicial to his fleet, hath procured himſelf to be returned a member for the ſaid borough, to the petitioner's prejudice: and praying &c.

Ordered, that the conſideration of the ſaid petition be referred to the committee of privileges and elections: and that they do examine the matter thereof; and report the ſame, with their opinion therein, to the houſe.

Nov. 29, 1699. A petition of John Acton, eſquire, was read; ſhewing, that the petitioner and Mr. Greenhill were candidates, to ſerve in this parliament, for this borough; and the petitioner was duly choſen; but the ſaid Mr. Greenhill being commiſſioner at Portſmouth dock, did, by corrupt methods, procure himſelf to be returned to ſerve for the ſaid borough, to the petitioner's prejudice: and praying &c.

Ordered, that it be referred to the committee of privileges and elections to examine the matter, and report the ſame, with their opinion, to the houſe.

Jan. 8, Ordered the report be made on Thurſday.

11th. Sir Rowland Gwynn reported from the committee, upon the ſaid petition; that the right of election was agreed to be in the mayor, aldermen, and capital burgeſſes: That upon the poll there were —— for Mr. Greenhill 12. —— for the petitioner 10.

But the petitioner's counſel inſiſted, that Mr. Greenhill's votes were obtained by promiſes of places, and by ſending great quantities of junk to be made into oackam by the poor people of Newport; which the petitioner alledged was on purpoſe to gain their votes: which they conceived would void the ſitting members election.

And to prove it, they called Mr. Matthews: who ſaid, the ſitting member, being but little known in this borough, made uſe of Mr. Smith's intereſt, as clerk of the rope-yard: And that Mr. Smith, before the election of Lord Cutts and Sir Robert Cotton, did propoſe Mr. Greenhill; and that, if they would vote for him, he would employ the poor of Newport, by ſending over junk.

That Mr. Smith particularly preſſing him, he anſwered, he would be for him if Lord Cutts would recommend him: and they conſulted how to engage the mayor and corporation, by helping his ſon to a purſer's place, from which he had been before diſcharged; and the corporation was to be obliged by his ſending junk for the poor to pick: That after, he received this letter from Mr. Smith.

Dear Sir,

I moſt humbly thank you for the particular ſervice you have done me, in reſpect to commiſſioner Greenhill, who is wonderfully pleaſed at the letter you ſent my Lord Cutts on his behalf: He orders me to preſent his moſt humble ſervice to you, and let you know, that on Monday, about four o'clock in the afternoon, he will wait on you, and give you his hearty thanks. I am ſtill to pray the continuance of your favour in this affair; and that you will pleaſe to let Mr. Mayor know, that, for the reſpect that is deſigned him by the corporation, he will forthwith make his ſon John purſer of a third-rate ſhip; an employment now-a-days hard to be gotten: and for my brother Rookly, upon your requeſt to him on his behalf, will immediately proceed to get him a good poſt; and alſo will do you, and the town, any ſervice that ſhall be deſired of him.

The commiſſioner has this day wrote to the earls of Orford and Scarborough, to requeſt of my Lord Cutts his recommendation to your corporation, according as I hinted to you; and I hope in a few days, to hear a good account of that matter: however, whether the commiſſioner does obtain his ends, or not, he aſſures me, that his zeal to ſerve the town will not be a jot the leſs; and that now he will forthwith employ all the poor. I moſt earneſtly beg your beſt endeavours to promote his intereſt, againſt he comes over; and will pleaſe cunningly to intimate the commiſſioner's deſign to ſerve the mayor's ſon, as alſo my brother Rookly's; which he poſitively reſolves to do. I hope, by your prudent management, the commiſſioner will find from the corporation, a civil and candid reception; which will be moſt gratefully acknowledged by him to you all, particularly to yourſelf; as alſo by,

SIR,
Your moſt faithful humble ſervant,
W. SMITH.

Portſmouth,
Dock-yard,
July 18, 1698.

I have ſent the coffee by the bearer, nurſe Dart; which humbly prays your acceptance. My ſervice attend you, and my couſins.

And the ſaid Matthews ſaid, he had after a ſecond letter from the ſaid Mr. Smith, upon the ſame ſubject, but did not produce it: and that he acquainted the then mayor with what Mr. Smith had wrote concerning his ſon, his wife being preſent; who ſaid, the good of their ſon was to them more than any parliament-man: And Mr. Greenhill afterwards lay at Mr. Keblewright's, and he was for him. That after, Mr. Matthews talked with Mr. Greenhill about the ſubject-matter of Mr. Smith's letter; and told him if Mr. Keblewright's ſon was not preferred, and junk ſent to the town, he could not expect to ſucceed; but did not ſhew him Mr. Smith's letter:

ter: and Mr. Greenhill ſaid it ſhould be done: And that, about September, ſome junk was ſent, and ſo continued to be ſent for ſix or ſeven months, in the King's boat; but he could not ſay, by the commiſſioner's means or order: And that ſome of the poor people ſaid, they muſt have had relief, had it not been for the ſaid oackam.

Read ſaid, he would not have voted for Mr. Greenhill, had it not been for the preferment of his brother, and the importunity of his ſiſter; he being promiſed to be a head carpenter of a yard. That he attended Mr. Greenhill on behalf of Mr. John Rookly; who was diſcharged from being a ſurgeon of a ſhip, and Mr. Greenhill promiſed him to be his friend; and ſince, Rookly is employed as a ſurgeon of a ſhip; but cannot ſay, by the means of Mr. Greenhill.

Farrington ſaid, that he received thirty-five ton of junk from Portſmouth, and delivered it to the poor of this borough to pick, and a warehouſe was hired for it at the rate of forty ſhillings per year. That he was employed by Mr. Smith, and allowed 3 s. 4 d. per hundred, which, for the thirty five ton amounted to 115 l; whereof he allowed the poor 3 s. 2 d. per hundred; and received his money at 10 l. at a time: that about ſix hundred weight remained at the time of the election; but could not ſay, by whoſe order the junk was ſent; but it was brought in the king's boat; but none had been ſent ſince Auguſt.

Preſcot ſaid, young Keblewright had been purſer of the Naſſau ſince September, 1699: That he was formerly purſer of the Joſiah, a fourth rate, which being made an hulk, he was diſcharged of the ſame: That on paſſing his accompts for the Joſiah, he was in debt 77 l. 7 s. which he has given ſecurity for; and his wages are alſo ſtopped, till the ſame is cleared.

Mr. Read ſaid, he had heard John Read ſay, the reaſon of his voting for Mr. Greenhill was, becauſe his brother-in-law was promiſed ſome preferment; but did not ſay by whom: That the junk ſent to the borough was an eaſe to the electors, in point of the poor's rate; for that a great many muſt have been relieved by the town, if not for the benefit of the oackam; and ſome were taken off the rate upon that account, particularly one Francis Taunt: but could remember none other —— Believes ſome did vote for Mr. Greenhill, upon account of the general benefit of the town: but owned, he, being mayor, did make Mr. Greenhill's return, and made no objection to his being elected.

Hales ſaid, he was town-clerk and maſter-gunner of Cariſbroke caſtle, by warrant from the Lord Romney: That he was preſent at the election of my Lord Cutts and Sir Robert Cotton; and after the election was over, Mr. Smith, who was very active for Mr. Greenhill, and deſired his intereſt particularly, which he excuſed, came into the town-hall, and told them, it was believed, the Lord Cutts would make his election for Cambridgeſhire, and therefore deſired their votes for Mr. Greenhill.

Colonel Dudley ſaid, he diſcourſed with alderman Webb three days before the election; and he told him, he and his ſon were for Mr. Greenhill; for his grandſon had a promiſe of ſome clerk's place, near Mr. Greenhill, of thirty pounds per year; which would be in a little time worth fifty pounds a year: That he could not ſay poſitively, that alderman Webb ſaid, Mr. Greenhill promiſed it; but he underſtood it by the diſcourſe.

Mr. Robert Lee ſaid, alderman Webb told him, that he would not promiſe his vote till the day of the election; but his ſon had given it to Mr. Greenhill, Mr. Greenhill having promiſed him a place worth thirty pounds a year; which would, in a little time, be worth fifty or ſixty.

For Mr. Greenhill. The counſel inſiſted, that, taking it upon the petitioner's evidence, the promiſe of junk being made before the vacancy, was not within the words or meaning of the act of parliament; it not being given to the voters.

That Mr. Smith acted without Mr. Greenhill's knowledge: That Mr. Keblewright was not mayor at the election; and that inſtead of promiſes on behalf of Mr. Greenhill, there were promiſes and threatenings made uſe of by the petitioner: And called

Mr. Smith, who ſaid, there was a want of oackam in the dock-yard at Portſmouth, occaſioned by the poor people's refuſing to pick it, they in war-time finding better wages to employ their time; and that formerly they have had oackam ſent from Deptford to Portſmouth, which coſt the King 3 s. 8 d. per hundred picking, beſides the charge of carriage; whereas what they picked in this town coſt but 3 s. 4 d: That formerly it was picked at Fareham, and other places. That when he underſtood, Lord Cutts was choſen for Cambridgeſhire, he went over to Newport, and propoſed Mr. Greenhill; preſuming Lord Cutts would elect for Cambridgeſhire, and wave this borough; and did fancy, the people of the town might have benefit by picking oackam; and that junk was ſent by Mr. Farrington. That the junk was carried in the King's boat, with two men, who were kept to look after the buoys, and when they could be ſpared from that, they carried the junk. That Mr. Keblewright's ſon and he having been clerks ſeveral years together in the dock-yard, he wrote him a letter to ſpeak to Mr. Greenhill for his letter for young Mr. Keblewright: but whether he had ſuch a letter, he could not tell.

Hoſier, produced an account of twenty-ſix tons and an half from Deptford to Portſmouth, for the years 1696, 1697, 1698: and he ſaid, it coſt picking 4 s. per hundred, which he ſuppoſes was ſent to Portſmouth from Deptford, becauſe they could not be ſupplied faſt enough from Portſmouth.

Mr. William Keblewright denied, that he had any promiſe that his ſon ſhould be made a purſer, or that he gave his vote for that.

Mr. John Keblewright himſelf ſaid, he was purſer of the Joſiah in 1695, which being rendered unſerviceable, he got a certificate from the officers of Portſmouth yard; and after a year and a half's attendance, was by the lords of the admiralty made purſer of the Naſſau, his father and brother being ſecurity for his arrears; and he had a promiſe of being purſer two or three months before the election: And produced his certificate, dated July 13, 1694; and his warrant to be purſer of the Naſſau, dated October 2, 1699.

Mr. Webb ſaid, he never was offered any thing by Mr. Greenhill, but voted for him out of judgment. That he knows of no place his grandſon hath, or is like to have. That Mr. How ſaid, Mr. Acton came to Newport ſome time before Chriſtmas laſt, and ſent for him, and told him, Lord Cutts had ordered him ſome money he owed him, and deſired his vote; and if he would be for him, he ſhould have his money when he pleaſed: and accordingly he received money of him twice: and Mr. Acton promiſed him Lord Cutts's and his own favour,

vour, if he would vote for him: That Lord Cutts after came down, and went to Mr. Hales's, ſent for him, and preſſed him for his vote; but, he not being willing to give it, Lord Cutts aſked what he would have; who ſaid he would have his money, and his bill ſigned, which was done: That my Lord bid him come next morning, which he did; and then his lordſhip whiſpered him, that if his wiſe had a ſon, he would take care of him, as ſoon as he was able to go abroad.

Colonel Dudley, being called to confront How, ſaid, he was preſent when How was with Lord Cutts; and did not obſerve Lord Cutts to whiſper him. That he deſired his accompt ſhould be paſſed; and to be uſed as a freeman or burgeſs of the town.

Upon the whole the committee reſolved; that Henry Greenhill, eſquire, is duly elected a burgeſs, to ſerve in this parliament, for this borough: whereto (it being twice read) the houſe agreed.

Feb. 13, 1700. The houſe was informed, that Mr. Samuel Shepherd, ſenior, eſquire, member of this houſe, had been guilty of bribery at ſeveral corporations (See Andover); and ordered it to be heard at the bar on Tueſday three weeks; and the charge to be put into writing.

15th. In the charge againſt Mr. Shepherd, this borough is ſet down, as one of the ſaid corporations.

26th. A petition of Henry Greenhill was read; ſhewing, that the petitioner was duly choſen a burgeſs, with the Lord Cutts, to ſerve in this preſent parliament, for this borough, and ought to have been returned; but Samuel Shepherd, ſenior, eſquire, by notorious bribery, and other undue means, hath obtained himſelf to be returned, in wrong to the petitioner: and praying &c.

Ordered to be heard at the bar on the 11th of March next.——But never heard.

March 18th. The houſe proceeded in the farther hearing of the charge againſt Samuel Shepherd, ſenior, eſquire. And the counſel for making good the charge againſt him, and the counſel for him, being called in, divers witneſſes for and againſt him were examined, touching the election for this borough; and they withdrew. And Mr. Shepherd, ſenior, was heard: and withdrew.

Reſolved, that Samuel Shepherd, ſenior, eſquire, is guilty of notorious bribery in obtaining his election of a burgeſs for this borough —— And after reading ſeveral reſolutions, relating to the ſaid Mr. Shepherd. (See Bramber, Wotton-Baſſet, Malmſbury, &c.)

Reſolved, that the ſaid Samuel Shepherd, ſenior, eſquire, be committed priſoner to his majeſty's tower of London: and that Mr. Speaker do iſſue his warrant accordingly.

Reſolved, that this houſe will, on this day ſevennight, take into conſideration how they will further proceed with relation to the crimes whereof Samuel Shepherd, eſquire, ſtands convicted before the houſe.

Reſolved, that Mr. Glover, agent to Mr. Samuel Shepherd, ſenior, hath been guilty of corrupt and indirect practices, in procuring the election of the ſaid Samuel Shepherd, ſenior, eſquire, to be a burgeſs for this borough.

Reſolved, that the ſaid Mr. Glover be for the ſaid offence committed priſoner to his majeſty's goal of Newgate: and that Mr. Speaker do iſſue his warrant accordingly.

19th, Reſolved, that it hath appeared to this houſe, that Mr. John Haſſum is guilty of corrupt and indirect practices to procure an election for Samuel Shepherd, ſenior, eſquire, to be a burgeſs for this borough.

Ordered, that the ſaid Mr. John Haſſum be for his ſaid offence committed to the cuſtody of the ſerjeant at arms attending the houſe.

Reſolved, that Sir Edward Seymour, baronet, hath made good his general charge againſt Samuel Shepherd, ſenior, eſquire, of bribery and corruption in ſeveral boroughs that ſend members to parliament.

Reſolved, *nem. con.* That the thanks of this houſe be given to Sir Edward Seymour, baronet, a member of this houſe, for the great ſervice he hath done the publick, in detecting the bribery and corruption, which hath been practiſed in the election of ſeveral members to ſerve in this parliament.

And Mr. Speaker gave him the thanks of the houſe accordingly, as followeth, viz.

Sir Edward Seymour,

The houſe has had a long examination of ſeveral corrupt practices, tending to the deſtruction of the conſtitution: they are ſenſible, the diſcovery thereof is owing to your reſolution, to your love of the public; and is brought about at your charge, and by your conduct.

'Tis an honour, Sir, to you, that you are deſcended from anceſtors, who have been ſucceſsful in commanding armies and fleets of this kingdom, and from a protector of the realm: But it is your perſonal honour, that you have protected even the conſtitution of this place.

As the houſe has expreſſed their zeal and indignation againſt thoſe who have endeavoured to undermine and ruin the foundation of our liberties; ſo they are deſirous at the ſame time, that your name may ſtand upon record, as being the means, by which it is brought about: therefore they have commanded that the thanks of this houſe be given to you, for the great ſervice you have done the public, in detecting the bribery and corruption, which hath been practiſed in the elections of ſeveral members to ſerve in this preſent parliament.

Whereupon Sir Edward Seymour ſpoke to the effect following; viz.

Mr. Speaker,

The honour I have received this day, is ſufficient to gratify the greateſt ambition, and the greateſt endeavours any man is capable of, in order to the public ſervice, which was the only inducement that occaſioned me to undertake it: and I am extraordinary happy, that ſucceſs has crowned my endeavours ſo far, as to entitle them to your approbation: I muſt ſay, that I am indebted to ſeveral particular worthy gentlemen, who have given their aſſiſtance in this matter; and that the great honour you have been pleaſed to do me this day, will be ſo great an ornament to my eſcutcheon, that it will wait upon me to my grave.

March 25, 1701. The ſerjeant at arms attending the houſe being called upon to give an account of what he had done in relation to Mr. John Glover, who was ordered to be committed to Newgate——ſaid, that he had abſconded and could not be apprehended.

Whereas Mr. John Glover hath been charged with ſeveral miſdemeanours; and in contempt of the authority of this houſe, abſconds;

Reſolved, that an humble addreſs be preſented to his majeſty, that he will pleaſe to iſſue his royal proclamation for apprehending the ſaid John Glover, with a promiſe of a reward for the ſame.

Ordered, that the further conſideration how this houſe will proceed, with relation to the crimes, whereof Samuel Shepherd, ſenior, eſquire, ſtands convicted before this houſe, be adjourned till this day ſeven-night.

April 1. Ordered to be conſidered on this day ſeven-night.

8th. Ordered to be conſidered on this day ſeven-night.

15th. The houſe proceeded, according to order, to take into conſideration, how they will further proceed with relation to the crimes whereof Samuel Shepherd, ſenior, eſquire, ſtands convicted before this houſe.

Reſolved, that the ſaid Samuel Shepherd, ſenior, eſquire, ſhall be expelled this houſe.

Reſolved, that the ſaid Samuel Shepherd, ſenior, eſquire, do receive the ſaid ſentence at the bar of this houſe.

Ordered, that Samuel Shepherd, ſenior, eſquire, be brought to the bar of this houſe to-morrow morning: And that Mr. Speaker do iſſue his warrants accordingly.

16th. He was brought to the bar, by the ſerjeant with the mace: where, he being upon his knees, Mr. Speaker pronounced the ſentence of his being expelled the houſe.

July 8th, 1712. Ordered a new writ for electing a burgeſs in the room of William Stephens, eſquire, made a commiſſioner of the victualling office.

NEWTON.

Willis 1719. 29. THIS borough is within the county palatine of Lancaſter. It was never repreſented in parliament, until the reign of Queen Elizabeth; from which time it has continued ſo to be. The memoirs of conteſted elections, or matters relating to elections, are but few; nor has there been one petition heard. Thoſe preſented, and other matters of this ſort, which are in the journals, are theſe.

May 25th, 1685. A petition of Thomas Brotherton, eſquire, touching the election for this borough, was read.

Ordered it to be referred to the committee of privileges and elections, to examine the matter, and report the ſame with their opinion.

March 25th, 1690. A petition of Sir James Forbes and Thomas Brotherton, eſquire, was read; ſhewing, that on the 11th inſtant, they, the petitioners, were duly elected burgeſſes, by the majority of thoſe who had a right to vote, for this borough, and ought to have been returned; but that Mr. William Wood the ſteward, and Thomas Stirrop the bayliff, have unduly returned Sir John Chickley and George Cholmondley, eſquire, in wrong to the petitioners: and praying &c.

Ordered, that it be referred to the committee of privileges and elections to examine the matter, and report the ſame with their opinion.

6th October. The ſame petition in ſubſtance was again read.

Ordered, that it be referred to the committee of privileges and elections to examine the matter, and report the ſame with their opinion.

Oct. 22, 1691. The ſame petition in ſubſtance was again preſented.

Ordered, that it be referred to the committee of privileges and elections to examine the matter, and report the ſame with their opinion.

June 12, 1711. Ordered a warrant for a new writ in the room of John Ward, made one of the juſtices for Cheſter, &c.

NEWTOWN in HANTS.

THIS borough is within the Iſle of Wight. Willis 1749. 48. See poſtea It never was repreſented in parliament, until Queen Elizabeth's time. The memoirs relating to its elections are but few: nor has there been, till very lately, any determination in parliament, upon its right of election. The petitions, and proceedings thereupon, which are in the journals, are theſe: the firſt whereof is the memorandum of its firſt return.

The town of Harwich in Eſſex, and Newton in the county of Southampton, have returned burgeſſes to this parliament; which they never did before. D'ewes journal 628 fol. Anno 1601.

March 3, 1676. A petition of Sir William Meux, baronet, was read.——Alſo a petition of the mayor and in-burgeſſes of this borough.——Alſo a petition of Mr. Henry Fanſhaw were read: All which petitions related to the return of Sir John Holmes, to ſerve as a member for this borough.

The queſtion being put, that the conſideration of theſe petitions be referred to the committee of privileges and elections.——Diſagreed to.

Dec. 5th, 1695. A petition of Anthony Henley, eſquire, was read; ſhewing, that at the laſt election of burgeſſes, to ſerve in this parliament, for this borough, the petitioner, James Worſley, and Thomas Done, eſquires, were candidates; and the petitioner had the majority of legal votes, but many perſons, who had no right to vote, were admitted to vote againſt the petitioner, and thoſe who would have voted for him, and had a right, were rejected; by occaſion of which unfair means, the ſaid Mr. Worſley and Mr. Done were returned, to the prejudice of the petitioner: and praying &c.

Ordered to be referred to the committee of privileges to examine, and report the matter with their opinion.

Dec. 23, 1710. Ordered a warrant for a new writ for electing a burgeſs for this borough in the room of James Worſely, eſquire, made Woodward of the New Foreſt.

NORFOLK.

THIS county is ſituate on the north eaſt part of the kingdom. It hath been ſummoned from the 22d of Edward the firſt; and continued ſo to be to this time. The memoirs of conteſted elections appear very early in the journals, and afford ſome matters worthy of obſervation. I ſhall begin with the election in 1586.

Nov. 3, 1586. Mr. Speaker ſhewed unto the D'Ewes journal p. 393. houſe, that he received commandment from the Lord Chancellor from her majeſty to ſignify unto them; that her highneſs was ſorry this houſe was troubled, the laſt ſitting thereof, with the matter touching the chooſing and returing of the knights for this county; a thing in truth impertinent for this houſe to deal withal, and only belonging to the Lord Chancellor, from whence the writs for the ſame election iſſued out, and are thither returnable again; and alſo that her majeſty had appointed the ſaid Lord Chancellor to confer therein with the judges, and ſo thereupon

upon examining the ſaid returns and the ſheriff touching the matter and circumſtances of his proceedings in the ſaid elections, to ſet down ſuch courſe for making the true returns, as to juſtice and right ſhall thereon appertain.—But nothing this day done.

9th. This day report was made by Mr. Thomas Cromwell, that 11 of the committee, appointed by this houſe, to examine the ſtate and circumſtances of the writs and returns made of the knights for this county, had, according to their commiſſion, met yeſterday; and that the clerk of the crown had brought before them as well the writs as their returns; upon view whereof that the two ſeveral writs had iſſued out of the Chancery, directed to the ſheriff of Norfolk for choice of knights of the ſhire for that county, the firſt dated the 15th day of Sept. the ſecond the 11th day of Oct. The firſt appeared by the return to have been executed on the 26th of September, the ſecond executed on the 24th of October, which was after the parliament was to have had its beginning. By the firſt writ, Mr. Thomas Farmer and Mr. Greſham were returned to be choſen knights; by the ſecond, Mr. Chriſtopher Heydon and the ſaid Mr. Greſham. That, by the examination of the clerk of the crown, it appeared, that the firſt writ with the return was brought and offered unto him by the under-ſheriff, on the 15th of October, when as the parliament was to have had its beginning, and that with that writ the burgeſſes for the boroughs of the county were alſo brought, which then notwithſtanding he received not. That after about the 29th of October, both the ſaid writs were delivered unto him. It was alſo further declared, that the ſaid Mr. Heydon with his counſel, and the ſaid Mr. Farmer in perſon, and alſo the ſaid under-ſheriff, had been before the committee. That Mr. Greſham as being returned by both writs had not been before them; that they had examined Mr. Heydon and his counſel what exceptions they could take to the execution of the firſt writ; who then alledged two cauſes, the one, that due ſummons was not given to the freeholders of the ſhire, the other, that proclamation was not duly made. That thereupon they examined the under-ſheriff, who in their preſence affirmed, the writ was delivered to the high-ſheriff on the Saturday, which he received on the Sunday, the county day being on the Monday following; on which day he was bound by law to execute his writs: by which means he had not leiſure to ſummon many, or any day left wherein he might by proclamation notify it in the country. That on the ſaid Monday, between eight and nine o' clock, three ſolemn O yes were made, and the Queen's writ publickly read, and all circumſtances uſed which the law required; wherein he was more careful, for that it was commonly bruited that there would be variance about the election. That the election was ſo expected in the country, that by his eſtimation, there were three thouſand perſons at the ſame; and that Mr. Farmer had the voices without denial; that Mr. Juſtice Wyndham, Sir Thomas Knyvet, Sir Nicholas Bacon, Sir Henry Woodhouſe, and divers other juſtices of the peace, eſquires, and gentlemen of great calling, were at the election, and gave their aſſents to the ſame, and ſet their hands and ſeals to the indenture. Upon conſideration of the whole matter, it appeared unto them, that the firſt writ and return were in matter and form perfect, and duly executed. The ſecond writ they thought could not be available; beſides that, the precedent would be perillous in time to come, in reſpect that it appointed two others to be choſen. The effect of the writ beſides not obſerved; for that Mr. Greſham, one of the ſame, was choſen by the firſt writ. They farther declared, that they underſtood that the Lord Chancellor and divers of the judges, having examined the matter, were of the ſame opinion. He declared farther, that one of the committees had moved, that two of the committees might have been ſent to underſtand of my Lord Chancellor, what he had done in the matter; which the reſt of the committees thought not convenient, firſt, in reſpect they were ſatisfied therein by divers of their committees; and alſo for that they thought it prejudicial to the privileges of the houſe, to have the ſame determined by others than ſuch as were members thereof. And though they thought very reverently of the ſaid Lord Chancellor and judges; and thought them competent judges in their places; yet in this caſe they took them not for judges in parliament in this houſe. And thereupon required, that, if it was ſo thought good to the houſe, Mr. Farmer and Mr. Greſham might take the oaths, and be allowed of by force of the firſt writ, as allowed by the cenſure of the houſe, and not allowed of as by the Lord Chancellor and the judges: which was agreed to by the whole houſe, and ordered to be entered accordingly.

11th. The ſame Mr. Cromwell repeated the report to the effect aforementioned. Whereupon, Ib. 398.

Mr. Treaſurer, one of the ſaid committee declared his privity and aſſent to the whole report; and that Mr. Farmer had before him taken the oath. Shewing further, that he in the committee had moved that ſome might be ſent to the Lord Chancellor, to know what his lordſhip had done in the matter; which he thought, and yet ſtill doth think, neceſſary to have been done as one of the circumſtances of the ſaid examination, and not for want of any ſatisfaction otherwiſe, but only in reſpect of the orderly proceeding of the commiſſion to them by this houſe, tending to the circumſtances of the matter, of which he thinketh one to have been to ſend, as aforeſaid, to the ſaid Lord Chancellor, though they were reſolved by themſelves amongſt themſelves before.

Mr. Recorder of London, making a large and plentiful diſcourſe of the ancient privileges of the houſe; ſhewed, that the lord chief juſtice Anderſon told him this morning, that the ſaid Lord Chancellor and the judges had reſolved, that the ſaid firſt writ ought to be returned, and had ſo given order to the ſheriff and clerk of the crown; and that he thereupon anſwered, that the cenſure thereof belonged to this houſe, and not unto them; and that he for his part would take no notice at their hands of their ſo doing, but by way of inſtruction and not otherwiſe: and ſo aſſented to the former order.

April 9th, 1614. Mr. Francis Moore reported a petition from this county, but no hands nor affidavit.—A day given till this day ſeven-night in the court of wards.—But no farther proceedings.

March 14, 1623. Mr. Glanvyll from the committee of privileges a petition from the freeholders of this county.———Four or five hundred hands to it. —— Heard two witneſſes; Cofer and Bond: Adjournment to a farther diſpute, till they had heard the ſheriff, why he broke off the poll. After, counſel on both ſides heard—George Gaudy, Mr. Fountain, and one ——— Three members of this houſe heard at the committee. The committee of opinion, the knights well elected and well returned, and ought to ſtand.

Sir Edward Cooke:—Let us keep the order of the houſe.——To have a report of a committee, and not to have the caſe put, ſtrange.

Mr. Glanvyll:—Will readily obey the inclinations of the houſe.—Cannot now deliver it as the opinion of the committee, but as a private man:—He was of a contrary opinion to the committee—The petition came in the 26th of February, ſigned with almoſt five hundred hands.——The points 3, of the petition: 1. That the perſons refuſed, moſt voices. 2. The freeholders, who had intereſt, prayed the poll, and was once granted. 3. The ſheriff partially broke off the poll, and returned others. This the ſuggeſtions of the petition. —Proved thus much:—I. that the writ read between 8 and 9 o' clock, upper court. ——Then after, Sir Thomas Holland taken up, and Sir Jo. Corbet, and one Mr. Catiline a deputy for Townſend, and Sir Robert Gaudy. After this, the ſheriff came to the lower court, to view the company: The moſt eminent men accompanied him. In their opinion, then the two knights returned the greateſt number. After came to the higher court, made two declarations; that Sir Thomas Holland had the firſt place;—No contradiction of that.—And Sir Jo. Corbet the ſecond: That contradicted by two or three. —Pretended, this demand of the poll too late; after declaration, and ſome ſay, after dinner.—Next ſay the poll only demanded for the ſecond voice. 3. That Sir Robert Gaudy and the other diſturbed and relinquiſhed the poll.—The proof: Five witneſſes examined. The firſt day, one Coſer, though not upon oath, teſtified thus much: 1. That the freeholders demanded the poll for both places, before the declaration. 2. Teſtified, that voices numbered for Holland. 3. That Sir Thomas Holland and Corbet's voices, the juſtices ſerving-men, and tradeſmen, come with them: Their greateſt number, of ſuch. Said, a great and general complaint of the freeholders againſt the juſtices. After him, one Richard Bond teſtified about the poll: Concurred with Mr. Coſer: Added a fourth, that, if they had gone to poll, the other ſhould have had the greater number. Next day, examined Sir Robert Gaudy's brother.—Teſtified, the poll for all: and that they offered him the ſecond place: Sir Robert Gaudy ſaid, he would poll for all. 3. The poll begun, and 4 or 5 votes for Holland. Other witneſſes, Mr. Fountain and Mr. Taverner, that concurred with Gaudy. After, read a declaration of the ſheriff. Calthorp ſaid, that Catiline ſeemed to yield, and ſo Gaudy. After, upon the committee, 26 of opinion, that theſe gentlemen were well choſen, and 12 againſt it. Three members of this houſe ſaid, they were preſent at all this: Declared, that they heard not, but that the greater number were with them that are returned. Heard no demand of the poll, but this negative proof. ——He of opinion, neither of them elected.

Mr. Wainsford:—Very plain, that neither well elected. The poll demanded, and not purſued.

Mr. Currington:—He of opinion, that the gentlemen were well elected.—The number being ſo exceeding great, was a great labour to go to the poll.

Sir George Moore:— When the poll demanded and entered into, Catiline ſaid, that unleſs he might have the firſt vote, would not ſtand. Thereupon the ſheriff relinquiſhed the poll. Thereupon Catiline departed.—He of opinion, that they are duly elected.

Mr. Drury:—Sir Thomas Holland choſen, without queſtion, without demand of the poll. After he was choſen in the firſt place, Sir Robert Gaudy came, and, when he ſaw the firſt place gone, ſaid, he would not ſtand for the ſecond. That was the reaſon the poll was broke off for Sir John Corbet.

Sir Henry Poole: Thinks, that Sir Thomas Holland was duly elected: Doubts the other.——Sir Thomas Holland had 1500 odds.

Reſolved, upon the queſtion, and diviſion of the houſe, that Sir Thomas Holland and Sir John Corbet are well elected knights for this county.

Feb. 10th, 1625. Mr. Chancellor of the Exchequer delivered a meſſage from his majeſty; That, taking notice of an order here, to ſend out writs upon double returns, taketh alſo knowledge, that Sir Edward Coke being ſheriff of Buckingham, and being returned one of the knights for this county, contrary to the tenor of the writ, hopeth the houſe will do him that right, as to ſend out a new writ.

Mr. Chancellor of the dutchy moveth to refer this to the committee of privileges; and report to the houſe their opinions of the law and uſage.

Reſolved: And firſt to be heard.

27th. Sir Jo. Finch reporteth the caſe about the election of Sir Edward Coke, wherein the committee delivered no opinion. — The writ firſt read, wherein the *nolumus*.—A ſearch by a ſelect committee of the records and precedents.—

That, before the *nolumus*, 46 Ed. VI. ſheriffs eligible, and did ſerve here, as holden by ſome; and all others not members of the higher houſe: others, that ſheriffs, by common law, were not eligible.—Hath *cuſtodiam comitatus*; ſo as his attendance neceſſary in the county: Is a judge, which cannot perform by deputy. That a member of this houſe, choſen ſheriff, ſhall ſerve *contra* before.—Reſembled to the caſe of one in execution.——For the writ; ſome, that other things in the writ not obſerved.—*Milites, gladiis cinctos: manucaptores: qui interfuerint* at the reading of the writ. By others, theſe holden to be matters of form; the other of ſubſtance: and, that not ſafe to queſtion the writ ſo long uſed.——

46 in report.

From 49 Hen. III. till 13 Ed. III. no mention of this *nolumus*. Then a prayer of the Commons, that no ſheriff, or other miniſter, might be returned knight. 46 Edw. III. an ordinance made againſt ſheriffs, and lawyers, to be knights of ſhires. Divers queſtions made upon this ordinance: 1. Whether this ordinance an act of parliament: 2dly, Admitting it was no act of parliament, yet, whether not, in reſpect of the weight of it, and uſage, equal to an act of parliament.—47 Edw. the *nolumus* came in, but none in thoſe to the 5 ports then or ſithence. Omiſſion alſo of it in ſome writs to Briſtow: but — Rich. II. came in to Briſtow. — Rich. the clauſe wholly as now. 7 Hen. IV. a bill exhibited by the Commons, for a free election, notwithſtanding any commandment, or———to the contrary. 8°, 10°, 12°, no *nolumus*: and 14 Hen. IV. the *nolumus* came in, and continued as now. — Three modern precedents:—31 Eliz. St. Paule's caſe. 42 Eliz.—12. Jac. Tillye's caſe, who a ſheriff for life.—No opinion from the committee delivered. The debate hereof reſpited till Friday next. But I don't find it moved again: and Sir Edward Coke kept his ſeat. For

June 9th, 1626. Upon queſtion Sir Edward Coke ſtanding *de facto* returned a member of this houſe, to have privilege againſt a ſuit in Chancery, commenced againſt him by the Lady Cleare.---A letter.

March 19th, 1678. A petition of Sir John Hobart, baronet, complaining of the undue-election and return of Sir Chriſtopher Calthorp and Sir Neville

Catiline, as knights of the ſhire for this county; and of many undue practices, and threats, uſed by the lord lieutenant and under-ſheriff of this county, and one John Hurton, to the petitioner's injury; was read.

Ordered to be heard at the bar of this houſe on Friday next come three weeks; and that the high-ſheriff and under-ſheriff, and John Hurton, be ſummoned to attend this houſe, at the hearing of the ſaid cauſe.

March 28, 1679. A petition of Sir Chriſtopher Calthorp, knight of the Bath, praying longer time for the hearing of the cauſe between him and Sir John Hobart, baronet; for that he is viſited with the ſmall-pox, and cannot be able to attend the houſe, or produce his witneſſes by the 11th of April, which is the time appointed, by the order of the houſe, for hearing the ſaid cauſe at the bar.

Upon the queſtion, it paſſed in the negative.

April 1. Ordered, the ſaid matter to be heard on the 11th of April inſtant.

10th. Ordered, the ſaid matter to be heard on the 14th inſtant.

12th. Ordered, that it be heard on the 15th of April inſtant.

15th. Ordered, that it be heard on Monday next.

21ſt. The houſe took into conſideration the ſaid matter, and examined witneſſes on the part of the petitioner.

Poſt meridiem. The houſe took into further conſideration the ſaid matter: and reſolved,

That Sir Chriſtopher Calthorp, baronet, is not duly elected, to ſerve in this preſent parliament, as one of the knights of the ſhire for this county.

Reſolved, that Sir Neville Catiline, baronet, is not duly elected, to ſerve in this preſent parliament, as one of the knights of the ſhire for this county.

Reſolved, that Sir John Hobart, baronet, is not duly elected to ſerve as one of the knights of the ſhire for this county.

Ordered, that Mr. Samuel Verdon, an attorney, acting as under-ſheriff of this county, be ſent for in cuſtody of the ſerjeant at arms attending this houſe, to anſwer his miſcarriages and ill practices in electing of knights of the ſhire, to ſerve in this preſent parliament, for this county.

Ordered, that doctor John Hyldyard be ſent for in cuſtody of the ſerjeant at arms attending this houſe; to anſwer his contempt in not attending this houſe, according to the ſummons to him given.

Reſolved, that this houſe will, on Wedneſday next come ſeven-night, take into conſideration the matter of the miſcarriages concerning the election for this county.

22d. Ordered a warrant for a new writ for electing two knights of the ſhire for this county.

30th. Ordered, the matter concerning the miſcarriages, at the elections for this county, be heard on Monday ſeven-night.

May 12th. The houſe being informed, that John Jay, eſquire, high-ſheriff of this county, refuſeth to make a return of the writ for electing two knights of the ſhire, to ſerve in this parliament for this county.

Ordered, that the ſaid John Jay, eſquire, be ſent for in cuſtody of the ſerjeant at arms attending this houſe, for not returning the writ for electing of two knights of the ſhire to ſerve in this parliament for this county.

15th. Ordered the miſcarriages, concerning the election for this county, be heard on Tueſday. But not heard.

Nov. 25, 1680. A petition of the inhabitants of this county againſt Samuel Verdon, under-ſheriff of this county, for ſeveral crimes and miſdemeanors, by him committed, was read.

Ordered, that a committee be appointed to examine the matter of the ſaid petition, and report the ſame with their opinion.

Ordered, that the ſaid Samuel Verdon be ſent for in cuſtody of the ſerjeant at arms, to anſwer at the bar of the houſe for a notorious breach of privilege againſt this houſe, by him committed.

Dec. 14th. Mr. England reported from the ſaid committee, that, they having taken the matter into conſideration, had directed him to make a ſpecial report to the houſe. which is as followeth;

That when the committee firſt met, they ordered a ſummons for Mr. Verdon's attendance; and he not appearing, the ſerjeant at arms attending the houſe informed them, he had, by himſelf and meſſengers, endeavoured, in obedience to the order of the houſe, to take the ſaid Mr. Verdon into cuſtody, by ſearching Furnival's-inn, and other places where he frequented; but could not find him, tho' he had heard of him: That applications had been made to him, and twenty pounds offered on Verdon's behalf, by way of compounding for fees upon the laſt order of commitment, and on any other which now ſhould be made, and upon theſe conditions he would ſurrender; but that he had refuſed the terms, and gave for anſwer, he would not ſell the juſtice of the houſe.

The committee then examined Mr. Crow, who ſaid, having had a warrant from the houſe, was out to apprehend Verdon; and hearing he was at a tavern in Holborn, he went to a conſtable, and deſired him to go with him to ſecure Verdon, but the conſtable refuſed, and ſaid, he had no order for it; and being ſome days after at the Crown in Holborn, he met with one Mr. Baiſpole, a Norfolk attorney, who quarrelled with him, calling him many names, for meddling in relation to Verdon, and ſtruck him over the eyes, and flung him from his ſeat; and he, upon his going away, told Mr. Baiſpole, he ſhould anſwer for it in another place. Mr. Baiſpole purſued him and pulled him by the hair, and beat him in a barbarous manner.

Mr. Crow alſo ſaid, that Mr. Verdon had been a great friend to Mr. Baiſpole; and when Baiſpole was tried two years ſince, at Norfolk aſſizes, for murder, Mr. Verdon returned a jury in his favour, by whom he was acquitted.——And the committee deſired the directions of the houſe, and that they may proceed in hearing the witneſſes to the matter of Mr. Verdon.

Ordered, that the committee do proceed to examine the witneſſes in the ſaid matter relating to Mr. Verdon.

Ordered, that Mr. Baiſpole be ſent for in cuſtody of the ſerjeant at arms attending this houſe, to anſwer at the bar, for a breach of privilege, by him committed, againſt the houſe.

April 5, 1709. Ordered a warrant for a new writ for electing a knight for this ſhire in the room of Sir John Holland, baronet, made Comptroller of the houſhold.

March 31, 1715. A petition of Sir Ralph Hare, baronet, and Eraſmus Earl, eſquire, was read; ſhewing, that the petitioner, Sir Jacob Aſtley, and Thomas de Gray, eſquire, were candidates for this county; that at the ſaid election a majority of legal votes appeared for the petitioner, but by allowing great numbers to give their votes who were not qualified; and by bribery, and treating others; tumults aroſe in behalf of the ſaid Sir Jacob Aſtley and Mr. De Gray; and by many other undue practices, a majority was obtained for the ſaid Sir Jacob Aſtley and Mr. De Gray, and ſo returned accordingly by the ſheriff in wrong to the petitioners, and in violation of the rights of the electors: and praying &c.

Ordered, that it be referred to the committee of privileges and elections to examine, and report the matter with their opinion.

NORTHAMPTONSHIRE.

Brady 25. THIS is one of the midland counties; and hath returned members to parliament from the firſt ſummons of Edward I. I meet with only the uſual returns for counties: but as that of the 23d of Edward I. is ſet forth in Brady I ſhall add it in the Appendix. And the conteſts in parliament, concerning its elections, have been but few. The memoirs, relating to that ſubject, I have met with, are theſe.

May 23, 1685. A petition of Edward Harbey, eſquire, complaining of the undue return of Sir Roger Norwich, to ſerve in this preſent parliament, as knight of the ſhire for this county, in injury of the petitioner, who was duly elected, and ought to have been returned, was read.

Reſolved, that the ſaid petition be referred to the committee of privileges and elections to examine, and report the matter with their opinion.

June 4th. A petition of Sir Roger Norwich was read.

Ordered, to be referred to the committee of privileges and elections to examine, and report the matter with their opinion; but nothing was done.

NORTHAMPTON.

B. P. R. 206. THIS is the capital or ſhire town of the county, thus called. It has returned members to parliament from the 26th of Edward I. The ancient right of election I have not met with before the 25th of Henry VI. when the indenture was between Ib. p. 209. John Aſhburn, mayor, Thomas Scoffindale and Thomas Hunt, bailiffs, of the ſaid town, of the one part, and Thomas Wake, eſquire, high ſheriff of the county.—*Teſtatur quod prædicti major et ballivi ex communi aſſenſu dictæ villæ eligerunt.*—(See the indenture in the Appendix.) The ſubſequent memoirs, which occur in the journals, are theſe.

Jan. 6, 1640. Upon Mr. Maynard's report it was reſolved, upon the queſtion, that Mr. Tate and Mr. Knightly ſhall ſit as members of this houſe, till their election be avoided.

June 21, 1660. Mr. Turner reported from the committee of privileges and elections the caſe of the election for this borough; 1. that, upon examination of the fact, the committee were of opinion, that the election was not void, albeit the precept was not read at the election, the ſubſtance of it having been publiſhed by the proper officer.—2. That the commonalty, as well as the bailiffs, aldermen, and forty eight common-council men, have right to elect.—and 3. That Richard Rainſford, eſquire, who is one of the perſons returned by indenture, and Sir John Norwich, baronet, who by his petition complained of the return, having a majority of voices, are duly elected, and ought to ſit: whereto the houſe agreed.

May 17, 1661. A petition of the mayor, aldermen, bailiff, and part of the commonalty, of this borough, touching the return for the ſaid borough, was read.

Ordered, that the ſaid petition be referred to the committee for privileges and elections, to take the ſame into conſideration at their next ſitting, and to make report thereof unto this houſe at their next ſitting after that; and that the ſheriff of the ſaid county do attend the ſaid committee, to give an account of the ſaid election, whereof the ſerjeant, attending this houſe, is to give him notice.

20th. Ordered, that the matter upon the petition of the mayor, aldermen, bailiffs, and part of the commonalty, of this borough, touching the return for this borough, which ſtands referred to the committee of privileges and elections, be taken into conſideration by the ſaid committee, the firſt cauſe to-morrow; and that the ſame be reported to this houſe the next day after, and the ſheriff is to have notice to attend according to the former order.

22d. Serjeant Charleton reported from the ſaid committee touching the return for this town; that to the indenture returned by the ſheriff, wherein Sir John Norwich and Sir James Langham were named, there was mention made as if the mayor, who is the proper officer, had joined therein, and wax with a paper about it was affixed with a label thereunto, but not the mayor's ſeal; and that to the other indenture, brought in by the mayor, and owned by him, whereby Sir James Langham and Mr. Francis Harvey were returned burgeſſes for that place, the mayor's ſeal was affixed.—That the firſt indenture came to the ſheriff's hand the 4th of May; and the latter not till four days after. That the precept not being returned with the indenture, and the mayor having printed a paper againſt the ſheriff, and refuſing to come to ſpeak with him to give him ſatisfaction about the return, he forbore to return the latter until he, being ſcandalized in print, had publickly vindicated himſelf: and the opinion of the committee, that the ſheriff is not guilty of any miſdemeanor that deſerves the cenſure of the houſe.

Reſolved, that the houſe doth agree with the committee, that the ſheriff is not guilty of any miſdemeanor that deſerves the cenſure of the houſe.

And the ſaid ſerjeant Charleton further reporting from the ſaid committee, as their opinion, that the ſaid Sir James Langham and Mr. Francis Harvey, being returned by the proper officer, ought to ſit until the merits of the cauſe touching the election be determined; and that the indenture, whereby they are returned, ought to be put upon the file; and that the other indenture, wherein Sir John Norwich was named, not being made by the proper officer, was but in the nature of a certificate, ſo as he ought not to ſit until the matter of the cauſe be determined, and that the ſaid indenture ought to be withdrawn. Whereto the houſe agreed:—And the clerk of the crown attending did accordingly file the return made by the mayor, and took the other certificate from off the file.

June 13th. Mr. Serjeant Charleton made report from the ſaid committee, touching the returns made for Sir John Norwich and Sir James Langham, by one indenture; and Sir James Langham and Mr. Francis Harvey, by another indenture, as burgeſſes for this town; and the opinion of the committee, that, upon the whole evidence, all the elections are void: Whereto the houſe agreed, and ordered a warrant for a new writ for the election of burgeſſes for this borough.

And the ſaid Mr. Serjeant Charleton further making report, from the ſaid committee, of divers miſcarriages by the mayor of Northampton touching the ſaid election, and in particular that he had uſed menaces to ſuch as would not give their votes for Mr. Harvey; and had fraudulently, in the morning when the election was, made infants free, to the end they might vote as he pleaſed; and had cauſed ſeveral perſons to be put by, who would not vote as he deſired; and had releaſed quakers out of priſon, and put halberts into their hands to keep back and diſcourage ſuch as would have voted contrary to his intention; and adjourned the taking the poll into the church; and got upon the communion table, and there behaved in a very profane and indecent manner; and declared beforehand that ſerjeant Rainsford ſhould not be elected, becauſe he had given a charge for the book of Common-prayer; and that the ſaid mayor had other—miſbehaved himſelf.

Ordered, that the mayor of the town of Northampton, for his miſcarriages in the election of members to ſerve for that town, and for his irreverent and rude carriage in the church, and at the communion table, be committed to the cuſtody of the ſerjeant at arms attending the houſe; and that the ſerjeant do apprehend and take him into cuſtody, to anſwer the ſaid miſcarriages.

19th. Upon petition of the mayor of Northampton, ordered, that the mayor of Northampton be brought to the bar of the houſe.

20th. The mayor of this borough being in the cuſtody of the ſerjeant at arms, for his miſcarriages at the election for this borough, and irreverent carriage in the church, and at the communion table, was this day brought to the bar of the houſe; and, making an humble ſubmiſſion upon his knees, received a grave reprehenſion from Mr. Speaker; and was thereupon diſcharged of his impriſonment, paying his fees.

March 24th, 1661. Upon report made by ſerjeant Charleton from the committee of privileges and elections, that a petition was delivered in to the ſaid committee on behalf of Sir William Dudley, on Saturday laſt, touching the election for this town; but, by reaſon of the adjournment of the committee, the petition was not delivered in by the preciſe time, limited by the rules of the houſe.

Reſolved, upon the queſtion, that the ſaid petition be admitted to be received, as if the ſame had been delivered in due time; and that the committee proceed thereupon, as they have appointed.

April 26th, 1662. Serjeant Charleton reported from the ſaid committee, touching the election for this town between Sir William Dudley, and Sir James Langham, that there were ſeveral perſons who had a right to give their voices in the election, that did demand the poll, and were denied it; and that the matter was ſo intricate, that the committee could not determine what the number was of thoſe who had right to give their voices, and were denied the poll: And therefore, for this reaſon, the committee was of opinion, that the election, as to Sir James Langham, was a void election: Whereto the houſe agreed, and ordered a warrant, for a new writ, for a new election for this town.

April 9th, 1663. Serjeant Charleton reported from the committee of privileges and elections, in the caſe between Sir William Dudley, and Mr. Chriſtopher Hatton, touching the election for this town, that the queſtion was, whether the mayor, aldermen, and forty-eight had the ſole power of election; and that the committee was of opinion, that the voices in election did not belong to the mayor, aldermen, and forty-eight, only; and that Sir William Dudley was not duly elected, but Mr. Hatton was duly elected: whereto the houſe agreed.

Ordered, the clerk of the crown do attend, to amend the return.

April 26, 1664. Sir Job Charleton reported from the committee of elections, touching the election for this town, between Sir John Barnard, and Sir Henry Yelverton; that the queſtion between them was, (as agreed by the counſel on both ſides) which of them had the majority of voices of inhabitants, being houſholders, and not receiving alms. That the committee were of opinion, that the inhabitants, being houſholders, and not receiving alms, were the proper electors for this town; and that the ſharing in the charitable gift, appointed to be diſtributed at Chriſtmas, is a taking of alms: That Sir Henry Yelverton had the majority of voices of inhabitants, being houſholders and not receiving alms; and was therefore duly elected.

Reſolved to agree with the committee, that the inhabitants of this town, being houſholders, and not receiving alms, are the proper electors of burgeſſes for this town; and that the ſharing in the charitable gift, appointed to be diſtributed at Chriſtmas, is a taking of alms. — And alſo, that Sir Henry Yelverton had the majority of voices, and was duly elected for this town, and ought to ſit.

Ordered, the mayor of this borough do attend, to amend the return.

Nov. 6th, 1678. A petition of Ralph Montague, eſquire, complaining of an undue return, made by the ſheriff of Northamptonſhire, of Sir William Temple, baronet, to ſerve in this preſent parliament for this borough, in injury of the petitioner, who was duly elected by a majority of voices who have right of election, and had his indenture ſealed and returned by the mayor of the corporation, and ought to have been returned by the ſheriff, was read.

Ordered, that the matter of the return for this borough be examined at the bar of the houſe on Monday morning next; and that the high-ſheriff and under-ſheriff of the county of Northampton, and the mayor of the ſaid borough, do then attend: and the clerk of the crown do likewiſe attend with the return.

11th. The houſe proceeded in the examination of the matter concerning the return for this borough; and the high-ſheriff of the county of Northampton, and the clerk of the crown, were called in, and examined: and the writ, with the indenture annexed to it, delivered in. The mayor of this borough was likewiſe called in, and examined; and delivered an indenture annexed to the precept, which he received from the ſheriff. And, upon examination of the matter, it appeared to the houſe; that the precept from the ſheriff was directed to the mayor and juſtices for this borough; and that the indenture, annexed to the writ, whereby Sir William Temple is returned to ſerve for the ſaid borough, is not ſigned by the mayor, nor the ſeal of the corporation fixed thereto; and that the indenture, whereby Ralph Montague, eſquire is returned, is ſigned by the mayor, and the ſeal of the corporation fixed thereto; and the ſame is annexed to the precept from the ſheriff:

Reſolved (*nem. con.*) that the indenture annexed to the writ, whereby Sir William Temple is returned to ſerve as a burgeſs for this borough, is not a ſufficient return.

Reſolved (*nem. con.*) that the indenture, ſigned by the mayor of Northampton, and ſealed with the common ſeal of the corporation, and which is annexed to the ſheriff's precept; whereby Ralph Montague, eſquire, is returned to ſerve for the ſaid borough, is a due return, and ought to be annexed to the writ.

Ordered, the ſheriff of the county of Northampton do take off the indenture annexed to the writ, whereby Sir William Temple is returned; and do receive the indenture annexed to the precept, whereby Mr. Montague is returned, and do annex the ſame to the writ.

And the ſheriff and clerk of the crown being called in; the ſheriff did take off the indenture, whereby Sir William Temple is returned, from the writ.

And Mr. Speaker acquainted him with the order of the houſe; that he ſhould receive the precept and indenture annexed thereto, whereby Mr. Montague is returned, and annex the ſame to the writ.

And the ſheriff and clerk of the crown being withdrawn;

Ordered, that Mr. Neale, high-ſheriff for the county of Northampton, be committed to the cuſtody of the ſerjeant at arms attending this houſe.

May 25th, 1685. A petition of Thomas Dunkley, William Pettit, Richard Harris, and Edward Ward, touching the election for this borough.

Ordered, it be referred to the committee of privileges to examine, and report the matter with their opinion.

March 4th, 1700. A petition of John Conant, doctor of laws, was read; ſhewing, that at the late election of a burgeſs to ſerve in parliament for this borough, in the room of William Thurſby, eſquire, deceaſed, the petitioner and Mr. Andrews were candidates; and that Mr. Andrews, by bribes, promiſes, and entertainment, hath procured himſelf to be returned, in injury of the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame with their opinion.

Oct. 18, 1722. A petition of William Wykes, eſquire, was read; ſhewing, that at the election of members to ſerve in parliament for this town, the honourable Colonel Edward Montague, eſquire, William Wilmer, eſquire, and the petitioner were candidates; that the petitioner was duly elected and ought to have been returned, and that Mr. Montague is not qualified to be elected a member; and by bribery, threats, and other illegal practices, the ſaid Mr. Montague and Mr. Wilmer have procured themſelves to be returned, in prejudice to the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections to examine, and report the matter with their opinion.

December 10. Ordered, that leave be given to withdraw the ſaid petition.

NORTHUMBERLAND.

THIS county is the bounds of the kingdom of England towards Scotland, whoſe armies often invaded it. I apprehend it had ſummons for
B. P. R. 164. knights of the ſhire in the 22d of Edward I. the time of the general writ to counties: but Mr. Prynne in his liſt takes notice of its firſt return in the 26th of that King. It was often interrupted in making returns, as appears by what follows. In the 6th of Edw. II. this return was made. —*Willielmus de Tindale vic. Northumberland, ſic reſpondit. Quia homines tam com. Northumb. quam vill. Novi Caſtri ſuper Tynam, multum timent, quod pax inter regna Angliæ et Scotiæ per quoſdam Scotiæ infringeretur, propter quod ipſi ſe elongare ad præſens commodè non potuerunt; ideo prædicti* NULLOS MILITES SEU BURGENSES PRO INSTANTI PARLIAMENTO CURANT MITTERE. And in the 8th year Ibid. 165
the ſheriff makes this return—*Iſtud breve oſtenſum fuit in pleno comitatu; ubi reſponſ. fuit mihi. Quod omnes milites de balliva mea non ſufficiunt ad defenſionem marchiæ. Et mandatum fuit ballivis libertat. villæ Novi Caſtri ſuper Tinam, qui ſic reſponderunt, Quod omnes burgenſes villæ prædict. vix ſufficiunt ad defenſ. villæ ejuſdem; et ideo quo ad execution. iſtius brev. nihil actum eſt.* In Ibid
the firſt of Edward III. the return was,—*Communitas com. Northumb. ſic reſpond. Quod ipſi per inimicos Scotiæ, adeo ſunt deſtructi, quod non habent unde ſolvere expenſ. duobus militibus proficiſſuris ad tractatum et conſilium apud Lincoln tenend.* Theſe excuſatory returns I thought proper to inſert; nor can I properly omit another of a different ſort in the 34th of Edward Ibid. 167
III.—*Non fuerunt aliqui milites in com. meo poſtquam breve iſtud mihi venit præterquam Walterus de Tindale, qui languidus eſt, et impotens ad laborand.* Wherefore, two others, who were elected, though they were no knights by order, girt with ſwords, were returned. There is alſo another return, in the 28th of Henry VI. Ibid. 168
by indenture, which *teſtatur quod per Thomam Nevyll, militem vic. Northumb. in prox. com. ſuo &c. facta proclamatione Robertus Claxton, miles; Willielmus Lomely, miles, Willielmus Bertram, arm. Bertrandus Harbotell, Robertus Rhodes, *Robertus Mitford, (cum 16 al. in indent. nominat.) eligerunt prædictos Willielmum Bertram et Robertum Mitford:* which I inſert to ſhew the electors choſe themſelves.——From this time, I apprehend, this county has always returned. The ſubſequent memoirs relating to elections, and members in that reſpect, which I have met with, are theſe.

**Johann* in the book.

Upon the death of the eldeſt ſon of the Earl of Bedford, Sir Francis Ruſſell, his next brother, became eldeſt ſon; and a queſtion aroſe, whether he was capable of continuing knight of the ſhire for this county:

Jan. 20, 1549. Whereupon, it is ordered that Sir Francis Ruſſell, ſon and heir apparent of the now Earl of Bedford, ſhall abide in this houſe, in the ſtate he was before.

April 9, 1614. Mr. Francis Moore reported:——For this county of Northumberland. ——The petition 4 things:—— 1. Setting back the clock, and then refuſing to take voices after 9. —2. That Sir George Selby not eligible; for that no ſheriff, by the writ, to be choſen; where Sir George ſheriff of Durham biſhoprick: 3. For want of freehold.—4. For want of reſidence in that ſhire.——That Sir George preſent, alledged, that the biſhop had diſcharged him before the election.—The committees.—The ſheriff's:——Still executed by him.—For the undue election; thought fit, the ſheriff ſhould be ſent for, by the greateſt number of committee. ——The other two points not thought fit to be examined, for that the electors fault, not the ſheriff's.——Whereupon a debate. (See Durham county.) Reſolved upon the queſtion, that Sir George Selby, ſheriff of Durham, cannot be choſen knight of the ſhire for Northumberland.

Ordered, that a warrant be made by Mr. Speaker to the clerk of the crown, for the election of another knight of the ſhire, in his place.

Mr. Alford ſheweth, that 20 againſt ſending for the ſheriff, 21 for it: ſheweth, he was one of the 20 againſt it, and his reaſons.

Sir Herbert Croftes ſheweth the reaſons of ſending for him,—That the abuſe great: ſtrengthened by affidavit:—The example tending to extreme prejudice of all elections.

Sir George Moore:—The reaſons againſt it.—1. Not fit to ſend for a ſheriff out of his county. 2. A penalty, for a falſe return, of an hundred pounds to the King, and an hundred pounds to the party. 3. The affidavit made by Sir Ralph Grey's man.

Mr. Hoſkins, *contra*; for the drawing a ſheriff out of the ſhire.—If by no verbal complaint, nor affidavit, then no ſheriff ſhall be ſent for.—If to leave him to the law only, and not ſend for him hither, a gap open, to infringe all liberty of free election.

Sir Arthur Ingram moveth a reference to ſome juſtices of the peace: but refuſed abſolutely.

Sir Robert Gardiner: — Againſt ſending for the ſheriff, becauſe no teſtification from any knights or gentlemen of the ſhire.

Sir Dudley Diggs, *contra*; but moveth, that thoſe who make falſe accuſations, ſhall be puniſhed.

Sir William Strowde, *accordant*.

Upon the queſtion, whether the ſheriff of this county to be ſent.— Agreed, with not above three negative voices.

13th. The ſheriff of this county to be ſent for after the election of the new knight; which to be the next county day but one.

Jan. 7th, 1701. A petition of Bartram Stote, eſquire, was read; ſhewing, that, at the election of members, to ſerve in this parliament, for this county, Sir Francis Blake, the petitioner, and William Lorrain, eſquire, were candidates; and the petitioner was duly elected, and ought to have been returned, one of the knights of the ſhire for the ſaid county; but many unqualified perſons were permitted to poll againſt the petitioner; and, by the illegal practices of Mr. Lorrain and his agents, and alſo by the high-ſheriff, Mr. Lorrain is unduly returned, in prejudice of the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections to examine, and report the matter with their opinion.

November 15, 1709. Ordered a warrant for a new writ for electing a knight of the ſhire in the room of the Earl of Hertford, made a colonel in the army.

December 5th, 1710. A petition of William Ogle, of Cawſey-Park in this county, eſquire, was read; ſhewing, that at the laſt election for knights of the ſhire, to ſerve in this parliament, for this county, the right honourable Algernon, Earl of Hertford, Thomas Forſter, eſquire, and the petitioner, were candidates; that the agents of the ſaid earl, by bribes, treats, and threats, procured many voices at the election, and thereby hindered and deterred many who would have voted for the petitioner; and by theſe means, the ſaid Earl obtained a majority of the petitioner upon the poll books, and is returned, in prejudice of the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections to examine the matter, and report the ſame with their opinion.

January 24th. Ordered to be heard before the committee on the 6th day of March next.

February 17th. Ordered, that Mr. Ogle have leave to withdraw his ſaid petition.

Ordered, a warrant for a new writ for electing a knight of the ſhire in the room of the earl of Hertford made governor of Tinmouth Fort.

Jan. 10, 1715. Reſolved, that Thomas Forſter, junior, eſquire, being taken in the rebellion, bearing arms againſt his majeſty, be expelled this houſe.

Ordered, a warrant for a new writ for electing a knight of the ſhire for this county in the room of Thomas Forſter, junior, expelled the houſe.

March 5. A petition of Oley Douglaſs, eſquire, was read; ſhewing, that Francis Delaval, eſquire, and the petitioner were candidates at the late election for this county, in the room of Thomas Forſter, eſquire; and that the ſaid Francis Delaval is returned by the ſheriff of the ſaid county; although not duly qualified to be choſen or ſerve as a knight of the ſhire according to the intent and true meaning of a late act of parliament, intitled, An act for ſecuring the freedom of parliament by the further qualifying of members to ſit in the houſe of Commons; that the petitioner being duly qualified at the time of the ſaid election, and ought to have been returned: and praying &c.

Ordered, that it be referred to the committee of privileges and elections to examine the matter thereof, and report the ſame with their opinion.

March 5, 1716. A petition of Oley Douglaſs, eſquire, in ſubſtance, the ſame with the former was read.

Ordered, the ſame.

May 27, 1717. Ordered the report to be received on Thurſday next.

30th. Mr. Hampden reported from the committee the matter of the ſaid election,

That counſel attended on both ſides, and the petitioner's counſel objected to the ſitting member as unqualified.

That the counſel inſiſted that he is qualified as eldeſt ſon and heir apparent of Edward Delaval, who is qualified to ſerve for a county, and the rental of whoſe eſtate given in for ſuch qualification, amounted to 664*l. per annum*.

It appeared and was proved on the petitioner's part, and admitted by the ſitting members counſel, that a mortgage for 1,000*l.* at 6*l. per cent*, on part of the eſtate was paid off ſince the election; and that there are quit-rents amounting to 4 *l.* yearly, or thereabouts, payable out of the eſtate.

The petitioner's counſel made the following objections to the rental given in, viz.

That the manſion-houſe therein mentioned to be unlet and charged to be 30*l.* yearly, was let for 10*l.* to Mr. Talbot.

That the tenement in Newcaſtle charged to be in the poſſeſſion of Mr. John Hebdon at 25*l. per annum*, was a purchaſe made by Hebdon, wherein he made uſe of Mr. Delaval's name, only in truſt for himſelf; that the purchaſe of the lands called Floddan and Broomrigg, let at 158*l. per annum*, and ſaid to be purchaſed of Sir Francis Blake for the ſitting members father's life for 1200*l.* was only a colourable purchaſe.

That to prove the objections, were called

John Beadnall, who ſaid, he was a ſervant to Mr. Talbot, who lived in the manſion-houſe aforeſaid; and he heard his maſter ſay, his bargain was to pay ten pounds yearly for it to Mr. Delaval, but he had no leaſe.

It appeared by the evidence of Henry Kills and William Coatſworth, that Mr. John Hebdon deceaſed was a papiſt; that he conſulted in whoſe name he ſhould purchaſe the tenement before-mentioned in Newcaſtle, and afterwards declared he would make the purchaſe in his nephew Delaval's name, who was a proteſtant; and Coatſworth ſaid, that he, on behalf of another perſon, who had the intereſt, agreed with Hebdon for the purchaſe, and Hebdon afterwards laid out a conſiderable ſum of money upon the houſe.

The tenants of the lands called Floddan and Broomrigg were called: and they ſaid, they paid their rents to Ralph Bollam for Sir Francis Blake, and produced the receipts given to him for an year's rent due in 1715 and 1716, which receipts expreſs thoſe rents to be received by Bollam for the uſe of Sir Francis Blake; and theſe tenants ſaid, they never paid any rent to Mr. Delaval; but John Burn, one of the tenants, confeſſed, he had heard of Mr. Delaval's title before the election.

That copies of three judgments againſt the ſitting member's grandfather, two 2do et 3tio Jac. II. and the other 2d William and Mary; for ſeveral ſums, amounting to 506 l. were produced and proved.

In anſwer to this it was alledged,

That the mortgage and quit-rent had been conſidered, and the rental given in at an under value in reſpect thereof.

That Mr. Talbot, as a relation, had been permitted to live in the houſe before-mentioned, rent-free.

That they denied any truſt for Hebdon, and produced a conveyance of that houſe from Sir Ralph Milbank and others to Edward Delaval, eſquire, in fee, dated in Feb. 1714. and no deed of truſt appeared.

That as to the receipt given by Ralph Bollam in Sir Francis Blake's name to the tenants of Floddan and Broomrigg,

Ralph Bollam was called; who ſaid, that he gave thoſe receipts in Sir Francis Blake's name by miſtake, not knowing at the time of Delaval's purchaſe, but that he was afterwards informed thereof, and had orders from Sir Francis Blake to pay thoſe rents to Mr. Delaval; and thereupon he accordingly remitted thoſe rents to the order and uſe of Mr. Delaval, and never made any account of them to Sir Francis Blake.

That a conveyance of theſe lands, with the rents, iſſues and profits thereof, dated in Jan. 1715. from Sir Francis Blake to Edward Delaval, eſquire, for his life, was proved to be paid; and the conſideration money being 1200 l. was proved to be paid by Mr. Delaval.

That as to under valuation, in reſpect of incumbrances, the ſitting member's counſel called

James Henderſon; who ſaid, that the manſion-houſe and lands at Diſſington, charged at 30 l. per annum, are worth 60 l. and will let ſo by leaſe.

That the houſes in Newcaſtle, charged at 25 l. are worth 40 l. and will let ſo by leaſe. That Hebdon's tenement, charged at 25 l. a year is worth 50 l. and will let ſo by leaſe; and that 1000 l. has been laid out thereupon by Mr. Delaval ſince his purchaſe.

As to the judgments produced againſt the ſitting member's grandfather, the counſel for the ſitting member alledged, that he had never heard thereof, and preſumed they were ſatisfied; but if they were not, they affected only aſſets by deſcent, and not the eſtate given for his qualification.

Upon the whole, the commmittee reſolved,

That Francis Delaval, eſquire, is duly elected a knight of the ſhire to ſerve in this preſent parliament for this county.

The ſaid reſolutions being read twice, were agreed unto by the houſe.

April 6, 1723. A petition of Ralph Jeniſon, eſquire, was read; ſhewing, that a writ having been lately ordered and iſſued for the electing of a knight of the ſhire to ſerve in parliament for this county, in the room of the right honourable Algernoon Seymour, eſquire, commmonly called Earl of Hertford, now Lord Piercy, called up to the Houſe of Peers; the petitioner and William Wrightſon, eſquire, were candidates at the ſaid election: that the petitioner had the majority of legal votes; but the ſaid Mr. Wrightſon and his agents did, by bribery and other indirect practices, procure ſeveral perſons to vote for the ſaid Mr. Wrightſon who were not qualified; and ſeveral perſons, who would have voted for the petitioner, to be abſent, or to vote for the ſaid Mr. Wrightſon: that there appearing in the poll-books to be a greater number of votes for the ſaid Mr. Wrightſon than for the petitioner, by reaſon of ſuch indirect ways and means as aforeſaid, the ſaid Mr. Wrightſon hath been returned by the high ſheriff of the ſaid county as duly elected, to the great wrong and injury of the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections to examine, and report the matter thereof with their opinion.

Jan. 10. A petition of Ralph Jeniſon, eſquire, was read; ſhewing, that the petitioner and William Wrightſon, eſquire, were candidates at the late election of a knight of the ſhire for this county, in the room of Algernoon Seymour, now Lord Piercy, called up by writ to the Houſe of Peers; and the petitioner had a majority of legal votes; but Mr. Wrightſon and his agents, by menaces, riots, bribery, and other indirect practices, procured ſeveral to vote for him who were not qualified, and cauſed others to abſent themſelves that would have voted for the petitioner; by which means there appeared to be on the poll-books a greater majority; the ſheriff hath returned Mr. Wrightſon, in wrong to the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections to examine, and report the matter thereof with their opinion.

29th. A motion was made, that the ſaid order be diſcharged, but diſagreed to.

April 13, 1724. Ordered, to be reported on Thurſday.

16th. Mr. Gybbon, according to order, reported the matter in the petition, as follows:

That the committee have examined the merits of the ſaid election.

That the poll was for Mr. Wrightſon — *997*.
For the petitioner — *963*.

To diſqualfy 176 of Mr. Wrightſon's voters, the following evidence was produced: ſix were proved to be minors by copies of the regiſters of their baptiſm.

Mr. Airey, and others ſaid, that fifty-ſix had no freehold at the time of the election, or none in the places they polled for: to forty-two of which the witneſſes ſpoke of their own knowledge, and to the other fourteen, by confeſſion of the parties.

That the freeholds of ſixty-four were under the value of forty ſhillings yearly, and ſeventeen of them were not rated: to forty-four of which the witneſs ſpoke of their own knowledge, and twenty by confeſſion of the parties.

Mr. Airey and others ſaid, that twenty paid to none of the publick taxes or aſſeſſments.

Mr. Airey ſaid, that one purchaſed within twelve months before the election; and another confeſſed his title to be by conveyance within ſix months.

Gutteridge and Martin ſaid, ſix declared they voted becauſe of threats; two from their landlords bailiffs, and four for the managers of Mr. Wrightſon.

Twenty-two were excepted to for bribery by Mr. Wrightſon's managers; and

Andrew Storey and others being examined, ſaid, that fourteen had one guinea and a half each for their votes; another two guineas, and his charges borne; four, two guineas each; two, three guineas, and another two guineas and an aſh-tree.

The ſitting member's counſel, to juſtify nineteen of the voters objected to as having no freehold or freeholds under value, called

Mr. Ord and others, who ſaid, theſe nineteen voters had freeholds, and above forty ſhillings yearly value.

To diſqualify one hundred and fifty-two of the petitioner's voters, the ſitting member's counſel produced the following evidence:

Six were proved to be minors; five by copies of the regiſters of their baptiſm, and the other owned it after the election.

Mr. Talbot and others ſaid, fifty-nine had no freeholds at the time of the election, or none in the place they voted for:

To forty-three of theſe the witneſſes ſpoke of their own knowledge; and to the other ſixteen by confeſſion of the parties.

Scot and others ſaid, that the freeholds of fourteen others were under the yearly value of forty ſhillings; and alſo ſix of them were not rated.

Ord and others ſaid, that nineteen were not aſſeſſed to the publick taxes nor rates: alſo ſaid, one had poſſeſſion but two months before the election; and another voted becauſe of the threats of his landlord.

There were alſo fifty-two objected to for bribery by the petitioner's agents:

And Roger Crawford and others ſaid, that two had one guinea and a half each; another two guineas and a half; five, two guineas each, and their charges; twenty-eight, fifty ſhillings each from Mr. Coteſworth, and their charges borne; two others, fifty ſhillings each; eleven others, three guineas each from Mr. Wharton and Mr. Manners. That another had five guineas; and two others owned they had ſeven pounds each for their votes.

The petitioner in reply called, to juſtify twenty-ſix of their voters objected to,

Mr. Airey and others; who ſaid, twenty-five who were objected to had good freeholds, above forty ſhillings yearly, were rated; and the rates produced:

That the other objected to as having poſſeſſion but two months, had been in poſſeſſion three years.

The committee reſolved,

That William Wrightſon, eſquire, is not duly elected a knight of the ſhire to ſerve in this preſent parliament for this county.

That Ralph Jeniſon, eſquire, is duly elected a knight of the ſhire to ſerve in this preſent parliament for this county.

The ſaid reſolution being twice read, was agreed unto by the houſe, and the return ordered to be amended.

NORWICH.

THIS city is the capital of the county of Norfolk. It became a city, upon ſettling the epiſcopal palace and ſee here. It was incorporated by King John, (ſee Appendix) and had a grant of
B. P. R. 205. mayor and ſheriffs in 1403: but has returned members
Ibid. 280. to parliament from the 26th of Edward I. In the 25th of Henry VI. I find an indenture *inter Robertum Aleyn et Johannem Intewode, vic. civit. Norwic. ex una parte, et Thomam Grys, Johannem Colton, coronatores Domini Regis in civit. præd. Thomam Catworth, cuſtodem ejuſdem civitatis Thomam Ingeham, Robertum Toppes, Petrum Braſyer, Willielmum Grey, Ricardum Braſier, Stinolph,* (and eighteen others therein named) *cives civit. prædict. ex altera parte, teſtatur, quod facta proclamatione in pleno com. civit. prædict. tent. apud Norwicum in Gwybalda ejuſdem civit. die lunæ prox. ante feſtum purificationis beatæ Mariæ virginis, anno regni Henrici VI. 25to, juxta formam ſtatut. inde edit. et proviſ. ac juxta tenorem cujuſdam brevis Domini Regis præfat. vic. in hac parte direct. per aſſenſum prædictorum coronatorum et aliorum prænominatorum, Johannes Gerrard, et Gregorius Draper, electi ſunt,* &c. This is all that appears of the ancient method of election: the more modern memoirs relating thereto, which I have met with in the journals, are theſe.

January 18, 1580. Upon motion for an election, it was moved that it is not meet and convenient to chuſe a perſon for Speaker by perſons that were not of the houſe; and withal, that it was thought of ſome, that divers perſons, being newly returned in the places of others yet living, were not, nor ought not to be accounted, members of this houſe: whereupon, to avoid length of argument, and the impediment of the election, Mr. Treaſurer, by the aſſent of the houſe, pronounced an admonition to all ſuch as were newly returned, that they ſhould forbear their repairing to their places, until their caſe be further conſidered.

19th. This day, the matter began to be debated, touching the ſaid perſons newly returned in the places of others yet living, of whom queſtion was made the day before; and one of the queſtions was, whether ſuch as be returned in the places of perſons abſent in her majeſty's ſervice, or of perſons viſited with ſickneſs, be members of this houſe, and the old, in whoſe places they be returned, be diſcharged: and after debate, in which ſome were of opinion, that, if ſuch matter might in any wiſe be the cauſe of removing any; yet the ſame ought to be done by ſuggeſtion, not in the court of Chancery, but by judgment in this houſe; but ſome thought that it ſufficeth to make ſuggeſtion into the Chancery, and ſo procure the writ, &c. and ſo at laſt the ſaid new returned members, in the places of the others yet living, were allowed to be members of this houſe.

Thus is it inſerted in the houſe-journal; but in D'Ewes
Sir Symonds D'Ewes's journal, Edward Flowerden, journal
eſquire, ſerjeant at law, citizen for this city, who p. 281.
was the laſt ſeſſions burgeſs for Caſtleriſing, and removed being ſick, was returned a citizen for this city in the place of Mr. Beaumond, who was ſick of the gout; and was allowed to ſit as citizen for this city.

March 18th. Mr. Cromwell, one of the committees for examination of the returns and defaults, made report of the ſtate of ſuch examinations: whereupon, after ſundry motions and arguments, it was reſolved,

That all ſuch perſons, as have not been duly returned into this preſent parliament, as in lieu and place of others abſent or otherwiſe, and not dead, ſhall be for this time holden excuſed for their attendance, and of their ſitting in this houſe, until this preſent time; but ſhall from henceforth ſtand and be diſabled of their ſaid rooms and places, in the ſtead of ſuch other perſons not being dead, unleſs ſpecial order ſhall be therein taken by this houſe to the contrary.

And then peruſing the ſaid returns and defaults, and alſo the former precedents of this houſe in like caſes, it is adjudged and ordered by this houſe,

That Edward Flowerden, eſquire, ſerjeant at law, and who the laſt former ſeſſion of this parliament did ſtand and appear a burgeſs of Caſtleriſing in the county of Norfolk; and was nevertheleſs returned into this preſent ſeſſion of parliament a citizen, for this city, in lieu and place of Thomas Beaumond, ſick; ſhall ſtill ſtand and remain in his place for Caſtleriſing, and not for this city.

And, foraſmuch, as it is credibly informed to this houſe by John Aldrich, gentleman, one of the citizens returned for this city; and alſo by Sir Roger Woodhouſe, one of the knights for the ſaid county of Norfolk; and alſo by Edward Grymſton, eſquire, one of the burgeſſes for Ypſwich, in the county of Suffolk; that the ſaid Thomas Beaumond is impotent and incurably ſick and diſeaſed; it was (at the earneſt motion of the ſaid John Aldrich, made to this houſe for another citizen to be choſen and returned for this city, in the place and ſtead of the ſaid Thomas Beaumond)

Ordered, and reſolved by this houſe, that a warrant be made forthwith by this houſe, to the clerk of the crown in Chancery, for the directing of a new writ for the chuſing and returning of another citizen, for this city, in the place and ſtead of the ſaid Thomas Beaumond, accordingly.

Nov. 7th, 1640. Mr. Maynard reported from the committee of privileges, that two indentures are returned for this city; in the one, Mr. Harman and Mr. Catalyn are returned; and in the other, Mr. Harman and Mr. Tooley are returned. The ſheriff annexeth a ſchedule, wherein he ſaith, that Mr. Tooley was a citizen and a freeman, inhabiting there in the city; and Mr. Catalyn was a freeman, inhabiting in the county of Norfolk, but not in the city. He returneth Mr. Harman and Mr. Catalyn, but with this caution, that if they be not duly choſen, then he returneth Mr. Harman and Mr. Tooley. —The opinion of the committee:

That Mr. Harman and Mr. Catalyn are well elected, and well returned, to ſerve as the two citizens for this city; and that the other indenture ought to be taken off the file.

They took into conſideration the puniſhing of the ſheriff; yet, becauſe there appeared no corruption, or practice in the managing of this election, they paſſed that point by.

Upon this report, it was reſolved upon the queſtion,

That Mr. Harman and Mr. Catalyn are well elected, and well returned, to ſerve for burgeſſes in this preſent parliament for this city; and therefore are ordered to be preſently admitted: and the indenture, wherein Mr. Tooley is returned a burgeſs of the ſaid city, to be taken off the file, and the certificate alſo. And the houſe doth take notice, that this carriage of the ſheriff, in returning more than two burgeſſes for this city, is a great miſdemeanor in him.

January 5, 1701. A petition of Thomas Havers, eſquire, one of the ſheriffs of this city, was read; ſhewing, that at the election of citizens, to ſerve in parliament, a great majority upon the poll fell on Edward Clark, eſquire, and Robert Davy, eſquire, had but one vote more than Peter Thacker, eſquire, which happened by Matthew Nall, eſquire, the other ſheriff's polling contrary to agreement, and by others who had no right to poll, and were excepted againſt; but Mr. Nall would not allow any to be ſtruck out, whereupon a ſcrutiny was demanded, and the books ſealed up by Mr. Nall, the petitioner; and Mr. Thacker, and perſons appointed on either ſide to examine them. That Nall, without conſent of the petitioner, or Mr. Thacker, broke open the books, and the next day the ſcrutineers met; and Mr. Davy's would not proceed on the ſcrutiny, but deſired Mr. Nall to declare Mr. Clark and Mr. Davy duly elected: which he did, and ſealed an indenture and annexed it to the writ for election, and put the petitioner's name to the indenture, without his conſent: againſt which proceedings, the petitioner, Mr. Thacker, and others, proteſted; and then they examined the poll books, by which it appeared to the petitioner, that Mr. Thacker had the legal majority of Mr. Davy; and the petitioner declared him and Mr. Clark duly elected, and ſealed an indenture for that purpoſe, which he ſoon after tendered to Mr. Nall, to ſign and ſeal, and annex to the writ, which he refuſed to do; but privately ſent the writ with his own return only to the Crown office, which came thither the day before the petitioner could get thither. That the petitioner tendered his ſaid indenture to the clerk of the crown, telling him the writ was not, nor could be duly returned without his concurrence, and deſired to annex his ſaid indenture to the writ and left it with him; yet he hath certified only the names of Edward Clark and Robert Davy to be returned to the manifeſt injury of the petitioner, Mr. Thacker, and others concerned in the right of election: and praying &c.

Ordered, to be referred to the committee of privileges and elections to examine, and report the matter with their opinion.

Ordered, that the matter of the ſaid petition be heard before the ſaid committee, upon this day three weeks.

A petition of Peter Thacker, eſquire, was read; ſhewing, that the petitioner was duly choſen a citizen, to ſerve in this preſent parliament, for this city, and ought to have been returned with Edward Clark, eſquire; but Matthew Nall, eſquire, one of the ſheriffs for the ſaid city, hath returned Robert Davy, eſquire, and annexed an indenture to the writ of election: againſt which proceedings, Mr. Havers the other ſheriff proteſted, and ſigned another indenture of return of the petitioner; but Nall refuſed to execute it, or annex it to the writ, and ſent the writ with his return only to the clerk of the crown; and Mr. Havers went to London, on purpoſe to ſet the matter right in the Crown-office, but the clerk of the crown did at firſt refuſe to accept of Mr. Havers's indenture, and though he did afterwards receive it, yet he would not let Mr. Havers annex it to the writ, nor hath he taken notice of it in his certificate to the clerk of this houſe; to the manifeſt injury of the petitioner and the citizens of Norwich, who now have no repreſentative returned to this parliament: and praying &c.

Ordered, that it be referred to the committee of privileges and elections to examine, and report the matter with their opnion; and that they do hear the ſame this day three weeks.

25th. Ordered, that the hearing of the matter of the ſaid petitions, which was appointed by the houſe to be heard on Monday next, do proceed before the ſaid committee, next after the hearing the matter concerning the election for the city of Coventry; and ſo the reſt of the cauſes, before the ſaid committee, in courſe ſucceſſively.

March 5th. Ordered, to be reported on this day ſeven-night.

12th. Sir Rowland Gwynn reported the matter upon the ſaid petitions.—The firſt thing the committee proceeded to, was the right of election: And that not being controverted, the committee, for ſettling it, reſolved;

That the right of electing citizens, to ſerve in parliament, for this city, is in the freeholders, and ſuch freemen only of the ſaid city, as are entered in the books, and do not receive alms or charity.

That as to the matter of the return, upon inſpection of the record, it appeared to be thus: there are two ſheriffs of this city: that the preſent are Mr. Nall, and Mr. Havers the petitioner. The writ was delivered to Mr. Havers, who after delivered it over to Mr. Nall. That it was admitted, that Mr. Nall, being an attorney, had all along done the buſineſs of under-ſheriff, as well for himſelf as Mr. Havers: That in this caſe Mr. Nall ſigned the indenture, by which the return was made, and Mr. Havers refuſed to ſign it; and that Mr. Nall, as is uſual by under-ſheriffs, ſubſcribed Mr. Havers's name, as well as his own, to the indorſement of the writ; importing, that the execution of the writ appeared by the indenture annexed; and then carried, and filed the ſame with the clerk of the crown. That Mr. Havers, not being ſatisfied with the return of Mr. Davy, brought up with him an indenture, ſigned by ſeveral inhabitants and himſelf, importing the return of Mr. Clark and Mr. Thacker; and, after the writ, ſo returned by Mr. Nall, had been filed, offered the ſame to the clerk of the crown to be affixed to the writ, to make a double return; but the clerk, having had a perfect return before, did not think fit to annex the ſame to the writ.—But the matter chiefly in diſpute between the parties, in relation to the petition of Mr. Havers, was about declaring the election, and refuſing a ſcrutiny: and to that Mr. Havers's counſel called

Mr. Coates, who ſaid, he ſaw the books ſealed up by both ſheriffs in order for a ſcrutiny.——Mr. Lock ſaid, that on the day after the election he was deſired to go, with Mr. Havers, to open the books; and when they came to Mr. Nall's the books were open.

Mr. Wiggat, and others, ſaid, the election was on the 26th of November laſt. That the poll being caſt up the next day, there was a ſcrutiny demanded, and conſented to by all perſons. That on Friday, when they met in the chamber to proceed in the ſcrutiny, a diſpute aroſe about adding one Cartwright to Mr. Davy's poll; and thereupon ſheriff Nall ſaid, he would declare Mr. Davy duly elected, which Mr. Havers proteſted againſt. That afterwards the ſheriffs went into court, and Mr. Nall declared Mr. Clark and Mr. Davy duly elected. That Mr. Havers, though in court, did not aſſent to this declaration, but diſagreed to it; yet Mr. Nall proceeded to prepare, and, with ſeveral others, ſigned an indenture for the return of Mr. Clark and Mr. Davy, and offered it to Mr. Havers to ſign, which he refuſed to ſign.

And upon this fact, Mr. Thacker's counſel argued, that the election was not well declared, nor the return well made. — That the queſtion as to Cartwright was, whether he came ſoon enough to be polled: and as to that, Mr. Havers called Mr. Crombe, who ſaid, that there was appointed a diſtinct place to poll for each candidate: that it was agreed, for the more certain concluding the poll at the ſeveral books, a ſignal ſhould be given for ſhutting up the books: that an hour, or more, before the books were ſhut up, a proclamation was made for all perſons to come and poll within an hour: that they ſet their watches, and the books were not ſhut up, till two or three minutes after an hour expired; and after they were ſhut, Mr. Cartwright came to Mr. Davy's poll, and deſired to be polled.

Then the counſel for Mr. Havers and Mr. Thacker (being the ſame) proceeded to the merits of the election: and Mr. Thacker's counſel inſiſted, he had a majority of qualified voices. The poll was for Mr. Davy 1042.——For Mr. Thacker 1041.

Mr. Thacker's counſel firſt objected to four minors: and then to thoſe who polled as freemen, and were not to be found in the books: and they gave evidence againſt eighty-eight of ſuch perſons, and againſt two, as having polled twice. They alſo excepted and gave evidence againſt eighteen others, as living in hoſpitals, or receiving pariſh relief.

Then the counſel for Mr. Davy firſt attempted to anſwer the matter of the return, and then to make out the majority on the poll. And in point of law they inſiſted, where there are two ſheriffs, they are but one in law, and the act of the one would bind the other, and the writ being indorſed in the names of both the ſheriffs; and that by one, who was not only one of the high-ſheriffs, but alſo had acted all along as ſheriff for both in the execution of the office.

But as to the fact of the declaration of the election, and what related to Mr. Cartwright and the ſcrutiny, they called Mr. Snell, and others; who ſaid, they were in the hall, when ſheriff Nall declared the election; and were ſo near, that if Mr. ſheriff Havers had made any public proteſtation againſt it, they muſt have heard it; and that they did not hear Mr. Havers make ſuch proteſtation. It was owned, that a ſcrutiny was demanded and granted, but it went off upon a diſpute of putting down Mr. Cartwright's name upon the poll; it having been agreed the day before, that Mr. Cartwright's name ſhould be ſet down in Mr. Davy's poll, ſubject to ſcrutiny in point of right, but not in point of time: and the next day, when the ſcrutiny was to have begun, Mr. Thacker's friends went off from what they had agreed to the day before; and thereupon Mr. Nall ſaid, if they could not agree at the beginning, it was to no purpoſe to go on with the ſcrutiny, but he would declare the election according to the majority; which he did do, as is ſaid before; Mr. Havers being near him, and did not, as he heard, contradict it. That after the declaration, and indenture of return was prepared and ſigned by Mr. Nall in court, and offered to Mr. Havers to ſign, which he did not abſolutely refuſe to do, but took time to conſider of it. And Mr. Helwys ſaid, that, after Mr. Nall had declared the election, Mr. Havers ſaid he could not be againſt it.

That they admitted the four minors excepted againſt by the petitioners; and then proceeded to re-qualify thoſe who had been excepted to by the petitioners.

Firſt, as to the freemen: and they gave evidence of fifty-five that were in the books, and four others excepted to on another account.

That as to the evidence relating to relief, it was inſufficient, becauſe not proved by the books.

Then they excepted to, and proved from the freemen's book, thirty-ſix made free after the teſte of the writ, who voted for Mr. Thacker; alſo three others to be minors.—Upon this, a queſtion aroſe, whether thoſe, who were made free after the teſte of the writ, had a right to vote? and thereupon, the committee reſolved, That thoſe perſons, who had a right to their freedom in this city before the teſte of the writ, and took out their freedom after the ſaid teſte, not having demanded the ſame before the teſte, had not a right to vote in the laſt election of citizens to ſerve in this parliament for this city.

They then excepted againſt, and Mr. Helwys ſaid he could not find, eighty-three of Mr. Thacker's voters in the freemens books; and alſo eleven of them were hoſpital-men, and thirty-three were ſhewed to be twice named in the poll: but of all thoſe Sic origin. names, except five, ſeveral freemen in this city. They then excepted to, and proved: twenty-one of Mr. Thacker's voters to have received collection.

In reply—the counſel allowed the exception of the minors: that as to the eighty-three perſons, they juſtified fifty-one: and as to three others, it was ſaid, they polled both for Mr. Davy and Mr. Thacker. They then gave evidence as to thoſe who voted for Mr. Davy, and were made free after the teſte of the writ; and fourteen were admitted to be ſo. They alſo ſhewed ſeveral others in his poll, who, or ſome of thoſe names, were ſo made: but in anſwer, it was ſhewed, they were made ſo long before.

That it is to be obſerved, there ſeemed to be many miſ-nomers in the poll, which made the evidence uncertain: but upon the whole, the committee reſolved,

That Robert Davy, eſquire, is duly elected a citizen to ſerve in this preſent parliament for this city. And the three ſeveral reſolutions were twice read, and agreed to by the houſe.

Nov. 2, 1705. A petition of Waller Bacon and John Chambers, eſquires, was read; ſhewing, that at the election of members to ſerve in this preſent parliament for this city, Thomas Blofield and Thomas Palgrave, eſquires, and the petitioners were candidates; that by the foul and illegal practices of William Blyth, then mayor, and Mr. John Riſborough and Mr. Benjamin Auſtin, the then ſheriffs (though the petitioners had the majority on the poll) were prevailed upon to make a falſe and double return of the petitioners and the ſaid Mr. Blofield and Mr. Palgrave: and praying &c.

Ordered to be referred to the committee of privileges and elections to examine the matter, and report the ſame with their opinion.

Ordered, that it be an inſtruction to the ſaid committee, that they do hear the merits of the election, at the ſame time they do hear the matter of the double return.

3d. A petition of Thomas Blofield and Thomas Palgrave, eſquires, was read; ſhewing, that at the laſt election of members to ſerve in this parliament for this city, Waller Bacon and John Chambers, eſquires, (neither of them being freemen) and the petitioners (both freemen and citizens) were candidates; that the ſheriffs of the ſaid city (notwithſtanding the petitioners were duly elected) did make a double return of the petitioners and the ſaid Mr. Waller Bacon and John Chambers, in wrong to the petitioners.

Ordered, to be referred to the committee of privileges and elections to examine the matter, and report the ſame with their opinion.

Dec. 3. Ordered, that the report be made on Thurſday.

6th. The order of the day being read for making the ſaid report,

Reſolved, the ſaid report be now taken.

Mr. Compton reported the matter as it appeared, viz.

That both indentures were between the ſame parties, and the ſheriffs hands and ſeals were to both. That the point in conteſt was the qualification of the elected, the majority on the poll being admitted for Mr. Bacon and Mr. Chambers.

The counſel for Mr. Blofield and Mr. Palgrave inſiſted, no perſon was capable of election without being free of the city: and it was admitted, that Mr. Bacon and Mr. Chambers were not free.—To prove none but freemen were qualified, they called Mr. Elwys, who ſaid, he had known this city from 1677; and all who had been choſen, had been freemen, except Mr. Bacon and Mr. Chambers, and Sir Nevil Catilyne, who was made free after he was choſen, and before he was returned.

They then inſiſted on a by-law, made at an aſſembly in this city, on the 26th of Oct. 1640; by which it is enacted, that any one, who ſhall give his voice for any man to be choſen citizen for the parliament, ſhould forfeit five pounds, or ſuffer impriſonment: — alſo on the ſtatute 1°. Hen. V. c. 1. that every perſon, to be choſen a member of parliament for a city, ſhall be a freeman of the ſaid city, and no others in anywiſe. —— Alſo on the ſtatute 23°. Hen. VI. c. 15. reciting the ſtatute of Henry the fifth; and that citizens and burgeſſes coming to parliament, have always in cities and boroughs been choſen by citizens and burgeſſes, and no others.

That the Queen's writ to the ſheriff, for electing members to parliament, was read; which ſays, for every city they ſhall elect *cives*. And laſtly, they inſiſted on the freemen's oath, by which they are ſworn, all lawful ordinances made, and to be made, to obey and perform.

The counſel for Mr. Bacon and Mr. Chambers inſiſted, this city was a county as well as a city; and that the freeholders had votes as well as freemen. The ſtatute required as well reſients as citizens, and that as well in boroughss as cities, and was made for the advantage of the elected, that they might not be forced to ſerve; and that the uſage had been quite contrary to the conſtruction which the counſel on the other ſide would— on theſe ſtatutes.—However, their very election made them free.

They called ſome witneſſes as to ill practices in terrifying the voters, by printed papers, containing the ſtatute of Henry the fifth, the by-law againſt voters for ſuch as were not free, and the freemens oath.

Spark ſaid, Mr. Blyth, the mayor, had cauſed two hundred of them to be diſperſed by him about the city.—Watſon and Roberts ſaid, they would have voted for Mr. Bacon and Mr. Chambers, but were deterred by theſe papers; the firſt in conſcience, and the other for fear of the penalty.—— Mackerell was called as to the partiality of the mayor and ſheriffs for Mr. Blofield and Mr. Palgrave; and gave an account of an advertiſement printed on the other ſide; whereby it was notified, that a contract was made to indemnify ſuch as voted for Mr. Bacon and Mr. Chambers, from the penalty of the five pounds mentioned in the by-law, or any other inconvenience by ſuch voting.

Upon the whole, the committee reſolved,

That Waller Bacon, eſquire, is duly elected and returned a citizen to ſerve in this preſent parliament for this city, That John Chambers, eſquire, is duly elected and returned a citizen to ſerve in this preſent parliament for this city.

And the ſaid reſolutions being twice read, were agreed unto by the houſe: and the indenture, wherein Mr. Blofield and Mr. Palgrave were returned, was ordered to be taken off the file.

Reſolved, that William Blyth, eſquire, late mayor of this city, by printing and publiſhing a pretended by-law, made in the year 1640, contrary to *Magna Charta*, in order to terrify the electors of the ſaid city from free and impartial voting in the late election of members to ſerve in parliament for this city, is guilty of an illegal and arbitrary proceeding.

Ordered, that the ſaid William Blyth be, for his ſaid offence, taken into cuſtody of the ſerjeant at arms attending this houſe.

NOTTINGHAMSHIRE.

THIS is one of the Northern counties of this kingdom; and, I apprehend, was included in the general ſummons of every county, to ſend knights of the ſhire to parliament, 22°. Edw. I. I meet with no memoirs of conteſted elections in parliament, nor any other matter, till this preſent century, which concern that ſubject, when theſe following occur.

October 23, 1702. This houſe taking notice by the book of returns from the clerk of the crown, that there is no return made by the ſheriff of this county,—

Reſolved, that the ſaid ſheriff, for not making a return of his writ, and of the members elected to ſerve in this preſent parliament, by virtue thereof, is guilty of a breach of the privilege of this houſe.

Ordered, that the ſaid ſheriff be, for his ſaid offence, taken into cuſtody of the ſerjeant at arms attending this houſe.

November 4. A petition of William Burnell, eſquire, high-ſheriff of this county, was read; acknowledging his offence, for having incurred the diſpleaſure of this houſe, in regard there was not a return made of the writ for the members for the ſaid county, Mr. Simon Jackſon, his under-ſheriff having undertaken the ſame.

Ordered, that the ſaid Mr. Burnell be brought to the houſe on Friday morning next, to be examined touching the not returning the ſaid writ.

Ordered, that Mr. Simon Jackſon, the under-ſheriff of this county, be ſummoned to attend the houſe on Friday next.

6th. Mr. Burnell, the high-ſheriff of this county, and Mr. Simon Jackſon, his under-ſheriff, attending according to order; the high-ſheriff was called in and examined, touching the not making a return of the writ for electing the members to ſerve in parliament for this county; and he acquainted the houſe, he did not meddle with the execution or return of the ſaid writ, nor ever had it in his poſſeſſion, but left it wholly to his under-ſheriff; and then he withdrew.

After, the under-ſheriff was called in and examined; and then he withdrew.

Ordered, that Mr. Burnell, the high-ſheriff of this county, be diſcharged out of cuſtody.

Ordered, that Mr. Simon Jackſon, the under-ſheriff of this county, for keeping back the return of the writ for electing of the members of the ſaid county, be committed to the cuſtody of the ſerjeant at arms attending this houſe.

NOTTINGHAM Town.

THIS is the ſhire or principal town of the county of this name. The returns to parliament are extant from 26 Edw. I. B. P. R. 206. The return of the firſt writ extant in the ſaid year is this: 2 Regiſt. 43. *Et breve iſtud retorn' fuit ballivis libertatis villæ Nottingh. pro duobus burgenſibus; qui michi reſponderunt, quod eligerunt aſſenſu communitatis villæ prædictæ, Johannem le Flemyng de Nott. Adam de Flemyng de eadem.* It has two ſheriffs, and is a county of itſelf; as appears by an indenture in the 38 Hen. VI. which is B. P. R. 281. between the ſheriffs and Thomas Thurland, and fifteen others named, *et teſtatur quod prædicti Thomas et reliqui prænominati eligerunt*, (ſee appendix.) I meet with very few conteſts or memoirs in the journals relating to its members or its elections, or any thing in reſpect of ſuch elections; thoſe which follow are the only matters within the intention of this treatiſe.

June 9, 1660. Reſolved, that John Hutchinſon, eſquire, one of the judges of the late King's Majeſty, be diſcharged from being a member of this houſe.

12th. Ordered, a new writ for electing a burgeſs for this borough, in the room of John Hutchinſon, diſcharged from being a member of this houſe.

December 20, 1699. A petition of George Gregory, eſquire, was read; ſhewing, that the petitioner and Robert Sacheverell, eſquire, were candidates at the election of a burgeſs to ſerve in this parliament for this borough, in the room of Richard Slaughter, eſquire, deceaſed; and the major part of the perſons duly qualified to give their votes were for the petitioner; but many illegal practices were uſed by Mr. Sacheverell, and his agents, to gain votes for him, whereby he procured himſelf to be returned a burgeſs, in wrong of the petitioner: and praying &c.

And alſo the certificate of the clerk of the crown, of the return brought in, was read.

Ordered to be referred to the committee of privileges and elections to examine, and report the matter with their opinion.

March 9. A petition of Thomas Hawkſley and Roger Hunt, overſeers of the poor at Nottingham, was read; ſhewing, that the petitioners, at the requeſt of George Gregory, eſquire, petitioner againſt Robert Sacheverell, eſquire, ſitting member in this houſe, and purſuant to an order from the committee of privileges and elections, with the ſeveral books of the poors rates for the ſaid borough, did attend the ſaid committee from the 26th day of February laſt to this time: notwithſtanding which, the ſaid Mr. Gregory now refuſeth to pay them their reaſonable charges in coming to town, their expences here, and returning home, they being poor men, and not having wherewith to ſubſiſt: and praying relief, &c.

Ordered, that the ſaid Mr. Gregory do pay the petitioners their reaſonable charges, to be ſettled by the chairman of the ſaid committee.

N. B. I don't find any report upon this petition.

Feb. 14, 1700. A petition of Robert Sacheverell, eſquire, was read; ſhewing, that at the laſt election of burgeſſes to ſerve in this parliament for this town, Mr. Pierrepont, the petitioner, Mr. Gregory and Sir Scroop How were candidates; and the petitioner was duly choſen, and ought to have been returned with Mr. Pierrepont; but many illegal practices were done to defeat the petitioner's election by Mr. Cook and Mr. Bilby, ſheriffs, Samuel Watkinſon, mayor, and ſeveral others, in favour of Mr. Gregory, whom the ſheriffs have falſely returned in prejudice to the petitioner: and praying &c.

Ordered, it be referred to the committee of privileges and elections to examine, and report the matter thereof with their opinion.

June 3, 1701. Ordered to be reported on Thurſday next.

5th. Ordered to be reported on Tueſday next.

10th. Sir Rowland Gwynn reported the matter; that the right of election was agreed to be in the mayor, freemen, and freeholders of forty ſhillings yearly.

It was alſo agreed, that the eldeſt ſon of freemen by their birth, and the youngeſt ſons of freemen, who have ſerved ſeven years apprenticeſhip, whether in Nottingham, or elſewhere; and alſo perſons who have ſerved ſeven years apprenticeſhip to any freeman, of this town were well intitled to demand their freedom.

That upon the poll there were

For Mr. Gregory—558.
For the petitioner—534.

But the petitioner inſiſted, that by taking from Mr. Gregory's poll and adding to the petitioner's, they ſhould have a majority: and they alſo inſiſted, there had been ſeveral ill practices in procuring votes.

The petitioner's counſel proceeded to give account of ſuch as had right to their freedom, and had been denied, and would have voted for the petitioner, if they had been made free, and called Samuel Smith: who ſaid, that John Stevens ſerved William Pery, a freeman, and had demanded his freedom thirty or forty times within two or three years laſt paſt.

That William Leverton ſerved with Henry Brown, a freeman, and demanded it three times within a year and a half, but was refuſed it, becauſe he had waited on a gentleman out of town part of his time.

That Nathanael Wild ſerved a freeman, and demanded his freedom three years ago, and refuſed, becauſe he lived out of town.

Edward Gunthorpe had ſerved his father, a freeman, and demanded his freedom five months before the election, and refuſed, becauſe under age.

William Dunn ſerved one Bridges, a bricklayer, and had demanded his freedom five months ago, and before that, and was refuſed.

John Brudſley was apprentice with his father, and had demanded his freedom ſeveral times five or ſix months ago, and refuſed, becauſe he lived in the country.

Samuel Anthony had ſerved William Brinkhurſt, and was refuſed five months ago and before, becauſe he lived out of town.

That William Chamberlain had ſerved his father, but it was owned he had been convicted of felony.

That Samuel Roberts was apprentice to Thomas Vigures, and demanded his freedom five months before the election, and was refuſed, becauſe he did not produce his indentures.

That Francis Pattiſon was ſecond ſon of a freeman, and ſerved his father, and was refuſed, becauſe his father lived out of town.

That Thomas Burden ſerved Thomas Bonny and was refuſed becauſe he was married, though it was after his apprenticeſhip.

Joſhua Skinner ſerved John Lodin and was refuſed, becauſe his maſter lived out of town.

That John Weſton ſerved George Kenning, but refuſed, becauſe his indentures were looked upon as fraudulent.

That Francis Siſter ſerved Benjamin Ryley, but was refuſed, becauſe he ſerved part of his time out of town.

Alexander Cormorick, ſerved Richard Redbour, but was refuſed for the ſame.

That Stephen Longſtone ſerved Jeffery Lichman, and was refuſed, becauſe he lived out of town.

William Bartram was refuſed for the ſame reaſon.

John Staples ſerved John Clerk, but was refuſed, becauſe his maſter was not free, though he follows a trade in town.

That Daniel Noble ſerved Thomas Goddard, was refuſed for the ſame reaſon.—Though Thomas Goddard was polled.

To prove Solomon Baker and John Baker were free, Smith produced the copy of the burgeſſes oath, which he ſaid, it was uſual to deliver to them when made free.

That John Roberts ſerved Joſhua Walker, and refuſed, becauſe his maſter was not free.

George Burton ſerved Chriſtopher Rook, but refuſed, becauſe he was married.

That John Mabbot, the ſon of a freeman, ſerved John Pywell, and refuſed, becauſe he lived out of town.

That Stephen Ragg follows the trade of a carpenter, in town, and has often voted.

That John Winter ſerved Hugh Smith, plaiſterer, and follows that trade, and was refuſed, becuſe part of his apprenticeſhip he had been in the King's ſervice.

That William Crofts was a freeman, but owned he had been disfranchiſed.

That William Blackſton is a reputed burgeſs, and has often voted.

That Patricius Goodall is a freeman by purchaſe.

That William Roe is free, but lives out of town.

That John Sandifer always enjoyed the privilege of being a freeman, and his apprentice voted.

That Gervaſe Sully, William Nicholſon, and Joſeph Hawkins, are reputed freemen, and have often voted.

And Smith ſaid, that theſe ſeveral perſons would have voted for the petitioner and Mr. Pierrepont, and were refuſed; and that ſeveral of them were aſked, who they were for before they were refuſed.

That Baggaley, Sweeting, Rawſon, Lawſon, Merrin, Innocent, and Wood, were reputed freemen, and that Joſeph Crampton, Joſeph Ragg, Thomas and James were intitled to their freedom, and were refuſed; and that theſe freemen, and thoſe ſo intitled, would have voted for the petitioner and Mr. Pierrepont, but were not admitted; that the petitioner's counſel excepted to Willis and Kirk.

Mr. Smith ſaid, Willis polled as a freeman, and payed toll, which no freeman doth.

Wood was called, and ſaid ſomething about Kirk's title to his eſtate; but it appearing he had ſworn he was a freeholder, the committee were ſatisfied.

As to indirect practices in reſpect of theſe who voted for Mr. Gregory, they called,

Samuel Parſons: who ſaid, he being engaged to Mr. Pierrepont and Mr. Sacheverell; Rickards, who ſollicited votes for the ſitting member, ſaid, he ſhould have the advantage of ten pounds of the Coventry charity lent him; that he inſiſted on five pounds immediately, and Rickards gave him a note for it, and it was paid, but it was owned it was to be repaid when he had the ten pounds, and Thomas Wright was bound for it.

Morley ſaid, that about Chriſtmas day the mayor, and Mr. Gregory, and Mr. Green were together, and Mr. Green gave him ten ſhillings to vote for Mr. Gregory; and being then at Mr. Gregory's he heard Burley tell Mr. Gregory he had got four or five votes for him, and laid out all his money to hire votes; and Mr. Gregory ſaid he ſhould have more, and ordered his butler to give him beer.

Creſwell ſaid, he had five ſhillings of James More; ten ſhillings of Benjamin Green; ten ſhillings of Taylor, and half a crown of Fosbrook, a pair of ſhoes to vote for Mr. Gregory, which ſeveral perſons, were agents for Mr. Gregory.

That he had five ſhillings of Hallom, to ſwear that Brown, an agent of Mr. Sacheverell, had given him five ſhillings, but did not engage ſo to do.

That there was a paper wrote at alderman Rickards, importing he had received ten ſhillings of Mr. Pierrepont, and ten ſhillings of Mr. Sacheverell, which was offered to him to be ſigned, but he refuſed it; whereupon one Barrow wrote his name to it, by Mr. Watkinſon the mayor's order, and that after he had declared the contents of the paper was not true, alderman Rickards preſſed him to ſign it; and the mayor ſaid, if he would not be a witneſs for them he would preſs him, and the night before the election, he, and ſome others, who voted for Mr. Gregory, were locked up at Moor's houſe, that they might not go to the other party, and were treated with roaſt beef and ale: That he ſaw Aſh receive money: That Matthew Dalwater had ten ſhillings of Green three days before the election: That Robins had five ſhillings of one Amos, another agent for Mr. Gregory, and he himſelf ten ſhillings: That Thomas Burley had of James Moor, about a fortnight before the election, eleven ſhillings, one half for himſelf, the other to hire votes; and with the five ſhillings and ſix-pence he got Davy, Sumner and Dalwater.

Mary Lee ſaid, that at eleven o'clock on Monday before the election, going by Mr. Gregory's, Mr. Gregory gave Burley about a crown-piece, in the publick ſtreet, and ſaid, it was to get votes.

Tibſon ſaid, Simeon Aſh had promiſed his vote for Mr. Sacheverell, and finding him going off, he asked the reaſon, and the ſaid Tibſon told him, he had forty ſhillings and a ſtocking frame of Green.

Hollis ſaid, Joſeph Dobbs declared he had ten ſhillings to vote for Mr. Gregory.

Kitchen ſaid, the night before the election he received one ſhilling of Green, and another ſhilling of Oldham, Mr. Gregory's ſervant, to treat Mr. Gregory's voters, and the latter told him it would be leſs taken notice of in him.

Wilcox ſaid, he had promiſed the petitioner and Mr. Pierrepont his vote, but Rickards deſired his vote for Mr. Gregory, and lent him twenty-one ſhillings and ſix-pence to vote for him, and he drank all the day, and paid nothing for it.

Baker ſaid, he was engaged to Mr. Pierrepont and Mr. Sacheverell, but a fortnight before the election the mayor offered to lend him ten pounds of the Coventry money, if he would vote for Mr. Gregory; he ſaid he had it not, for the mayor ſaid it was gone; he owned the mayor and counſel had the diſpoſition of this money.

Lawrence ſaid, that Godwin told him he had five ſhillings of Amos for his vote, and five at another time of Moor, and one ſhilling and ſix-pence at another time, and acquitted of a debt of fourteen ſhillings.

Wilcox ſaid, Godwin told him he had a pair of hoſe and ſhoes to vote for Mr. Gregory, but did not ſay of whom.

Trueman ſaid, Wogden owned he had money on Mr. Gregory's ſide, or would not have been for him.

That Flower told him he had ſix ſhillings and ſix pence of Green, or would not have voted for Mr. Gregory.

That Farmer ſaid, he received money of the mayor; therefore he durſt not vote for the petitioner.

Tibſon ſaid, in November laſt he was told by one Boot, that he, and Skinner, had one ſhilling each from Mr. Gregory; and drank what he would.

Hollis ſaid, that George Tibſon deſired William Alicock's vote for Mr. Gregory, which he refuſing, was arreſted; and Mr. Sacheverell not releaſing him, Benjamin Green told him he paid three pounds for him to vote for Mr. Gregory.

That Green deſired him to get what votes he could out of the way, and offered him a guinea to carry a letter, but he did not go; and Davy told him he would be kinder to him than his father and mother if he would be for Mr. Gregory: that the mayor ſaid there would come 300 *l.* from Coventry, and every one ſhould have ten pounds.

Joſhua Tibſon ſaid, about a fortnight before the election, Mr. Gregory gave him ten ſhillings, he believes, in regard to his vote; but it did not influence him, being reſolved to be for Mr. Gregory and Sir Scrope How.

Then the petitioner's counſel proceeded in regard to ill practices in general, and called

Mold: who ſaid, the mayor ſollicited votes for Mr. Gregory, and ſeveral voters were about a fortnight before the election at the mayor's, and called for ale, *&c.* And had what they called for. Another time, others came to the tavern and were treated, and borrowed money of him; and the mayor bid them ſtand faſt: that the mayor ſaid, ſome weeks three hogſheads were drank at his houſe amongſt the voters, but did not ſay, who paid the expence; but thoſe, who eat and drank, voted for Sir Scroop How and Mr. Gregory.

Jalland ſaid, that Rickards gave him twenty ſhillings to go out of town on the election day, he being engaged to Mr. Pierrepoint and the petitioner, but ſaid he came to town again and voted for them.

Ward ſaid, the mayor offered him ten pounds of the Coventry money, if he would be for Sir Scrope How and Mr. Gregory, and would have given him twenty ſhillings; And Mr. Gregory would have given him a guinea.

Johnſon and Ward ſaid, one Turpin, who appeared at the election for Mr. Gregory, ſaid, after it was over,— That a great deal of the money that was ſpent was Eaſt-India money.

The counſel for Mr. Gregory were directed to anſwer the evidence, as to bribery firſt, and then they called

Rickards: who ſaid, he was at alderman Rickards's houſe, where came Creſwell, who being aſked, if the paper produced, was of his own writing; he ſaid, it was not, but it was all one, and ſaid, he got a friend of his to write it; and declared Mr. Sacheverell and Mr. Pierrepont called him into a cloſet, and deſired his vote, and gave him ten ſhillings a piece; and after he had given this account, Creſwell would have had them lend him money; he was then told, it could not be done, becauſe it would look like hiring of evidence: And Rickards ſaid, Mr. Barrow wrote down on a paper delivered to the committee ſeveral particulars, which Creſwell gave account of relating to the election, and Creſwell put his mark to it.

Thomas Creſwell ſaid, that Edward Brown, ſix or ſeven days after the election, at one Middleton's, aſked him if Mr. Gregory had not given him twenty-one ſhillings, and offered him ſo much to ſay he had.

They then offered to call other witneſſes, as to what Creſwell ſaid at alderman Rickards's, and as to his ſigning the paper; but they being charged by Creſwell with corruption, or impoſing on him, they were not admitted. And then called

Thompſon: who ſaid, he heard Creſwell ſay, that Mr. Pierrepont, and the petitioner, a fortnight before the election gave him ten ſhillings each; and Brown, the barber, ſince the election, had given him five ſhillings to atteſt what he ſhould deſire: And alſo gave Creſwell a bad character.

Barrow ſaid, he heard Creſwell did own the paper; And ſaid Mr. Pierrepont and Mr. Sacheverell did lock him up in a room before the election and gave him each ten ſhillings: And Rickards and Barrow ſaid, that Creſwell declared Johnſon aſked him if Mr. Gregory was choſe fairly, and he declared he thought ſo; and that Johnſon ſaid, he would give him ten ſhillings, if he would ſay Mr. Sacheverell was ſo; and that he took the money, and anſwered, he would ſay ſo, if he could with a ſafe conſcience.

Bellamy and Hollis declared, Partridge and Tibſon deſired his vote for the petitioner, and Mr. Pierrepont told him he ſhould have a couple of frames brought him at a rent, which were brought accordingly. Brampton gave Hollis a very bad character.

They then proceeded to charge the petitioner with ſeveral ill practices; and called,

The two Smith's, who ſaid, Bettiſon came to their houſe, and pulled out a quantity of ſilver and two guineas, ſaying, he had one of Mr. Pierrepont, and one of the petitioner; aſking, who would not vote for ſuch honeſt gentlemen?

Lockow ſaid, he had 36s. lent him by John Shepherd and Wollaſton, on account of voting for the petitioner, or would have voted for Mr. Gregory. And John Lockow told him he had ten ſhillings for voting for Mr. Pierrepont and Mr. Sacheverell. John Johnſon ſaid, Hollis ſhewed him a crown piece, which, he ſaid, he had on the election day, for voting for the petitioner, and Mr. Pierrepont.

Somers ſaid, that Birch told him that Mr. Shipman gave him a coat to vote for Mr. Pierrepont and the petitioner, and he was threatened by his aunt, that ſhe would keep the writings of an houſe of 30s. a year from him, if he did not vote ſo.

Ellen Smith ſaid, that Birch ſhewed her twelve ſhillings in Mr. Dufroiſes's houſe, which, he ſaid, Mr. Shipman had given him to vote for the petitioner.

Selby ſaid, that about four days before the election, he had a coat and ſtockings of Mr. Blunt to vote for Mr. Pierrepont and the petitioner.

Lewis Smith ſaid, Tibſon, the joiner, lent him ten ſhillings to vote for Mr. Pierrepont and the petitioner: The ſaid Smith, at firſt, named another Tibſon.

Foſter ſaid, Chamber's father told him the petitioner had given him two ſhillings, and he hoped he would vote for him as he had done.

That as to ill practices in general the counſel for Mr. Gregory called,

Stoaks: who ſaid, Mr. Pierrepont and the petitioner on Chriſtmas day in the evening, aſked his vote, and Mr. Pierrepont told him, if he had occaſion for five pounds he would lend it him, and he need not fear being aſked for it; he ſaid, he had no money, and voted for Mr. Sacheverell and Sir Scroop How.

Thompſon ſaid, Mr. Drury, the miniſter, ſome nights before the election, went about the ſtreets with a bag of money and offered forty ſhillings for votes, but did not prove any given.

Barden ſaid, he heard one Bret ſay, he could give 20 l. for twenty votes; and that he got ſome votes for Mr. Pierrepont; and the petitioner, and Mr. Drury, would give 100 l. for 100 votes.

As to treating,

Selby and Smith ſaid; that on the election day ſeveral burgeſſes, who voted for Mr. Pierrepont and the petitioner, were treated at Mr. Drury's, Partridge, &c: ſaid Mr. Drury was a gentleman of an eſtate, and his houſe full of people.

Smith ſaid, he ſaw thirty burgeſſes together.

That as to the qualification of the voters,

M. Rickards ſaid, John Stevens was made free under the new charter, and refuſed, becauſe he did not make it appear he ſerved a freeman:—That Chamberlain was refuſed, becauſe he could not prove he had ſerved an apprenticeſhip:—That Comerick was refuſed, becauſe his maſter being a trunkmaker afterwards turned mountebank, and he was his tumbler:—That the ſheriffs could not find Praticius Goodall on the freemens books: Jervaiſe Selby was disfranchiſed for impoſing on the corporation, that he was a burgeſs's ſon born:

That Ragg's name was not in the leidger:—That Ward is free by the new charter, and he never ſaw him offer his vote.

As to Smith's evidence;

Mr. Rickards ſaid, Mr. Smith was only preſent two hall days, and that one of them he only came in before the laſt thing was done.

Mr. Rickards and Mr. Chatwick ſaid, the mayor came and voted, but he did not ſee him on the bench, and the ſheriffs took advice of counſel, and took what care they could to purſue the ſame; and they declared, if any perſons who were refuſed the firſt day, would come the next day, and make out their right, they ſhould be polled.

Upon this the committee reſolved,

That George Gregory, eſquire, is not duly elected a burgeſs to ſerve in this parliament for this borough.

That Robert Sacheverell is duly elected a burgeſs to ſerve in this preſent parliament for this borough.

The ſaid reſolutions were read twice, and agreed to by the houſe; and the clerk of the crown was ordered to attend, to amend the return.

May 17, 1720. Ordered a warrant for a new writ for electing a burgeſs for this borough, in the room of John Plumptree, eſquire, made paymaſter of the ordinance.

OAKHAMPTON.

THIS borough is ſituate within the county of Devon: and returned Members to parliament, in the 28th of Edward I. and 7th of Edward II. after which it ceaſed till the laſt parliament of King Charles I. when it was reſtored. The manner, which is but partly ſet out in the journals, I ſhall begin the memoirs with. 4 Regiſte 1079.

December 12, 1640. The petition of the mayor and burgeſſes of Oakhampton, in the county of Devon, referred to the committee of privileges; to peruſe the record, and certify their opinions — From this reference, no report appears: but in this parliament, I find there two members returned.

Willis Notitia, vol. II. 307.

April 27th, 1660. Mr. Turner reported from the committee of privileges the double return for this borough.—That Edward Wiſe, and Joſias Calmady, eſquires, are returned ſeverally in two indentures, under the hand and ſeal of the mayor: and that Robert Reynolds, eſquire, is returned by the free burgeſſes, without the hand or ſeal of the mayor: and the opinion of the committee, that the ſaid Edward Wiſe and Joſias Calmady, eſquires, ought to ſit in the houſe, till the merits of the cauſe, touching the ſaid election, be determined: to which the houſe agreed.

November 2, 1705. A petition of John Dibble, eſquire, was read; ſhewing, that Sir Simon Leach, Thomas Northmore, William Harris, eſquires, and the petitioner, were candidates to ſerve in this parliament for this borough; and the majority of legal votes fell on the petitioner and Mr. Northmore, and the mayor made a return accordingly, and ſent it to the ſheriff, affixed to the precept: that the next day, the mayor, by John Northmore the town-clerk, who acted as agent for Sir Simon Leach, and others, was ſurprized in making another return of Mr. Northmore and Sir Simon Leach; which laſt return the ſheriff hath returned into the Crown-office, in wrong to the petitioner: and praying &c.

Ordered, that the conſideration of the ſaid petition be referred to the committee of privileges and elections; and that they examine the matter thereof, and report the ſame with their opinion therein, to the houſe.

A petition of Sir Simon Leach, knight of the bath, was read; ſhewing, that, at the laſt election of burgeſſes to ſerve in parliament for this borough, the petitioner and Thomas Northmore, eſquire, were duly elected; yet Chriſtopher Yendal, the mayor, hath wilfully made a double return of the petitioner and John Dibble, eſquire, with Mr. Northmore, in wrong to the petitioner; and Mr. Dibble did, by bribery and other indirect practices, get votes, and prevail on the mayor to poll for him, who had no right: and praying &c.

Ordered, that the conſideration of the ſaid petition be referred to the committee of privileges and elections; and that they examine the matter thereof, and report the ſame, with their opinion therein, to the houſe.

A petition of Chriſtopher Yendal, mayor of the ſaid borough, was read; ſhewing, that at the election of members to ſerve in this parliament for this borough, Sir Simon Leach, Thomas Northmore, John Dibble, and William Harris, eſquires, were candidates; and Mr. Northmore and Mr. Dibble having the majority of legal voices, the petitioner, in court, declared them duly elected; and accordingly ſigned an indenture of their return, by affixing the ſame to the precept, and ſent it to the ſheriff: that, the next morning, the petitioner was ſent for to the houſe of Mr. John Northmore, the town-clerk, and an agent for Sir Simon Leach, where alſo was the ſaid Mr. Thomas Northmore; and they told him, the election would be diſputed in parliament; but if he would put his mark (being an illiterate man) to an inſtrument then produced (which was not read to him) it would ſave him the trouble of being ſent for up to London; upon which the petitioner did put his mark thereto: and being ſoon after informed, that it was a return of Mr. Northmore and Sir Simon Leach, he immedidiately, with Mr. Forteſcue and Chriſtopher Yendal, went to the high-ſheriff, and told him, that he had been unknowingly impoſed upon to ſign the laſt return, and adviſed the ſheriff to return none but the firſt; yet the petitioner is informed, he hath returned both: and praying &c.

Sic origin.

Ordered, that the ſaid petition be referred to the committee of privileges and elections; and that they examine the matter thereof, and report the ſame, with their opinion therein, to the houſe.

Ordered, that it be an inſtruction to the ſaid committee, that they do hear the merits of the election for the ſaid borough, at the ſame time they do hear the merits of the ſaid double return.

Dec. 13. Ordered, that the report be made on Saturday next.

15th. Ordered, that the report be made on Thurſday next.

20th. Mr. Compton reported the matter upon the ſaid petitions—that the committee had inſpected the record of the double return for this borough; and alſo upon the ſeveral petitions of John Dibble, eſquire, and the mayor of the ſaid borough, and of Sir Simon Leach, knight of the Bath; the two firſt complaining of an undue election and return of Sir Simon Leach, and the laſt of an undue election and return of John Dibble, eſquire.

That Mr. Northmore's election was not queſtioned: and the poll was—for Mr. Dibble 124.—for Sir Simon Leach 117. That the right of election was agreed to be in the freemen and freeholders of the borough.

That Sir Simon Leach's counſel inſiſted in taking off ſeveral from Mr. Dibble's poll; to add one to their own; and to charge Mr. Dibble with ſome ill practices.— Firſt, they excepted againſt nineteen irregularly polled; and called

Shebbere and others; who ſaid, the election began on the 15th of May; and by reaſon of ſeveral adjournments, by reaſon of diſturbances, continued till that evening late, and then adjourned till next day at twelve o'clock: and upon ſuch adjournment, Sir Simon Leach, and the town-clerk, who is alſo ſteward, and ſeveral gentlemen, went away: that before twelve, viz. about ten o'clock next day, the mayor came, and polled twenty-one perſons before twelve o'clock; one or two of which were objected to the day before: that about twelve, Sir Simon Leach, with other gentlemen, came to the court, and made the mayor ſo ſenſible of his miſtake, that the mayor proclaimed the court over again; and then two of thoſe, who had polled before, came and polled over again.—Then Sir Simon Leach's counſel proceeded to diſqualify ſome of Mr. Dibble's votes, for corruption; and called John Forteſcue, a freeman, who voted for Mr. Dibble, at the importunity of Mr. Dibble, and his ſon: the ſon, being an attorney, was promiſed Mr. Dibble's law-buſineſs, on condition the father would vote for him; and Mr. Dibble quitted an houſe he rented of doctor Venner, it being convenient for young Mr. Forteſcue. He ſaid, he intended to have ſtaid at home; but his ſon came and perſuaded him to come to court; and when he was there, he was thruſt into court, and voted for Mr. Dibble; for which he was ſorry.

Shebbere ſaid, Charles Arſcot told him, he had ten pounds to vote for Mr. Dibble. He ſaid, indeed, he had given his note for ten pounds; but was told, that if he voted for Mr. Dibble, the note ſhould do him no harm; and that it was lent him at Hatherly fair.

Goodman ſaid, he kept an inn at this borough: that Mr. Dibble declared at his houſe, that he ſet up for a member of parliament; and if he would be for him, he would ſpend 500 l. at his houſe, and 2000 l. more in the town, rather than miſcarry in it: that this was a year, or more, before the election: and Mr. Dibble, once calling for a bottle of wine, ſaid, it was but cheating the Queen of a foot of timber the more.—Henry Topper having floored a room for Mr. Goodman, ſaid, he could not have done it ſo cheap, if the carriage had not been given him in Mr. Dibble's waggons. He afterwards explained it to be back-carriage: and it appeared, that Mr. Dibble's ſervants uſed to have the advantage of back-carriage: he gave the waggoners a s'chut to drink.— Shebbere and three others gave evidence of five, being neither freeholders nor freemen, and one a minor.

Then, to add Chapman to Sir Simon Leach's poll, Goodman ſaid, he made Chapman a leaſe for his life, three or four years ſince; but Mr. Harris had an undivided eighth part of the eſtate.— Young proved, he offered to poll for Sir Simon Leach.

In anſwer—Mr. Dibble's counſel endeavoured to juſtify their votes; then to add ſome to their poll, who offered to vote and were refuſed; and then to diſqualify ſome of the votes for Sir Simon Leach; and then to ſhew ill practices by Sir Simon Leach, and his agents. And firſt, they inſiſted, that the adjournment was to ten o'clock; and conſequently thoſe polled, were well polled; and called

Mr. Harris and others; who ſaid, the court was adjourned on Tueſday evening till ten next day; and the mayor came between ten and eleven; and Sir Simon Leach not being come, he ſent the ſerjeant to him, to deſire him to come to court, and ſtaid three quarters of an hour; and before he polled, the mayor examined the ſerjeant, who ſaid, he gave Sir Simon Leach and the gentlemen notice, and had cried the court about the town; and then the mayor went on with the poll, and had polled twenty-one, or the moſt part of them, before Sir Simon Leach came into court: that Sir Simon Leach, when he came, excepted to the polling of them, and the mayor offered to poll them over again; but Sir Simon Leach ſaid, he was ſatisfied with all but one or two, and bid him go on. It was owned, that the town-clerk was for adjourning till twelve o'clock next day; and the cryer, by miſtake, did firſt ſay ſo; but the mayor corrected him, and made him adjourn till ten.

Then they proceeded to add ſome to Mr. Dibble's poll, who offered, and were refuſed; and called

Yendal junior; who ſaid, that of eight perſons, who ſerved their apprenticeſhips in the borough, and demanded their freedom before the election, all but one, Lillicraft (to whom he could not ſpeak) offered to poll for Mr. Dibble.

Palmer ſaid, that Lillicraft alſo offered the ſame.

Yendal gave evidence to fourteen perſons, who voted for Sir Simon Leach, as not being freeholders within the borough; and to others, not free, or made ſo juſt before the election.— They then called Yendal, and others, who juſtified five of the votes excepted to by Sir Simon Leach; one, as having ſerved his apprenticeſhip, and four others, freeholders at the time of the election.

Then, to prove corruption by Sir Simon Leach, or his agents, they called Hillary Macy, a quaker; who ſaid, he had been proſecuted for tythes, and ordered to pay coſts; and Mr. Huſſey, the miniſter, acquitted him for the coſt, and engaged not to proſecute him for the future, if he would vote for Sir Simon Leach; and ſhewed Mr. Huſſey's note to this effect, dated the 16th of May; and ſaid, elſe he ſhould have voted for Mr. Dibble.

Lee ſaid, that Wingate offered him five guineas to appear at the committee, and ſay, that Mr. Dibble paid for the purchaſe of lands he had bought; telling him, it would only be a lye.—Gowman ſaid, Taylor put two half crowns into his hand, which he kept half an hour, and deſired his vote for Sir Simon Leach; and that Shebbere offered him all the money in his pocket to vote ſo, and ſhewed him money; but how much, he knows not.

Yendal ſaid, one Quintin, a ſervant of one Goman, was taken up in order to be preſt for a ſoldier, and diſcharged by the mayor; but afterwards, juſtice Ellicot (who had been threatned to be ſtruck, if he did not ſend him) cauſed him to be taken again, and liſted; but Taylor offered Goman, if he would vote for Sir Simon Leach, that Quintin ſhould be diſcharged.

Trueller, hoſtler at Goodman's, ſaid, that his maſter and Sir Simon Leach's gentleman ordered him to take no money of Sir Simon Leach's voters; and he repaid ſome he received.

In reply— Sir Simon Leach called, to juſtify votes excepted to, Shebbere; who ſaid, that three of thoſe, ſaid to be made free juſt before the election, were made ſo in October was twelve months; and two others before the teſte of the writ; nor did he ſee any of thoſe, who Yendal ſaid, demanded their poll for Mr. Dibble, come into court, or demand their poll: and that he looked upon both Mr. Courtney's eſtates to be within the borough.

As to making of the return, Sir Simon Leach called Young and Prouſe; who ſaid, that the mayor was uneaſy with his proceedings at the election, and on Thurſday he went to Mr. Northmore's, the town-clerk's, to adviſe what to do; and Mr. Young read the indenture of return of Sir Simon Leach, and he executed it with great deliberation, and not only once, but as others came in he did it again: and being told of his being impoſed on by Mr. Northmore in ſigning it, and that he had made affidavit to that effect, ſaid, if Mr. Northmore was mentioned therein, he was abuſed in it: and they produced a paper, ſigned by the mayor, to this purpoſe.

That, on the other ſide—the indorſement on Sir Simon Leach's indenture of the 16th of May was read; viz. that the ſaid indenture was tendered to Mr. Chriſtopher Yendal, mayor of Oakhampton, to be by him ſealed with the common ſeal of the borough, in the hall there, in the preſence of all the candidates, in open court, which the mayor refuſed to do: and this was teſtified by ſeveral gentlemen, whoſe names were ſubſcribed.

Whereupon the committee reſolved,

That Sir Simon Leach, knight of the Bath, is not duly elected a burgeſs to ſerve in this preſent parliament for this borough.

That John Dibble, eſquire, is duly elected a burgeſs to ſerve in this parliament for this borough: whereto, they being twice read, the houſe agreed; and ordered Sir Simon Leach's indenture to be taken off the file.

December 5, 1710. A petition of Chriſtopher Harris, eſquire, one of the members of parliament for this borough, John Shebbere, Thomas Uglow, William Weekes, principal burgeſſes of the ſaid borough, John Northmore, town-clerk there, William Reynells, Henry Marten, James Earle, and Joſeph Goodman, aſſiſtants to the mayor and burgeſſes of the ſaid corporation, and ſeveral of the gentlemen of the county of Devon, freeholders, and freemen of the ſaid borough, and moſt of the principal inhabitants and freemen of the ſaid town and pariſh of Oakhampton, was read; ſetting forth, that by the charter, by-laws, and ancient conſtitution of the ſaid borough, no perſon can be admitted a freeman without the conſent of the mayor, and greateſt number of the common council: that upon the death of one of their repreſentatives in parliament, about twelve months ſince, Chriſtopher Yendall, ſenior, then mayor of the ſaid borough, with a few of his accomplices, in a by-room in an alehouſe, without the town-clerk to his aſſiſtance, (who is the proper officer for adminiſtring oaths) did corruptly procure 135 perſons to be made free of the ſaid borough, and procured the oath to be adminiſtered by an idle beggarly perſon, who had no right to do it; and the perſons admitted were generally ſtrangers, many of them vagrants, deſerters from the Queen's ſervice; and others idle perſons, who, by reaſon of ſuch pretended freedom, ſcreen themſelves from the act for raiſing recruits, by reaſon of their pretended right of chuſing members to parliament; and they, and their families, claim a privilege of exerciſing trades within the ſaid borough, to the great ſcandal and impoveriſhment of the corporation: that the ſaid Yendall, and ſeveral preceding mayors, by confederating themſelves together, have yearly, as they were mayors, purpoſely to advance the intereſt of John Dibble, eſquire, one of the members of parliament for the ſaid borough, upon whoſe account the ſaid 135 freemen were made; a great many of which were ſervants, waggoners, and carters of Mr. Dibble's, by whom Mr. Dibble was choſen, and refuſed to make free many, who had good right to it; and many undue practices have been uſed by the ſaid Chriſtopher Yendall, and his accomplices, to exclude their brethren from being mayor, who have an equal right in their turns; all which practices are contrary to the ancient rights and privileges of the ſaid borough: and praying that the houſe will take the matter into examination; and that their rights and privileges may be preſerved in ſuch manner as ſhall be thought meet.

Ordered, that the matter of the ſaid petition be heard at the bar of this houſe on Thurſday the firſt day of February next.

Feb. 1. Ordered, that the hearing of the matter of the ſaid petition be adjourned till Saturday ſevennight.

Ordered, that the clerk of the crown do then attend, with the return for the ſaid borough.

10th. Ordered, that the ſaid matter be heard on Thurſday; and that the clerk of the crown do then attend with the return; and alſo Chriſtopher Yendall, junior, one of the ſerjeants at Mace for the ſaid borough.

15th, Ordered, that the ſaid matter be heard on Tueſday: and that the ſame perſons do then attend.

20th, Ordered to be heard on Saturday next: and the ſame perſons to attend.

24th. The houſe proceeded to hearing the ſaid matter: and the counſel were called in on both ſides; and the petition, and charter, and by laws, of this borough read; and the counſel on both ſides heard; and then withdrew.

Reſolved, that the right of electing members to ſerve in parliament, for this borough, is in the freeholders and freemen, being made free according to the charter, and by-laws of this borough.

ORFORD.

THIS borough is ſituate in the county of Suffolk. Dr. Willis writes, that it was ſummoned to ſend burgeſſes to parliament, during all King Edw. I's time, from the time of the firſt general ſummons: but Mr. Prynne's liſt is only from 26 Edward I. and Mr. Holmes hath added, the 35th of Edward I. After this, I find it diſcontinued until Henry VIII's time: and has ſince been conſtantly ſummoned. The memoirs in the journals, relating to its elections and members in that reſpect, are theſe.

Willis 1749. 52.
Prynne's 4th pt. 1079.
Holmes's Not.

December 12, 1698. A petition of Sir Edmond Bacon, baronet, and William Johnſon, eſquire, was read; ſhewing, that the petitioners were duly choſen, by a majority of electors rightly qualified, to ſerve in this parliament for this borough; and yet Sir Thomas Felton and Sir Charles Hedges have gotten themſelves to be returned, to the petitioners prejudice: and praying &c.

Ordered, that it be referred to the committee of privileges and elections to examine, and report the matter with their opinion.

November 16, 1699. The petitioners preſented their petition again, to the ſame effect: and it was referred in like manner.

Feb. 10th. Sir Rowland Gwynn reported the matter, as follows; viz. that the firſt queſtion, between the parties, was the right of election.

That for the petitioners it was inſiſted, that the right of election was in the mayor, portmen, capital burgeſſes, and freemen of the ſaid borough.

That the number of the portmen is 8, the number of the capital burgeſſes is 12.

That for the ſitting members it was inſiſted, that the right of election was in the mayor, portmen, and capital burgeſſes only.

The petitioners to make out their right, as by them alledged, produced ſeveral returns of perſons to ſerve in parliament. viz.

2° & 3° Phil. and Mar. An indenture between the ſheriff of Suffolk on the one part, and ten 12 *burgenſ. villæ de Orford, et communitat. ejuſdem villæ, ex altera parte.*—That *prædict. burgenſes et communitas eligerunt*; and concludes,—*Quod præd.* 12 *burgenſ. ſigilla ſun appoſuerunt.*

Sic. orig.

28° Eliz. *Major, burgenſ. et communitas villæ et burgi de Orford eligerunt*; and concludes, *Major, burgenſes, et communitas villæ et burgi prædict. ſigillum ſuum commune apponi fecerunt.*——15th Car. I. *Major, communitas, et burgenſes, qui proclamationi in pleno com. fact. interfuer. eligerunt.* The return is under the common ſeal. ——16. Car. I. the return is in the ſame manner.

The petitioners alſo produced a paper, which begins thus.——Orford *electio burgenſium pro parliamento, ibid.* 22 October 1640. *Willielmus Platers, miles, et Carolus le Groſs, miles, nominati pro burgenſibus.* Then follow the names of the mayor, eight portmen, and ſeveral capital burgeſſes, and others, to the number of forty one; and concludes.—*prædict. burgenſes, ſicut præfert', nominati, electi ſunt, nullo contradicente.* And it appeared by the evidence, that the ſaid paper was Mr. Alexander's hand, who was town-clerk of Orford, at the time the ſaid poll was mentioned to be taken.

And Mr. Nathanael Gooding ſaid, that he found the ſaid paper, about fourteen years ſince, amongſt Mr. Copping's papers, with the town ſeal; which Mr. Copping had been mayor of this borough: that he had been member of the corporation, more than twenty years; and never knew freemen denied to vote: and that he had acted as town-clerk in 1680, when there happened an election, at which Sir John Duke and Mr. Glemham were candidates; that he then called over the capital burgeſſes and freemen; and there was no objection to the freemen, when called over, but they did not ſign the indenture of return; yet owned, there were no other candidates, nor diſpute about it: that at the election ſoon after the revolution, Sir Adam Felton being like to be out-voted, and he making intereſt for him, ſent for Simon Bredſtrey and Richard Townſend ancient freemen, whom he kept in private, in caſe there ſhould be occaſion for them; and that Thomas and Joſeph Haſtings were the occaſion of ſending for them; but, there being no occaſion of them, he owned, they did not vote: that, at the election in 1695, the freemen, as well as the capital burgeſſes, were called over before the election.

Simon Bredſtrey ſaid, he was at the election in 1659, and voted for Mr. Jeremy Copping, who lived in London; and, about ſeven or eight years ago, Mr. Hammond of Burford ſent for him to vote, and he went; but did not vote, there being no occaſion for him.

Palmer, who had been a portman 15 or 16 years, and John Marrett, who had been a freeman from 1680; ſaid, they were preſent at the election at that time, and the free burgeſſes were called over, and held up their hands, as well as the reſt.

Hook ſaid, he had been at three elections ſince 1680; when all the freemen were called over, and voted.

Stephens, who had been free forty years, ſaid, he remembered, that the free burgeſſes had joined with the capital burgeſſes in ſeveral elections; but could name only one, which was that of the earl of Dyſert and Mr. Glemham, when there was no oppoſition; nor did he know of any controverted election.

That, for the ſitting members, the counſel produced the charter 1° Jac. being an *inſpeximus* of a charter 21° Eliz.

And alſo ſeveral indentures of return.

In the charters of Queen Elizabeth, there are ſeveral *inſpeximus's*, as high as Henry III. of other charters; and by the charter of Henry III. they are called by the name of *probi homines*; and in the ſubſequent charters to Queen Elizabeth, they are called *Burgenſes*; and, by her charters, they are conſtituted a mayor, eight portmen, and twelve capital burgeſſes; after which are theſe words.—*Et quod de cætero imperpetuum in futurum prædict. octo portmanni villæ ſive burgi illius, et duodecim capitales burgenſes villæ illius, et ſucceſſores ſui, portmanni, et capitales burgenſes prædict. ſunt et erunt, et habeantur et reputabuntur ſola communitas ejuſdem villæ, ac ipſos communitat. burgi de Orford prædict. facimus, creamus, conſtituimus et declaramus, per præſentes.*

That the returns were, as follows; viz.

26° *Eliz. Major et communitas ex eorum communi aſſenſu eligerunt.—Major et communitas ſigillum ſuum commune burgi prædict. appoſuerunt.*

30 and 39 Eliz. the ſame.

43 of Eliz. differs only in concluſion; which is, *tam vic. quam major ſigillum officior. ſuorum appoſuerunt.*

21° Jac. the election was in the ſame form; but concludes.—*Major, communitas, ſigilla ſeparalia officiciorum ſuorum appoſuerunt.*

1° Car. in the ſame form: and concludes—*major et communitas, &c.*—13° Car. II. the ſame.

31°. Car. II. The indenture between the ſheriff of the one part, and the mayor and ten other perſons, named *majorem partem communitatis ejuſdem villæ et burgi—Major et communitas prædict. ex eorum aſſenſu et conſenſu eligerunt.—Major et communitas ſigillum ſuum commune appoſuerunt.*

33° Car. II. *Major et communitas qui proclamationi interfuerint, elegerunt.—Major et communitas ſigillum communitatis villæ ſive burgi prædict. appoſuerunt.*—7° *Gulielmus* III. The indenture between the ſheriff of the one part, and the *major' et communitatem ejuſdem burgi*, of the other.—*Major et communitas elegerunt tam vic. quam major et communitas ſigilla officiorum ſuorum appoſuerunt.*—9°. 10° *Gul.* III. the ſame. That it appears by the town books, that John Marret was made free on the 22d of October, 1682.

There was alſo read an entry made at a court, held by the mayor, five portmen, and five capital burgeſſes, in February, 1680, in theſe words,—Memorand. *Quod eodem die*, &c. *Major et communitas burgi, præd. aſſemblat. et congregat. exiſten. in camera hujus burgi, eligend. burgenſes pro parliamento domini Regis prox. futur. tenend. ex eorum unanimi aſſenſu et conſenſu nominaverunt Johannem Duke, bar. et Thomam Glemham, arm. fore Burgenſ. pro hoc burgo ad parliament. dict. Domini Regis apud Oxon. prox. tenend.*

The ſitting members counſel called William Porter; who ſaid, he had been town-clerk ever-ſince 1682, and remembered all the elections ſince that time; and poſitively aſſerted, that the right of election was in the mayor, portmen, and capital burgeſſes, only; and that the freemen did not uſe to be called over at the ſaid elections; and he had examined the ancient books, and did not find any footſteps of their voting, nor did they ever demand it, until the laſt election; nor in his time had there ever been a poll.

Mr. Haſtings ſaid, he had been a portman about forty-ſix years, and had been at all elections ſince that time; and the mayor, portmen, and capital burgeſſes, were the electors; that the freemen, at ſuch elections were not called over, nor demanded to be polled; and, if they did, they were denied: and that Simon Bredſtrey did not vote at Mr. Copping's election, nor was ſent for by him; nor do the freemen vote for mayor or chamberlains.

Whitby ſaid, he was born in this borough, and could remember for 40 years; and never knew any but the mayor, portmen, and twelve capital burgeſſes elect; nor have the freemen offered themſelves, or been called over, at ſuch elections, as the mayor, portmen, and capital Burgeſſes are; and never knew Simon Bredſtrey vote, or offer to vote at ſuch elections.—Thurſton ſaid, that he had known this borough twenty years, and has been at ſeveral elections; and the right was in the mayor, portmen, and capital burgeſſes; and he never knew the freemen called over, or offer to vote.

Robinſon ſaid, he was a portman, and had been a freeman nineteen years; and that the right of election is in the mayor, portmen, and capital burgeſſes only; and that he was a freeman nine years, and never voted, nor ever knew any freeman offer to vote.

Brady ſaid to the ſame purpoſe: as did Tyes.

Mr. Edmond Foſter, who lived near to this borough, ſaid, he had known two or three elections;

and the method was, —The town-clerk, before the election, called over the mayor, portmen, and capital burgeſſes, and dotted ſuch as did appear: and that, at the election in 1693, he dotted with Mr. Porter the town-clerk; and the freemen are not called over: However, he owned; that ſome of the freemen would be in the room, and, upon naming of the candidates, would hallow and make a noiſe at the elections.

Sir Charles Gandy ſaid, he had known the borough twenty years, had been a capital burgeſs, and had endeavoured to ſatisfy himſelf in the conſtitution of the town; and he was aſſured, the right of election was in the mayor, portmen and capital burgeſſes: that he was preſent once, when the Lord Dyſert was choſen, and there was a great confluence of people, but they were not diſtinguiſhed by the freemen; though he owned, for refuſing the office of mayor, he had been diſcontinued for ſome years.

Upon this evidence, the committee reſolved, that it is the opinion of the committee, that the right of electing burgeſſes to ſerve in this parliament, for this borough, is in the mayor, portmen, capital burgeſſes, and freemen, of this borough.

The right being thus ſettled, the petitioner's counſel proceeded to ſhew, that the petitioners had the majority of votes: and called Mr. Gooding, who produced a poll, which he took by the mayor, Mr. Stevens's, order: and he ſaid, all thoſe polled were portmen, capital burgeſſes, or freemen.

The poll was—for Sir Edmond Bacon 33.
for Mr. Johnſon 34.

That there were for Sir Edmond Bacon, eight portmen, nine capital burgeſſes, and ſixteen freemen; and for Mr. Johnſon the ſame number of portmen and capital burgeſſes, and ſeventeen freemen: that there being two perſons acting as mayor; namely, Mr. Stevens and Mr. Syred; Sir Charles Hedges and Sir Thomas Felton were propoſed by Mr. Syred; and Sir Edmond Bacon and Mr. Johnſon by Mr. Stevens: that Mr. Porter drew a paper out of his pocket, which he ſaid was the precept; but he did not read it; that Mr. Porter begun the poll for Mr. Syred; and he, for Mr. Stevens; and Mr. Porter forbid him to go on: that he had not polled above four or five men, but he deſiſted, Mr. Porter promiſing to be juſt; but afterwards, Mr. Porter not polling the freemen, he went on, and polled for the petitioners, as aforeſaid. He was asked, if he did not begin the poll, after the return made by Mr. Syred: and he ſaid, he did not, but took it in the town chamber, and called them all over twice: that there are none polled for the ſitting members in this poll. It appeared to the committee, that there had been two mayors of this corporation and two ſets of officers ſince 1693; one under one mayor, and one under another: and thereupon a queſtion aroſe which were the legal freemen, who were ſo made ſince the diſpute: The determining of this depended upon the legality of the mayor. As to this, it appeared, that on the 13th of Auguſt, 1693, there was a court held by the mayor, which occaſioned the diſpute upon the legality of the ſummons; and conſequently three capital burgeſſes, then elected, were not duly elected.

By the evidence of Mr. Palmer and Mr. Gooding, and the two Haſtings; and the firſt three being of the majority of the court, were for filling up the vacancy of capital burgeſſes; and accordingly they elected Mr. Glemham, Mr. Bence, and Mr. Hook. And Kemp, the ſerjeant, proved, that he had given the uſual notice of the ſitting of the court; though Mr. Haſtings (for the ſitting members) ſaid, the court was held by ſurprize, and they did not come till the election of the three capital burgeſſes was made: upon which the two Haſtings being clavers, and one of the keys of the cheſt, where the charter and town's writings were kept, being loſt, they broke it open, and took out the charter and writings; and ſet up a diſtinct intereſt: ſo that the then mayor was forced to have a new book to inſert the proceedings of the court; and on the Monday before Michaelmas, each intereſt choſe a mayor, and have continued ſo to do ever ſince; and each has his mace and officers. — Upon theſe diſputes there have been ſeveral proceedings at law; and a copy of a record of an information againſt Nathanael Gooding, Richard Gooding, and Thomas Palmer, for holding the ſaid court, without notice to the reſt of the portmen, and for electing and ſwearing Mr. Glemham, Mr. Bence, and Mr. Hook, capital burgeſſes; and alſo for holding another court on the 24th of May next after, and putting out Henry Parker and Joſeph Haſtings, two portmen, and ſwearing Mr. Hook and Mr. Saunders into their room: whereupon at a trial at bar, there was a verdict for the defendants. And Betts ſaid, that the trial laſted three hours; and the verdict was upon full evidence to the ſatisfaction of the court. —— There was alſo a record of an information againſt the two Haſtings, for breaking open the cheſt, and taking out the writings; in which a verdict was given againſt them.—Betts ſaid, this laſt was tried before chief juſtice Holt at Ipſwich; and upon full evidence they were convicted, and a *capias* iſſued againſt them; and they were brought into court, and counſel moved that the writings might be reſtored; and the court ſaid, they ſhould be: but after, a *noli proſequi* was entered; upon which they moved to be brought into court again, which was ordered; and they were diſcharged.

Upon this the committee were of opinion, and directed, that the counſel ſhould be confined to bring evidence of ſuch perſons only, as were made portmen, capital burgeſſes, or freemen, before Michaelmas 1693. That the counſel being acquainted with this, thoſe for the ſitting members delivered in their poll, taken by Mr. Porter, by order of Mr. Syred, the mayor; wherein the numbers were —for Sir Thomas Felton 17;—for Sir Charles Hedges 16; — for Sir Edmond Bacon 3; — for Mr. Johnſon 4. Of theſe the counſel for the petitioners did admit eight, who voted for Sir Thomas Felton, and ſeven for Sir Charles Hedges, to be made free before Michaelmas, 1693.

But the counſel for the ſitting members did not controvert the numbers, but inſiſted, that not one of the petitioner's voters, not wrote down by Mr. Porter, demanded to be polled: and called Mr. Porter, and others, who ſaid, that about nine o'clock in the morning of the election day, they went to the hall; and the portmen and capital burgeſſes were called over and acquainted with the occaſion of their meeting; and that though Sir Thomas Felton and Sir Charles Hedges had the majority in appearance, yet a poll was demanded and had; on which the numbers were as before; and no perſon did demand to be polled, but who are there inſerted; and that Mr. Stevens, without any pretence of being mayor, polled, as a capital burgeſs, at Mr. Syred's poll; and the earl of Dyſert, Sir John Duke, and Mr. Palmer polled at the ſame time for the that, after the poll was over, they made proclamation; and the common ſeal was put to the indenture in open court, Mr. Stevens being then preſent; and then they adjourned the court: Yet it was owned, that there were freemen preſent; and the earl of Dyſert and Mr. Johnſon did demand, that they ſhould be polled.

The petitioners counſel offered to call other witneſſes, as to the taking of the poll; but, that matter being examined before, the committee did not think proper to call any more; and reſolved,

That Sir Thomas Felton, baronet, is not duly elected a burgeſs to ſerve in this preſent parliament, for this borough.

That Sir Charles Hedges, knight, is not duly elected a burgeſs to ſerve in this preſent parliament, for this borough.

That Sir Edmond Bacon, baronet, is duly elected a burgeſs to ſerve in this preſent parliament, for this borough.

That William Johnſon, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for this borough.

The ſeveral reſolutions, being read twice, were agreed unto by the houſe; and the return ordered to be amended.

February 13, 1700. A petition of Sir Charles Hedges, knight, and Sir Thomas Felton, baronet, was read; ſhewing, that the petitioners were duly elected to ſerve in this preſent parliament for this borough, not only by the mayor and commonalty, but by the freemen alſo; yet Henry Cooper, eſquire, high-ſheriff of the county, with intent to make a falſe return againſt the petitioners, delivered his precept to one John Saunders; both whom knew well that the execution thereof did not belong to Saunders, as was adjudged at bar laſt Michaelmas term; and the ſaid ſheriff did receive an indenture from the ſaid Saunders, importing, though untruly, that Sir Edmond Bacon and Sir Edward Turner were elected burgeſſes for the ſaid borough, and returned them accordingly; he refuſing an indenture, under the corporation ſeal, whereby the petitioners are rightfully returned by the mayor of the ſaid borough: and praying &c.

Ordered to be referred to the committee of privileges and elections to examine the matter, and report the ſame with their opinion.

27th. Ordered, the charters, aſſembly books, and court books, of this corporation, be brought to the clerk of the committee of privileges and elections, to be inſpected by the parties concerned, or their agents, who may take copies thereof, as they ſhall think fit.

March 18th. Ordered to be reported on this day ſeven-night.

March 25th, 1701. Sir Rowland Gwynn reported the matter of the ſaid petition, thus—That the petition ſhews (as before) and the fact was thus: In Orford are two perſons who pretend to the office of mayor, Thomas Haſtings, and John Saunders: that, on the 26th of December, Mr. Edmund Foſter went to Orford, where the high-ſheriff lived, and acquainted him, that Mr. Haſtings was mayor of this borough, and expected the precept; and on the 30th he went to Orford to John Saunders and told him, he hoped he would not meddle with the precept; and left, with the ſaid ſheriff and Saunders, a copy of a verdict at bar againſt John Morgan; and Mr. Foſter ſaid, he was preſent when the verdict was given againſt Morgan. Upon the point, whether Morgan was real mayor, Mr. Foſter could not ſay; but he demanded the precept before the ſheriff had the writ: but one French ſaid, that Mr. Haſtings did demand the precept of Saunders, after it came to town; but he refuſed to deliver it.

That it farther appeared to the committee, that Saunders, having the precept, gave notice, that the election would be on the 10th of January; and on that day they went to the town-hall, and the ſitting members were elected: that, when Mr. Saunders, and thoſe with him, came out of the town-hall, Mr. Haſtings, and ſeveral of the freemen went in; and there the petitioners were elected by the number of fifty-eight.

The petitioner's counſel inſiſted, they could make it appear that Saunders was not the lawful mayor, he claiming under Morgan; to which point the committee refuſed to hear them: but, it not being pretended, that public notice had been given of the time of election by Haſtings, neither ever had he any precept; and it alſo appearing, that no perſon proteſted againſt Saunders's proceeding, while he was in the town-hall, or any one demanded a poll of him;

The committee reſolved, that Sir Edmond Bacon, baronet, is duly elected a burgeſs, to ſerve in this parliament, for this borough.

That Sir Edward Turner, knight, is duly elected a burgeſs, to ſerve in this parliament, for this borough.

The firſt reſolution being twice read, upon the ſecond reading it was moved to receive it, but diſagreed to: and it was then agreed to by the houſe; as was the other alſo.

January. A petition of Charles Killigrew, eſquire, and Charles May, eſquire, was read; ſhewing, that, the ſheriff of Suffolk having directed a precept to the mayor of this borough for electing burgeſſes to ſerve in this parliament; one John Hook, pretending himſelf to be mayor, although, upon a ſolemn trial at bar in Weſtminſter-hall, his pretended title was found illegal, got the ſaid precept; and, on the 2d of December laſt, divers perſons proceeded to an election before him, and he has taken upon him to return Sir Edmond Bacon and Sir Edward Turner: that, the ſame day, before Daniel Whitby, eſquire, right mayor of the ſaid borough, ſeveral other perſons, being the majority of the qualified electors, elected the petitioners, and executed an indenture of return under the common ſeal, which Whitby tendered to the ſaid ſheriff; and he refuſed to accept it; and that he refuſed to deliver the precept to Whitby, who aſked him for it before the election; but the ſheriff hath accepted the return of the ſaid Hook; which partial proceedings of the ſheriff and Hook are to the petitioners prejudice: and praying &c.

Ordered to be referred to the committee of privileges and elections to examine the matter, and report the ſame with their opinion.

14th. A petition of Daniel Whidby, eſquire, mayor of the ſaid borough, and ſeveral of the commonalty and freemen, was read; ſhewing, that a precept, iſſuing from the ſheriff for electing burgeſſes to ſerve in this parliament for this borough; one John Hook, pretending to be mayor, though upon a ſolemn trial at bar in Weſtminſter Hall, he was found not to be legal mayor, got the precept, and refuſed it to the petitioner Whitby, who is the legal mayor; and proceeded to an election on the 2d of December laſt, and hath returned Sir Edmund Bacon and Sir Edward Turner, burgeſſes for the ſaid borough: that the petitioner Whidby alſo, upon the ſame day, having before that given due notice of the election, proceeded to the ſame; and the petitioner and many others, who had a right to vote, by a great majority, duly choſe Charles Killigrew and Charles May, eſquires; and made an indenture of return of them, under the common ſeal of the ſaid borough; and tendered the ſame to the ſheriff of the county, who refuſed to accept of it; and hath accepted Hook's return; by which partial and undue proceedings, the rights and privileges of the ſaid borough are violated: and praying &c.

Ordered, to be referred to the committee of privileges and elections to examine the matter, and report the ſame with their opinion.

Nov. 4, 1702. A petition of Edward Griffith and Charles May, eſquires, was read; ſhewing, that the ſheriff of the county of Suffolk having directed a precept to the mayor of this borough, for electing burgeſſes to ſerve in this parliament, one John Hook, pretending to be mayor (although found not to be ſo upon a trial at bar in Weſtminſter-Hall) poſſeſſed himſelf of the ſaid precept; and on the 25th of July laſt, divers perſons, before him, proceeded to an election; and he has returned Sir Edmund Bacon and Sir Edward Turner: that the ſame day, before Daniel Whitby, eſquire, the rightful mayor of the ſaid borough, ſeveral other qualified voters, being a great majority, elected the petitioners; and many of them with Mr. Whitby, executed an indenture of return, under the common ſeal of the ſaid borough, and tendered it to the ſaid ſheriff, who refuſed to accept it, and accepted the ſaid other return; and he did alſo refuſe to give the ſaid precept to Mr. Whitby, though he applied himſelf to the ſheriff before the election; which partial proceedings of the ſheriff, and John Hook, are to the prejudice of the petitioners, who were duly elected and returned, and not Sir Edmund Bacon and Sir Edward Turner: and praying &c.

Ordered to be referred to the committee of privileges and elections to examine the matter, and report the ſame with their opinion.

A petition of Thomas Thurſton, eſquire, mayor of this borough, and ſeveral of the commonalty and freemen of the ſaid borough, was preſented to the houſe, and read; ſhewing, that a precept being iſſued from the ſheriff of the county to the mayor of this borough, to elect burgeſſes to ſerve in this preſent parliament, one John Hook, illegally pretending himſelf to be mayor, got the precept, and proceeded to an election, and hath unduly returned Sir Edmund Bacon and Sir Edward Turner, who were not legally choſen; that the petitioner Whitby (as rightful mayor) on the ſame day proceeded to an election, with divers other legal voters, and duly choſe Edward Griffith and Charles May, eſquires, and accordingly made a return, and tendered it to the ſaid ſheriff, who refuſed to receive it, and accepted of Hook's return; all which undue proceedings are in violation of the rights of the petitioners: and praying &c.

Ordered to be referred to the committee of privileges and elections to examine the matter, and report the ſame with their opinion.

November 24, 1708. A petition of William Thompſon, of the Middle Temple, eſquire, was read; ſhewing, that the petitioner was a candidate at the election for members of this preſent parliament for this borough, and had a ſufficient number of legal votes to be returned; but that the mayor of the ſaid borough refuſed to poll ſome of the petitioner's voters, and admitted others for the ſitting members, Sir Edward Turner and Clement Corrance, who had no right to poll; by means whereof, and by bribery, menaces, and other indirect practices, Sir Edward Turner and Mr. Corrance were unduly returned: and praying &c.

Ordered to be heard at the bar upon the 13th of January. But not heard until

January 29. The houſe proceeded to hear the merits of the election for this borough. — And the counſel were called in; and the petition of William Thompſon, eſquire, relating to the election and return for this borough, was read; and the counſel on both ſides were heard, as to the right of election for the ſaid borough: and being withdrawn,

Reſolved, *nemine contradicente*, that the right of election of burgeſſes to ſerve in parliament for this borough is in the mayor, portmen, capital burgeſſes, and freemen, not receiving alms or charity.

And the counſel were called in, and by Mr. Speaker acquainted with the ſaid reſolution; and the petitioner's counſel were heard, and ſeveral witneſſes examined on his behalf: and the counſel and witneſſes being withdrawn— a motion was made to adjourn till Tueſday; and diſagreed to.

The counſel were again called in, and heard, and ſeveral witneſſes examined: and a book being produced on the part of the ſitting members, as a book of the corporation, beginning in the year 1693 (called the white book) to prove ſeveral perſons, who had voted for them, to be freemen; which book being objected to by the petitioner's counſel, the counſel and witneſſes withdrew; and were afterwards called in; and Mr. Speaker, by direction of the houſe, acquainted them, that the houſe were of opinion, that the ſaid book ſhould be given in evidence, as to freemen made after Auguſt 1704.

And the counſel were further heard; and withdrew.

And a motion being made, that the counſel be admitted, by living witneſſes, to give evidence as to freemen entered in the ſaid book before Auguſt 1704, an amendment was propoſed to be made to the queſtion, by leaving out "Auguſt 1704," in order to bring in "Michaelmas 1703;" the ſame amendment was diſagreed to; and the main queſtion put, and diſagreed to alſo.

Then a motion was made to adjourn the merits of the ſaid election until Tueſday; and diſagreed to.

The counſel was again called in, and heard; and ſeveral witneſſes examined on both ſides; and being withdrawn,

Reſolved, that Clement Corrance, eſquire, is duly elected a burgeſs to ſerve in this parliament for this borough.

Reſolved, that Sir Edward Turner is not duly elected a burgeſs to ſerve in this preſent parliament for this borough.

Reſolved, that William Thompſon, eſquire, is duly elected a burgeſs to ſerve in this parliament for this borough. And ordered the return to be amended.

October 25, 1722. A petition of Thomas Norton and Thomas Dacres, eſquires, was read; ſhewing, that at the election of burgeſſes to ſerve in parliament for this borough, the petitioners and Dudley North and William Acton, eſquires, were candidates: that a great majority of the inhabitants who pay ſcot and lot, in whom only is the right of electing members, voted for the petitioners; notwithſtanding which, the mayor of the ſaid borough admitted the votes of ſeveral honorary freemen and

out-but-liers for Mr. North and Mr. Acton, and returned them in wrong to the petitioners: and praying &c.

Ordered, that it be referred to the committee of privileges and elections to examine the matter thereof, and report the ſame with their opinion.

Nov. 27. Ordered, that leave be given to withdraw the ſaid petition.

OXFORD City.

THIS city, the capital of the county, hath returned burgeſſes to parliament from the 26th of Edward the firſt. Its method of election appears in three indentures; of which here follow three extracts; viz. 2°. *Hen. V. omnibus ad quos præſentes literæ pervenerint, major, aldermanni, ballivi, et tota communitas burgenſium villæ Oxon, ſalutem*, &c. *Sciatis nos unanimi aſſenſu et conſenſu noſtris &c. elegiſſe &c.—25°. Hen. VI. nos Johannes North major villæ Oxon. et Johannes Barton, et Thomas Wymond, ballivi, ac tota communitas dictæ villæ elegerunt &c. — 7°. Edw. IV. quod Ricardus Buſtrad et Thomas Halmam ballivi burgi Oxon. et comburgenſes burgi prædict. ex unanimi aſſenſu et conſenſu eligerunt*, &c. After which, I meet with no further memoirs until ſince the reformation; when the journals afford theſe following.

4 Reg. 1079.

Brady, 67.

ibid. 68.

ib.——

Feb. 8, 1620. Sir Francis Barrington—that the citizens of Oxford may be heard at the committee with their counſel, concerning the election of the citizens returned for that city.—And ordered counſel may be heard on both parts in the ſaid committee.

9th. Sir George Moor maketh report from the committee of privileges—that almoſt all the time ſpent about Oxford burgeſſes.—The caſe that the mayor, and fifteen more, called there the magiſtrates of the city.—A common council maketh them up forty-eight.

That the magiſtrates had in the upper houſe made a pre election, and then came down into the lower houſe, and there confirmed their choice.—Counſel heard on both ſides.—The information not againſt the party elected, but againſt the mayor and magiſtrates.—Witneſſes heard.—That after the ſaid pre-election, Mr. Wentworth in the lower houſe, there choſen, and not Sir Francis Blondell.— This teſtified by an alderman and three other witneſſes.

Proviſion for ſaving the pre-electors harmleſs.—That in the lower houſe, Mr. Wentworth, the recorder, by great odds choſen.—Alledged by counſel on the other part, that of the magiſtrates, fourteen for Sir Francis Blondell, and but one againſt him.—That two parts of three of the common council accordingly. Upon this the committee, with general conſent, all but one, for the election of Mr. Wentworth with Sir John Brook—and that of Sir Francis Blondell void.

Sir John Strangways—A pre-election and an election.—The magiſtrates ſhould propound two, as they pretend; but the power remained in the commons, not in the common council.

Upon queſtion—Adjudged, *una voce*, the election of Sir Francis not good.——

Upon 2d queſtion, whether Mr. Wentworth choſen? Reſolved, yea.——

Ordered, that the mayor &c. ſhall return Mr. Wentworth to the ſheriff; and he to return him to the clerk of the crown.

Ordered, that the mayor ſhall be ſent for by the ſerjeant for his miſdemeanor.

Feb. 20, 1710. Ordered a warrant for a writ in the room of Sir John Walter, baronet, made comptroller of the houſhold.

OXFORDSHIRE.

THIS county is ſituate towards the midland part of the kingdom; and was formerly under one ſheriff with Berkſhire. It was ſummoned, I apprehend, in the 22d of Edward the firſt; and from that time has returned members to parliament. In the return of 22d Edw. I. the ſheriff returned two knights of the ſhire and two burgeſſes for Oxon: and in the 28th year of that reign, to this county, the ſheriff added the knights for Berks; though not directed by his writ, (ſee Berks:) and in the 18th of Edward the third, he returned for both counties in one indenture, in the words following: *ego Drogo de Barentyne vic. vobis ſignifico, quod Ricardum de Vere militem, et Johannem de Croxford ſeniorem, de com. Oxon. Ricardum de Walden et Johannem de Vachell de com. Berks. de aſſenſu et arbitrio hominum eorundem com. nominatos prævenire feci* &c. The memoirs concerning its elections in the journals are very few; one only I have any footſteps of: which is as follows.

2 Reg. 40. B. P. R. 151.

ib.—146.

April 14, 1663. A writ was ordered for electing a member in the room of Lord Falkland, deceaſed, for this county.—And I find, — Knollys, eſquire, was returned; againſt whom Sir William Walter petitioned: for

June 18th it was ordered, that the cauſe between Mr. Knollys and Sir William Walter, touching the election for this county, now depending before the committee for elections, be put off from hearing this afternoon: and that the ſame be not again brought on to hearing, without a month's notice to Mr. Knollys.——This was never heard, as I apprehend; for I find, Mr. Knollys died knight of the ſhire.

UNIVERSITY of OXFORD.

THE privilege of ſending burgeſſes to parliament was granted to the univerſity by King James the firſt, in 1603: an extract of the charter will be found in the Appendix. The memoirs relating to elections, and the members in that reſpect, in the journals, are theſe.

Pat. 1° Jac.

March 1, 1625. Sir John Finch reporteth from the committee for privileges for the election for this univerſity. In reſpect of ſome witneſſes then heard, the committee thought fit the vice-chancellor of Oxford ſhould be ſent for, to appear before the committee upon to-morrow fortnight to give ſatisfaction to the committee in thoſe things, which ſhall be demanded of him concerning the ſaid election; but not as a delinquent.

Sir John Davers undertaketh to ſend him notice; and that he ſhall appear.

10th. Sir John Finch reports from the ſame committee, that the committee being doubtful, whether one Vawer, committed by the vice-chancellor for miſdemeanor, or for oppoſing the vice-chancellor in the election? that the committee deſireth the opinion of the houſe; whether he, being a material witneſs, to prove the undueneſs of the election, ſhall be ſent for by the houſe, being ſtill in priſon.

Reſolved, that this be let alone, till the vice-chancellor be heard.

17th. Sir John Finch reporteth (from the ſaid committee) the caſe for this univerſity, concerning the election of Sir Thomas Edmonds.——The caſe thus.

thus: 17th of January laſt a convocation called, and ſome letters commendatory read: according to the uſe, ſome ſpeech uſed by Mr. Vice-chancellor.—The maſters, ſome of them, cried "*Placet*," ſome "*Non*:" but none named.—They moved, by the vice-chancellor, to name one. They cried, "*ad ſcrutinium*."—The grant 1°. *Jac.*—*eiſdem modo et forma*, as in other towns. Their manner of ſcrutiny being by their names in writing, or *in aurem* of the proctor.—The vice-chancellor—That the committee, *ſuper totam materiam*, agreed the election of Sir Thomas Edmonds void.——Upon queſtion, ſo reſolved in the houſe; and a new writ.——

That Vaad, in the opinion of this committee, juſtly committed by the vice-chancellor for miſdemeanors.

April 19, 1626. The election for this univerſity, to be referred to the committee of privileges.

Oct. 25, 1722. A petition of William King, LL.D. was read; ſhewing, that at the election of members to ſerve in parliament for the univerſity of Oxford, the petitioner, William Bromley, eſquire, and George Clarke, LL.D. were candidates: that a poll being demanded by the petitioner, Robert Shippen, D.D. vice-chancellor, who preſided as the returning officer; and by reaſon of divers corrupt and illegal practices, committed by him and the ſaid Mr. Bromley and Mr. Clarke and their agents, they have procured themſelves to be returned, to the prejudice of the petitioner: and praying &c.

Ordered it be referred to the committee of privileges and elections to examine, and report the ſame with their opinion.

A petition of Sedgwick Harriſon, Robert Brynker, Joſeph Sandford, Bartholomew Richards, Thomas Loveday, William Liveſay and James Monro, maſters and ſcholars of the ſaid univerſity, in behalf of themſelves, and the reſt of the maſters and ſcholars of the ſaid univerſity, was read; ſhewing, that at the election of members to ſerve in parliament for the ſaid univerſity, William Bromley, eſquire, and George Clarke, LL.D. by divers corrupt and illegal practices, did procure themſelves to be returned, although not duly elected; and the ſaid Mr. Bromley was not qualified to ſerve, as by the charter he ought to be: and praying &c.

Ordered to be referred to the committee of privileges and elections to examine, and report the ſame with their opinion.

PEMBROKESHIRE.

4 Inſtitut. 221. THIS is one of the twelve Welch counties. It was formerly a county palatine within Wales, and its Earl was *Comes Palatinus*, and had *Jura Regalia*. Its juriſdiction was taken away by the ſtatute 27 Hen. VIII. which enabled it to ſend one knight of the ſhire and two burgeſſes: one for Pembroke, and one for Haverford Weſt. The proof of its palatinate will appear from the charter of Edward III. which ſee in Appendix. The memoirs of matters relating to its elections here follow. 27 Henry VIII. c. 6.

May 28, 1624. Mr. Glanville reports concerning one of the knights of Pembrokeſhire againſt Sir James Perrot. Committee reſolve not to meddle with it, becauſe it came after the time ſix weeks.

Reſolved, that the election and return of Sir James Perrot is due and good.

Feb. 21, 1700. A petition of John Barlow, William Skirme, John Phillips, Owen Ford, eſquires, and ſeveral other freeholders of this county, was read; ſhewing, that at the election of a knight to ſerve in this parliament for this county, Sir Arthur Owen, baronet, and Sir William Wogan, knight, were candidates: that Thomas Lloyd, eſquire, ſheriff of this county, did privately deliver the writ to Charles Phillips, John Langharne, John Meyrick, eſquires, great friends of Sir Arthur; and, as pretended, deputed them, with Thomas Skirme, his under-ſheriff, with the execution thereof, and to take the poll: and the three deputies would not admit any to inſpect the poll for Sir William; and directed perſons to poll againſt him that were no freeholders, refuſing to adminiſter the oath to them, although demanded: and the ſaid pretended deputies took upon them to controll the under-ſheriff, who openly declared againſt their unjuſt proceedings: whereupon, all, or the greateſt number of, freeholders, that would have voted for Sir William, went away; by which means, and many other unlawful practices of the ſaid ſheriff and his deputies, before and at the election, the ſaid Sir Arthur Owen was returned, to the apparent wrong of the ſaid Sir William Wogan, and the greater number of the freeholders of the ſaid county, who were deprived of the liberty of election: and praying &c.

Ordered, that the ſaid petition be referred to the committee of privileges and elections to examine, and report the matter with their opinion.

March 30, 1715. A petition of John Barlow, eſquire, was read; ſhewing, that at the election for this county, the petitioner and Sir Arthur Owen were candidates: that the ſheriff of the ſaid county being promiſed great rewards by the ſaid Sir Arthur Owen; and he behaving himſelf very partial in admitting divers perſons to vote for the ſaid Sir Arthur Owen, who had no right; and deterring and rejecting others from voting for the petitioner, who had an undoubted right ſo to do: and that guards of twelve men were appointed, moſt of them ſervants to Sir Arthur, armed with his halberts, under the notion of the ſheriff's men; many of whom behaved themſelves very inſolent towards divers of the freeholders, and beat them; whereby they had not the opportunity of giving their votes for the petitioner: and that the ſaid Sir Arthur Owen is returned, without declaring the ſaid election for the ſaid county: and praying &c.

Ordered, that it be referred to the committee of privileges and elections to examine the matter, and report the ſame with their opinion.

PEMBROKE Town.

THIS is the ſhire town for the county of this name, enabled to return repreſentatives to parliament by the ſtatute of the 27th of Henry the eighth. It hath joined with it in this privilege the boroughs of Tenby and Wiſton. The memoirs concerning the elections and its rights, in the journals, are theſe. Stat. 27 H. VIII. c. 2.

May 18, 1621. Sir George Moor reporteth from the committee for privileges, concerning a burgeſs for this borough.—That they of Pembroke ſtood upon it, they only had right, and the out-boroughs none. That the out-boroughs were refuſed to have their voice.——Hereupon the choice of Powell, by thoſe of Pembroke, holden void by the committee.

December 5, 1710. A petition of Lewis Wogan, eſquire, was read; ſhewing, that at the election of a burgeſs to ſerve in this preſent parliament for this borough, the mayors and burgeſſes of Wiſton and Tenby, in this county, have a right to vote in the election of members to ſerve in parliament, together with the mayor and burgeſſes of Pembroke; but the mayor of Pembroke would not permit the mayor and divers burgeſſes of Wiſton to vote for the petitioner, though they had frequently uſed that right without interruption; and the ſaid mayor polled ſeveral for Sir Arthur Owen, who had no right; by means whereof, and by bribery, and other indirect practices, the ſaid Sir Arthur Owen has procured himſelf to be returned, in wrong to the petitioner, who had the majority of legal votes, that would have polled for him: and praying &c.

Ordered, that it be referred to the committee of privileges and elections to examine, and report the matter with their opinion.

A petition of the mayor, and divers of the burgeſſes, of the ancient borough of Wiſton in the county of Pembroke, on behalf of themſelves and the reſt of the burgeſſes of the ſaid borough, was read; ſhewing, that the ſaid borough is an ancient borough by preſcription, and their mayor and burgeſſes, and alſo the mayor and burgeſſes of Tenby, together with the mayor and burgeſſes of Pembroke, have a right to vote at the election of a burgeſs to ſerve in parliament for the borough of Pembroke, and have frequently exerciſed that right, and the mayor of Pembroke has given notice of ſuch election; but Sir Arthur Owen, baronet, (to gain the government of Pembroke wholly to his own hands) in 1704, procured himſelf to be elected mayor, (although by the charter he was not qualified ſo to be) and ſo continued illegally for two years; during which time he admitted great numbers of his dependents, tenants, and ſervants, who did not live within the liberties of Pembroke, to be common council men, and burgeſſes; thereby intending, contrary to the charters and by-laws of the ſaid borough, to deprive the petitioners of their right of election: that Sir Arthur hath procured divers of his dependents, of mean fortunes, who were not houſeholders in the town, to be elected mayors, who have alſo admitted great numbers of unqualified perſons as burgeſſes of Pembroke; and the preſent mayor, Joſeph Rickſon, ſolicited in the laſt election for Sir Arthur, and proceeded to election, without giving the petitioners ſuch notice as the law requires; yet they, and other burgeſſes of Wiſton, reſorting to the ſaid election, were in a riotous manner menaced by Sir Arthur Owen and his agents, and their votes were refuſed for Lewis Wogan, eſquire; by which, and other undue practices, the ſaid Sir Arthur hath procured himſelf to be returned, and the petitioners are in danger of loſing their juſt privilege of voting in elections to parliament for ever, unleſs relieved by the houſe: and praying &c.

Ordered to be referred to the committee of privileges and elections to examine, and report the matter with their opinion.

Dec. 8, 1711. The ſaid Mr. Wogan, and the ſaid mayor and burgeſſes of Wiſton, preſented two petitions, the ſame in ſubſtance with theſe aforeſaid; which were ſeverally read, and referred, as before.

Feb. 23. Mr. Freeman reported the matter upon the ſaid petitions, as it appeared to the committee.—That the counſel for the petitioners alledged, that the right of election is in the mayors, bailiffs and burgeſſes, of the ſeveral boroughs of Pembroke, Tenby and Wiſton.

That the counſel for Sir Arthur Owen alledged, the right of election to be in the mayors, bailiffs, and burgeſſes, of Pembroke and Tenby only.

That the poll was taken of the burgeſſes of Pembroke and Tenby only.—For Sir Arthur Owen 207.
For Mr. Wogan 124.

The petitioner's counſel inſiſted, that by the act of 35th of Henry VIII. for knights and burgeſſes in Wales, concerning the payment of their fees and wages; all the cities and boroughs in Wales, not ſending burgeſſes for themſelves, are to be contributary to the wages of the burgeſſes to parliament for the ſhire towns; and are to have notice by the mayors, bailiffs, and other head officers, of the ſhire towns, or by one of them, of the elections to parliament; in which elections they are to vote, as the burgeſſes of the ſhire towns uſed.

That the ſitting member's counſel inſiſted, that Wiſton is only a Lordſhip-marcher, and not a borough within the meaning of that act; and that, if Wiſton ever was a borough, in reſpect of their acquieſcence, and not voting, from the 35th of Henry VIII. to King Charles II's time, that borough ought to be preſumed to be diſſolved, according to the power given the King by the act of the 34th and 35th of Henry VIII; though no record of any letters patent, or inſtrument, for the diſſolution thereof, can now be found.

That to prove Wiſton an ancient borough by preſcription, and that the burgeſſes thereof have a right of voting in the election of members to ſerve in parliament for this borough of Pembroke, were produced (on the petitioner's behalf) the following records and writings; viz. 4 *Junii*, 14 *Hen.* VII. An exemplification of proceedings in the great ſeſſion; whereby it appears, that Henry Wogan, eſquire, and his anceſtors, as lords of three parts in four of the manor of Wiſton, had, time out of mind, divers liberties, franchiſes, and juriſdictions there; and, amongſt others, an hundred-court held *per præpoſitum ſuum*, for pleas in matters ariſing *infra burgum de Wiſton*.

7 Jun. 16 Eliz. The court roll of an hundred-court held at Wiſton, *coram majore*.

The oaths of a mayor and burgeſs of the borough of Wiſton, affixed to the minutes of ſeveral courts-leet held before the mayors of Wiſton, in and between the 23d of Charles I. and 1650; by which it appears that ſome perſons were in theſe years admitted and ſworn burgeſſes; and others admitted and ſworn mayors of Wiſton; and divers acts done at the ſaid courts.

March 14, 1680. A return to parliament, mentioned to be made by the mayor, bailiffs, and burgeſſes of Pembroke, and the mayor and burgeſſes of Tenby; ſigned by them, and by the mayor of Wiſton, and two aldermen there.

Jan. 14. 1688. A return mentioned to be made by the mayor, bailiffs, and burgeſſes of Pembroke, and others, whoſe names are ſubſcribed, and who have a right of election of a burgeſs in parliament for the ſaid town and borough of Pembroke, of a perſon elected according to the ancient laws and cuſtoms; ſigned by the mayors, bailiffs, and ſeveral burgeſſes of Pembroke and Tenby, and by Compton Gwyther for Wiſton.

Another return, March 17, 1689, ſigned by the mayors, bailiffs, and ſeveral burgeſſes of Pembroke and Tenby, and by Thomas Skyrme of Wiſton; and, under his name, ſix other names without any addition.

December 30, 1695. Another, ſigned by the mayors, bailiffs, and burgeſſes of Pembroke and Tenby; and ſigned and ſealed in a diſtinct column; "We the mayor and borgus of Wiſton;

“ Thomas Skirme, mayor; Arthur Jones:” —— Thoſe words, “ We the mayor and borgus of “ Wiſton,” appear to be wrote upon a raſure in the record.

Jan. 11, 1700. A notice in writing, under the hand of the mayor and corporation ſeal of Pembroke, directed to the mayor, headborough, or other chief officer of Wiſton, giving notice of the precept, and time and place of election for the then enſuing election of a member to ſerve in parliament for this borough of Pembroke; at which time, ſuch perſons inhabiting within the ſaid borough of Wiſton, as claimed a right of voting in the ſaid election, if any ſuch they had, might, if they thought fit, be preſent at ſuch election.

July 20, 1702. The like notice, without any ſeal. July 24, An order in the town book of Pembroke, that no notice ſhould be ſent thereafter to the borough of Wiſton: his order recites the aforeſaid notice of the 20th July, 1702; and that it was the ſame day delivered to the mayor of Wiſton; that no body of that borough appeared to vote at the election; and that ſeveral notices had been before ſent to the borough of Wiſton, for the purpoſe aforeſaid; and they had not at any time made it appear, they had any right of voting.

George Jones ſaid, that, upon the aforeſaid notice in 1700, his father Arthur Jones, who was then an alderman and mayor of Wiſton, went to Pembroke-hall to vote at the election; and that his father, and another of Wiſton, went again to the election in 1705; and no body objected to their voting: that he could not ſay, there was any poll, or that he ſaw any return ſigned: that he named four other perſons of Wiſton, who were at elections at Pembroke; but there was no diſpute: that ſeveral gentlemen have been ſworn mayors of Wiſton; that the burgeſſes of Wiſton have ſeveral privileges; and they have a fair; and that he has ſeen a market there, and toll paid.

For Sir Arthur Owen, —— Henry Carrow, and others, ſaid, they had lived in, or near Pembroke, 70, 60, and 50 years: that the burgeſſes of Pembroke and Tenby only have right of voting, and that Wiſton-burgeſſes have no right; that they have known four or five elections, but none diſputed till the laſt; that they never ſaw any of the Wiſton burgeſſes at any election, or ever heard they voted, or pretended to vote, till within two or three years: that Wiſton is twelve miles from Pembroke; and has only ten or eleven houſes there.

Maylett ſaid, he was town-clerk of Pembroke in 1702, and was preſent when the notice was ſent to Wiſton, and when the order was made againſt ſending any notice: that they were made by the direction of the mayor and common council of Pembroke, aſſembled in common council there.

Thereupon the committee reſolved; that the mayor and burgeſſes of the ancient borough of Wiſton, in the county of Pembroke, have a right to vote at the election of a member to ſerve in parliament for this borough of Pembroke.

To add 239 to the petitioner's poll; was called,

George Owen, eſquire; who ſaid, the mayor and burgeſſes of Wiſton came to Pembroke to vote in this election; and upon their coming there, the fire-bell rang; upon which there was a great tumult; the burgeſſes and inhabitants, for ſeveral miles, ran together; and Sir Arthur Owen made a ſpeech, and told them, that the Wiſton burgeſſes were come to deſtroy their rights and privileges, but he would ſtand by the corporation of Pembroke with his life and fortune; and thereupon the Wiſton burgeſſes were ſaid to be enemies; and the mob went up and down, and huzza'd at the houſes into which thoſe burgeſſes were got to avoid the danger of this tumult, but no miſchief happened: that the burgeſſes of Wiſton who came to vote, were 239; that the mob declared they would knock them on the head, if they came to the poll; and guards were ſet againſt them at the hall ſtairs; upon which, the Wiſton burgeſſes went to the Caſtle-green at Pembroke, where their names were called by a liſt and they declared, one by one, they would vote for the petitioner: and then the mayor of Wiſton went to the poll, and there tendered the liſt to the mayor of Pembroke, and declared it was a liſt of Wiſton burgeſſes, who were ready to vote for the petitioner; and deſired to poll; but the mayor of Pembroke rejected the liſt, and declared, he would not admit a Wiſton burgeſs to vote there.

Griffith ſaid, the fire-bell was rung at Sir Arthur Owen's inſtance.———Mr. R. Owen ſaid, he was clerk of the borough of Wiſton, and was 14 years ſteward of it: that of the 239 Wiſton burgeſſes, whoſe names he called over at this election at the Caſtle-green by a liſt, and who all declared they would have voted for Mr. Wogan; 104, whoſe names he had in a liſt, had been ſeveral years, to his knowledge, burgeſſes, and the others claim to be ſo: that many of theſe 104 were ſworn burgeſſes, by himſelf, at the uſual place; and the reſt were ſworn ſuch burgeſſes by other ſtewards at ſeveral times, when he was preſent: that 64 others of the 239 were ſworn by him many years ſince; that they have ſerved upon juries at courts there; and none but burgeſſes do ſo: that there are 30 or 40 inhabitants at Wiſton, who have attended all the courts there.

The two Mr. Owens ſaid, there was a book of entries of the admiſſions of the burgeſſes of Wiſton, which has been miſſing ever ſince Mr. Howell's death, who died about two years ſince; that it has been demanded of his executrix; and the petitioner has a bill in equity againſt her for diſcovery of that, and other writings of the ſaid borough.

Sir Arthur Owen's counſel called, Bateman; who ſaid, he was ſworn a burgeſs of Wiſton four years ſince, and went with the Wiſton men, who were about 200, to Pembroke, with a deſign to vote for the petitioner in this election; but that their votes would not be received: that he was with them at the Caſtle-green, and all that was done, was calling their names by a liſt, which they only anſwered to, without being aſked, or ſaying, who they did or would vote for: that four of that company told him, they were not burgeſſes of Wiſton; but he knew ſeveral others that were. Then the committee reſolved,

That Sir Arthur Owen, baronet, is not duly elected a burgeſs to ſerve in this preſent parliament for this borough.

That Lewis Wogan, eſquire, is duly elected a burgeſs, to ſerve in this parliament for this borough: whereto, the reſolutions being twice read, the houſe agreed, and ordered the return to be amended.

March 30, 1715. A petition of George Barlow, eſquire, was read; ſhewing, that at the election for this borough, that the petitioner, — Thomas Ferrers, eſquires, ſtood candidates; the mayor of the ſaid borough being intirely in the intereſt of the ſaid Thomas Ferrers, by bribery, promiſes of preferment, &c. did by undue and illegal means, procure him to be returned, notwithſtanding the petitioner had a very great majority of legal votes; and although the ſaid Thomas Ferrers is not legally qualified in reſpect of eſtate: and praying &c.

Ordered, that it be referred to the committee of privileges and elections to examine the matter, and report the ſame with their opinion.

A petition of the burgeſſes inhabiting within the ancient corporation of this town and Tenby, on behalf of themſelves, and other burgeſſes of the ſaid boroughs was read; ſhewing, that Wiſton, a ſmall village, never pretended to be a borough, or to have a right of voting, till within theſe four years; that all the colour of right Wiſton had, is ſet forth in a manuſcript under the hand of the deceaſed's material evidence, ready to be produced: and praying &c.

Ordered, that it be referred to the committee of privileges and elections to examine the matter, and report the ſame with their opinion.

PENRYN.

THIS borough, ſituated in the county of Cornwall, was an ancient borough, being ſo made by King Henry III. but never ſent burgeſſes to parliament (as Dr. Willis writes) until the laſt year of King Edward VI. and King James I. incorporated it. [See Extract of the charter in Appendix.] The memoirs relating to the elections, in the journals of the houſe of commons, are theſe.

Willis, p. 10.

October 25, 1680. A petition of Francis Treſuſis and James Vernon, eſquires, was read.

Ordered, that the ſaid petition be referred to to the conſideration of the committee of privileges and elections; to examine the matter thereof, and report the ſame, with their opinion.

March 24th. A petition of Samuel Rolls and James Vernon, eſquires, touching the election for this borough, was read.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame with their opinion.

February 10th, 1698. A petition of James Vernon, junior, eſquire, was read; ſhewing, that the petitioner and Alexander Pendarvis, eſquire, were candidates at the laſt election of a burgeſs for this borough; when the mayor refuſed to poll ſeveral for the petitioner, who had a right to poll; and admitted others to poll for Mr. Pendarvis, that had no right; and many, who declared their intention to vote for the petitioner, were by indirect practices prevailed upon to vote for Mr. Pendarvis; who had procured himſelf to be returned, upon pretence of having a majority of two voices, though the petitioner had the majority of legal voices, according to the rule ſettled at the taking of the poll: and praying &c.

Ordered, that it be referred to the committee of privileges and elections to examine the matter, and report the ſame with their opinion.

December 5th, 1710. A petition of Francis Godolphin, eſquire, commonly called Lord Rialton, was read; ſhewing, that, at the laſt election of burgeſſes to ſerve in this preſent parliament for this borough, Alexander Pendarvis and Samuel Treſuſis, and the petitioner, were candidates: that Thomas Herle was then portreeve of the ſaid borough, and the precept for election ought to have been delivered to him by the ſheriff of the county; but he, to influence the election, delivered it to Joſeph Penhallow, who had no pretence to the ſaid office, nor had been in poſſeſſion thereof for many years before; yet he took it upon him, and refuſed ſeveral good votes for the petitioner, and took great numbers of bad votes for the ſaid Mr. Treſuſis, who, by illegal practices, procured ſeveral votes; and the ſaid Penhallow hath returned Mr. Pendarvis and Mr. Treſuſis; although the petitioner had more good votes than either of them, and ought to have been returned with Mr. Pendarvis: and praying &c.

Ordered, that it be referred to the committee of privileges and elections; to examine the matter, and report the ſame, with their opinion.

March 2, 1713. Ordered a warrant for a new writ for electing a burgeſs for this borough, in the room of Alexander Pendarvis, made Surveyor-general of the crown lands.

November 21, 1717. Ordered a warrant for a new writ for electing a burgeſs to ſerve for this borough in the room of the right honourable Hugh Boſcawen, eſquire, made joint Vice Treaſurer of Ireland.

PETERBOROUGH.

THIS was made a city by Henry VIII. and as ſuch, I apprehend, obtained the privilege of ſending members to parliament. The firſt return, that appears, was in the firſt of Edward VI. The right of election will appear from the following memoirs.

Pat. 33 H. VIII.

November 8th, 1667. Serjeant Charleton reported, from the committee of privileges and elections, the caſe between Sir Vere Fane, and the Lord Fitzwilliams, touching the election of this city.—That all the inhabitants, which pay ſcot and lot, have voices in election; and that the lord Fitzwilliams had the majority of voices, though Sir Vere Fane was returned by the bailiff of the city; and that the committee were thereupon of opinion, that the Lord Fitzwilliams was duly elected, and ought to ſit; and that the bailiff had made an undue return: whereto the houſe agreed, and ordered the return to be amended by the clerk of the crown. The bailiff, being after called in, and kneeling at the bar, acknowledged his offence in making an undue return, and that he did it through ignorance; and, having had the reproof of the houſe from Mr. Speaker, was diſcharged.

May 30, 1685. A petition of the dean and chapter of Peterborough, touching the election for this city, was read.

Ordered, that it be referred to the committee for elections and privileges; to examine and report the matter, with their opinion.

February 14, 1700. A petition of Francis St. John, eſquire, was read; ſhewing, that Sidney Wortley, alias Montague, eſquire, Gilbert Dolben, eſquire, and the petitioner, were candidates at the laſt election of members for this city; and Mr. Montague by bribes and entertainments, after the teſte of the writ, procured a great number of the electors to vote for him; and yet the petitioner, upon the poll, had the majority of legal voices; but the bailiff hath unjuſtly returned Mr. Montague: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

June 11, 1701. Ordered, that the report be made on Monday next.

16th. Sir Rowland Gwynn reported the matter; *viz.* That the right of election was agreed to be in the inhabitants, paying ſcot and lot; and upon the poll the numbers were for Mr. Wortley Montague 166.—for the petitioner 160.

The counſel for the petitioner excepted to ſeveral of the ſitting member's votes: and examined Mr. James Taylor, as to Thomas Tinkerſon, Robert Hake, and Robert Tuſte, who voted for the ſitting member:

As to the firſt and laſt, he ſaid, they lived with their mothers: but it was owned, they paid the rate at the time of the election; and one Duſe was tenant to Hake for part of the tenement where Hake lived, and paid the rate for the ſame.

There were ſeveral others excepted to, as not paying ſcot and lot; but it appeared, they lived within the minſter; and they having voted for both, the examination of their right of voting was waved.

Mr. Standiſh ſaid, Abbot had received ſacrament money, and had a penſion of ſix ſhillings yearly from the church; and Pack had received ſacrament money: but both theſe lived within the minſter.

The counſel then proceeded to charge Mr. Montague's voters with indirect practices; and called Mr. Pemberton and others: and Mr. Pemberton ſaid, Bagley told him, if he would not lend him ten pounds, he could have it at another place.

Mr. Little ſaid, that Mr. Wheeler and Mr. Langton, who acted for Mr. Wortley Montague, did agree with Bagley to lend him ten pounds, in conſideration he ſhould vote for Mr. Wortley Montague: And Mr. Edward Tinkerſon ſaid, that Bagley did tell him, that, for that reaſon, Charles Parker had lent him ten pounds.

Jeſſop and Wood teſtified, that Joſhua Oates told him; that Mr. Benningfield (being told by him he was for the petitioner) ſaid, he would have him give a ſingle vote for Mr. Wortley Montague; and threatned him, if he did not, to ſue an article of twenty pounds againſt him, and throw him out of his work; and if he would vote for Mr. Wortley Montague, he would pay his debts: alſo that Mr. Benningfield gave him a chaldron of coals and one ſhilling; and paid a reckoning of three ſhillings and ſix-pence.

Erſly ſaid,—Benningfield aſked his vote for Mr. Wortley Montague, and told him, if he would be for Mr. Wortley Montague, he ſhould have 100 l. ſpent and lent him at his houſe, in three months. He owned, Mr. Benningfield did not ſpeak to him for any other vote.

Kirl ſaid, he was deſired by Mr. Parker to vote for Mr. Wortley Montague; and told him, he was engaged, and had rather give twenty ſhillings than be a turn coat: that Parker told him, if he would, he ſhould make ten or twelve pounds worth of baſkets; and, if he did not, he would turn him out of his houſe.

Sherman ſaid, Mr. Parker deſired him to vote for Mr. Wortley Montague: and Sherman telling him he would not, Parker offered him an horſe to go out of town; and told him, if he expended twenty ſhillings or more, he ſhould have it.

Carrier and Goodyer ſaid, Mr. Parker deſired their votes for Mr. Wortley Montague.

Wood and Wilton ſaid, Lee told him (Wood) that Mr. Whynyard deſired his vote for Mr. Wortley Montague; and he ſaying, he could not, Lee ſaid, he had not work for him: then he deſired to conſider of it; and went again, and had fourteen ſhillings of Mr. Dillingham, and might have had ten pounds: Lee is a cobler.

Turner and Butler ſaid, Dillingham came to his (Turner's) houſe, and offered to help him to as much money as would pay his rent and malt, which was about forty pounds, if he would vote for Mr. Wortley Montague.

Banks ſaid, one Watts, in the morning of the election day, ſaid he would vote for Mr. St. John: and two days after, Watts told him, he was catched in Lord Williams's woods, and was threatened; and Mr. Parker had engaged to be his friend, if he would vote for Mr. Wortley Montague.

Dickinſon ſaid, that Garland told him, after the election, he would have voted for Mr. St. John, but he was forced to do what he did.

Pain ſaid, he had, about a fortnight before the election (at Aſhton's) wine and ale, without paying for it; and Aſhton's houſe was taken up by Mr. Wortley Montague: and that he was there once before; and all thoſe he ſaw there were for Mr. Wortley Montague, but himſelf.

Paris ſaid, he was in company on the election day with Mr. Wortley Montague's voters, from ſix to eleven o'clock, who drank, and he ſtaid till they were all gone, and that no drink was paid for; and he ſaw ſeveral others drinking at the Goat.

Aſh ſaid, that ſix or ſeven were treated at the Goat, the night before the election.

Butler ſaid, he was at the Talbot on the election day, where there was beer and claret; and he ſaw no man offer to pay.

For Mr. Wortley Montague, was called Whinyard; who ſaid, in October, Mr. Parker had engaged to lend Baggley ten pounds, and Baggley came to him to fill up a bond for it; and apprehending it might be an exception, if Mr. Parker had aſked Baggley's vote, he appointed him to come again, and then aſked Mr. Parker if he had deſired his vote: and Mr. Parker ſaid, he had not, and when Baggley came again, he ſaid ſo alſo; ſo he filled up the bond about three months before the election: and that Mr. Parker was a gentleman of ſix or ſeven hundred pounds *per annum*, and a great monied man: that he thought Tusk an houſekeeper, he having a licence, and paying rent: that Tinkerſon has a ſhop: that Duce at the election owned, he paid money for his landlord Hake, and was thereupon allowed; and Mr. St. John, when he went away after the poll was declared, made no exception: that what Dillingham did (the counſel ſaid) was without Mr. Wortley Montague's knowledge.

As to expences, Mr. Whinyard ſaid, he had a letter from Mr. Wortley Montague, dated the 19th of December, in which Mr. Wortley Montague wrote; if Mr. St. John's friends expended money, he would have them do ſo till the 19th, but no longer: and Mr. St. John's friends did expend twenty ſhillings at each houſe: that on the election day, Mr. Wortley Montague hearing there were ſome people at the Talbot and other public houſes, he went and forbid them at the Talbot and Goat; and ſome of them were angry, ſaying, they hoped they might ſpend their own money.

Mr. Langton ſaid, he had ſeveral letters from Mr. Wortley Montague before the teſte of the writ, wherein he deſired no money ſhould be expended; and particularly he went to Aſhton's, who told him, he did not deſire that Mr. Wortley Montague ſhould pay a farthing for what was expended there.

Aſhton and Winchley ſaid, there was no money expended on the election day, nor after the writ was out, at their houſes; but the perſons paid for themſelves.

Then the ſitting member's counſel ſaid, they did not care to trouble the committee with any more witneſſes, thinking the cauſe to be very clear.

The committee then came to this reſolution; that Sidney Wortley, alias Montague, eſquire, is duly elected a citizen to ſerve in this preſent parliament for this city: whereto, upon its being twice read, the houſe agreed.

December 5, 1710. A petition of the dean and prebendaries of the cathedral church of Peterborough, was read; ſhewing, that the petitioners and their predeceſſors, ever ſince the foundation of the church, have always appointed a bailiff for this borough and city; who have executed all precepts for electing members to parliament, without any manner of diſpute: that the preſent high-ſheriff of Northampton, though acquainted with the petitioners right; and that Mr. Francis Cole was their bailiff, and directed his precept to the bailiff of Neſborough, who refuſed to deliver it to the petitioners bailiff; and he has affixed it to an indenutre in behalf of Mr. Fitzwilliams and Mr. Parker, and returned it to the high-ſheriff, who received it; and refuſed to accept the indenture and return of the petitioners bailiff; whereby the honourable Sidney Wortley, eſquire, and the ſaid Mr. Fitzwilliams, are duly returned as members to ſerve in this parliament for this city: and praying &c. Alſo,

A petition of the honourable Sidney Wortley, alias Montague, eſquire, was read; ſhewing, that at the election for members to ſerve in this parliament for this city, the petitioner and John Fitzwilliams were duly elected, and as ſuch returned to the ſheriff of the county of Northampton (who refuſed to receive the ſame) by the bailiff, appointed by the dean and prebendaries of Peterborough, who always had the right to make ſuch return without any manner of diſpute; but the ſaid ſheriff directed his precept to the bailiff of Neſborough, and cauſed the ſame to be delivered to one Robert Smith, who took upon him to return the ſaid Mr. Fitzwilliams and Charles Parker, eſquire, to the ſheriff, in violation of the franchiſes of the church of Peterborough, the right of election for the ſaid city, and prejudice of the petitioner: and praying &c.

Ordered, that the ſaid petitions be referred to the committee of privileges and elections to examine the matter thereof, and report the ſame with their opinion therein, to the houſe.

PETERSFIELD.

Willis, 1749. p. 47.

THIS borough is within the county of Hants or Southampton. Dr. Willis writes, it returned members to parliament in the 35th of Edw. the firſt: but Mr. Prynne has not noticed it; and Dr. Willis writes, it never returned after, till Edw. the ſixth's reign. The memoirs in the journals are theſe.

Feb. 23, 1688. Colonel Birch reported from the committee of elections and privileges, to whom the matter of the double return and election for this borough was referred, the ſtate of the caſe.——

That the return was of Thomas Bilſon, eſquire, and Richard Norton, eſquire, in one certificate; and Thomas Bilſon, eſquire, and Robert Mitchell, eſquire, in the other certificate: that the counſel on Mr. Mitchell's part attended: that it was proved, Mr. Mitchell had 48 voices, being the very ſame perſons who polled for Mr. Bilſon; and colonel Norton had but 36 votes: that colonel Norton being likewiſe returned for Portſmouth, and being detained by indiſpoſition, ſent his excuſe by a member, who acquainted the committee, that he had nothing to object touching the double return: whereupon the committee proceeded to examine witneſſes touching Robert Mitchell, eſquire, his election, and find him to be choſen by the ſame number and perſons. There was a petition under ſeven hands, pretended to be from the town; but none appearing, though this was the ſecond time of hearing, the committee laid it aſide; and reſolved,

That Robert Mitchell, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for this borough: whereto, upon its being twice read, the houſe agreed; and ordered the return to be amended.

Jan. 17, 1726. Ordered a warrant for a new writ for electing a burgeſs for this borough, in the room of Edmund Miller, ſerjeant at law, made a baron of the Exchequer in Scotland.

Feb. 7. A petition of Edmund Miller, ſerjeant at law, was read; ſhewing, that at the election of a burgeſs to ſerve in this preſent parliament for this borough, the petitioner and Mr. Joſeph Taylor were candidates; and by many unjuſtifiable influences and practices, Mr. Edward Gibbons, a late director of the South-Sea company, who unwarrantably claims to have the mayor of the ſaid borough choſen at the court-leet of his manor; and by arbitrary and partial proceedings of the mayor; and by ſplitting of votes, bribery, threats, and other illegal practices of Mr. Taylor and his agents, Mr. Taylor hath procured himſelf to be returned as a burgeſs for this borough, in prejudice of the petitioner, who had the majority of legal votes; beſides which, Mr. Taylor was not qualified by eſtate to ſit in parliament: and praying &c.

Ordered it to be referred to the committee of privileges and elections to examine the matter thereof, and report the ſame with their opinion.

Ordered, that the patent, conſtituting Edmund Miller, ſerjeant at law, one of the barons of his Majeſty's court of Exchequer, in that part of Great Britain, called Scotland, be laid before the houſe.

16th. A petition of the ancient freeholders of this borough, was read; ſhewing, that at the late election of a burgeſs to ſerve in parliament for this borough, Edmund Miller, of the ſaid borough, ſerjeant at law, and Joſeph Taylor, of London, eſquire, were candidates; and the election came on the 27th of January, 1726, and from thence was unuſually adjourned till the next day, when ſerjeant Miller was duly elected by a great majority, and ought to have been returned; but Mr. Taylor being ſupported in a violent and illegal manner by Mr. Edward Gibbons, one of the late South-Sea directors, having by ſplit votes, falſe votes, bribes, and other illegal practices, by himſelf and agents, obtained a pretended majority, hath procured himſelf to be returned; the mayor, who is the returning officer, being elected at the ſaid Mr. Gibbons's court-leet, he being lord of the manor of the ſaid borough: beſides other proceedings, as well before as at the election, were altogether unjuſt, and in violation of the freedom of the rights of this borough: and praying &c.

Ordered, that it be referred to the committee of privileges and elections to examine the matter, and report the ſame with their opinion.

Ordered, that it be an inſtruction to the committee to hear both petitions at the ſame time.

May 4, 1727. Ordered, the report be received on Tueſday morning next.

9th. Mr. Gibbons reported the matter of the ſaid election.

The petitioner's counſel alledged, that this is a borough by preſcription, and that the right of election is in ſuch only as have freeholds within the borough, in lands or in ancient dwelling-houſes or ſhambles, or dwelling-houſes built upon ancient foundations.

The ſitting member's counſel alledged, that the right of election was in the freeholders in general, without any diſtinction of ancient houſes, or houſes built upon ancient foundations.

The petitioner's counſel called.

Mr. Robinſon, Thomas Brewer, and others: the firſt of which ſpoke for forty years, the next for fifty, and the other for nineteen years; and they ſaid, they always thought the election to be in the ancient freeholders of this borough, thoſe having freeholds in lands, or in ancient dwelling-houſes or ancient ſhambles, or houſes built upon ancient foundations.

That quit-renters had no right of voting; and Mr. Robinſon added, there are fifteen ſhambles in the market-place which have been anciently divided, and always voted for.

The ſitting member's counſel called

Eames and Patrick ſaid: one ſpoke to fifty-five, and the other for thirty years; during which time, they ſaid, all freeholders voted without any diſtinction of old or new freeholds voted: being croſs examined, ſaid, they never knew quit-rents voted for.

Smith and Stanford: the firſt ſpoke to thirty, the other to forty; being examined, ſaid, that every one who had a freehold, whether great or ſmall, upon an ancient or modern foundation, had a right of voting; and that all freeholds were always taken without diſtinction: and

Smyth ſaid, he never knew ſhambles refuſed, nor quit-rents voted for.

The committee reſolved,

1. That the right of election of burgeſſes to ſerve in parliament for this borough, is in the freeholders of lands, or ancient dwelling-houſes or ſhambles, or dwelling-houſes or ſhambles built upon ancient foundations, within the ſaid borough.

The poll was— For Mr. Taylor 158.
For the petitioner 141.

The petitioner objected to ſeventy-one of the ſitting member's votes, and produced the following evidence.

Thomas Hughes ſaid, that fifteen, whom he named, voted for ſmall quit-rents: one was twenty ſhillings *per ann.* another, ten ſhillings; and the other, leſs: and another voted for the toll of the market.——That Edward Gibbon, eſquire, lord of the manor, voted for his manor in general, and had only the waſte.

Samuel Chandler and Hughes ſaid, John Goldring was wrote down wrong: that upon his coming into the hall the firſt day, he was aſked by the mayor, who he voted for? and he anſwered, for the petitioner; but being careſſed by ſome gentlemen, he ſaid, he would not vote then; and the next day voted for Mr. Taylor.

Thomas Hughes named nine who voted for barns and ſtables; he alſo ſaid, that four others voted for ſhops or houſes new built; and two others were objected on this head, but they were proved to be good votes.

Twenty-three were objected to as ſplit votes ſince 1695.

And Hall and others ſaid, fifteen were ſplit votes, and named the tenements they were divided from: Six of them were for a tenement, late Betteſworth's, called the Widow's Row; and nine for other divided tenements.

This objection, as to four others, was not proved; and the remaining four voted under conveyances, dated in September, October, November, and December laſt.

Eight were objected to as having no freeholds:

Thomas Hughes ſaid, one of them, John Booker, voted for a ſhamble that Richard Serle died ſeized of, who left a ſon.— That Edward Collins and William Neynoe's were leaſehold; and Edward Neynoe voted under a conveyance, dated in December laſt, for a new built houſe: John Holt was objected to on the ſame head; and it was proved, the tenement he voted for, was voted for by Michael Gale in 1721: but Holt's title did not appear.

Thomas Cornelius voted under a conveyance in September laſt from the lord of the manor; and as to the other two, Matthias Gainſborough and John Clement, the objection was not proved.

Seven were objected to as bribed voters: and it was ſaid, ſix of them voted for Mr. Taylor, becauſe of friendſhip and ſervices done them by the lord of the manor, and his ſervants and others, ſome before, and others ſoon after, the election in 1721; and others about a year before this election: and that the other, Richard Randal, declared, he voted for Mr. Taylor, becauſe he was to be made tythingman; and had money given him by Mr. Taylor or the lord of the manor, to buy him a ſuit of cloaths.

In anſwer to theſe objections, Mr. Taylor's counſel inſiſted, that quit-renters were good votes.

William Stenford and Thomas Patrick ſaid, that two former lords of the manor voted for the market-houſe without objection; and Mr. Gibbon, preſent lord of the manor, was in poſſeſſion of it at the election.

Ralph Robinſon and Oliver Acton ſaid, that Goldring did not vote the firſt day of the poll; but being aſked, declared he would not vote then.—That it was Hall, a butcher, and not he, anſwered for Miller; and Goldring voted the next day for Mr. Taylor, and was wrote down without any oppoſition.

As to the nine objected to for voting for barns and ſtables,

Stenford ſaid, one of them, Baddeley's, was a houſe forty years ago, and was then voted for; and William Kime's had alſo been voted for.

As to the other ſeven, evidence was given, that Callout and Rotſhouck voted under conveyances from the lord of the manor, dated in September laſt.

The other five appeared to be ſtables, ſeparated from any houſe; but the witneſs ſaid, he never knew them voted for.

As to the four ſaid to be new built,

Stamford and others ſaid, they were built upon ancient foundations; but they never knew them voted for.

On the head of ſplit votes,

Stanford ſaid, that the houſes, called the Widow's Row, are ſix diſtinct houſes, built twenty-two years ago by Betteſworth, upon the old foundation of ſix ancient houſes, and always have been ſix ſeparate dwellings.——That the other nine were ſeparate things; but the witneſſes owned they never knew them voted for before.

As to Booker, the conveyance was produced from the executors of Serle, who had power to ſell.

Stanford and others gave evidence, that Collins and Neynoe were old voters.

Mr. Taylor objected to one hundred and eleven of the petitioner's voters: ninety-four as ſplit votes made for this election: and

Mr. Haman, who took notice of the deed, produced at the election, ſaid, that three voted under conveyances from Mary Palmer, widow; one for her houſe, and two for parts of her garden, all in her poſſeſſion.

That ſeveral voted for undivided thirds of three houſes, called the Pryors, belonging to Mr. Palmer's three daughters by a former husband, Alwyn Pryor.

That ſix voted under conveyances from the widow Goldring, of parts of one farm, all in the occupation of Edward Smith.

Six under conveyances from the widows Hall, Heather, and Clerk, each two.

Four under John Maſters, for undivided thirds of four houſes.

Three under John Blaze, ſenior, out of one houſe and garden; four out of a tenement, called Cowleggs, under John Woolgar, ſenior.

Five under conveyances of premiſſes, now or formerly belonging to the White-Hart-Inn; three under conveyances from Thomas Collier.

Eleven were objected as ſplit votes (to wit) Mansbridge, and ten others.

Which objection, as to ſome, was not proved; and the reſt were ſeparate tenements, and had been voted for.

Two others were objected to, but not proved.

It was alſo objected, and it appeared, that thirty ſeven of the aforeſaid perſons, and alſo forty others, voted under deeds, dated as follow: two in September, one in October, one in November, eight in December, and ſixty-five in January laſt.

Haman ſaid, that Edward Brummel, a poor taylor, voted for a meadow in the petitioner's poſſeſſion, on which the petitioner built a barn in the laſt ſummer.

Sixteen were excepted to as having no freeholds.

Haman ſaid, Mr. Taylor aſked them at the election for their deeds, but they produced none.

Stanford and others proved, the petitioner came to this borough about the latter end of September; and it was then reported, he was made a baron in Scotland: that Mr. Taylor was then in the borough; and both appeared as candidates, and aſked votes.

To diſcredit Randall— Hall ſaid, Randall had a very bad character, and was not to be credited.

In reply, the petitioner's counſel produced ſeveral deeds, whereby it appeared, Mary Palmer's houſe and two gardens were actually diſtinct poſſeſſions.

Henry Hall ſaid, Pryors was always four diſtinct tenements; and that the ſix voted for under Hall, Heather, and Clerk, were diſtinct tenements; and ſo were thoſe under Maſters and Blaze; and thoſe under Woolgar had been ſeparately voted for.

As to thoſe who voted for the White-Hart-Inn, it appeared, the premiſſes they voted for, had been purchaſed at different times, and conveyed by ſeparate conveyances; and the three conveyed by Collier, were proved to be diſtinct tenements; but Collier ſaid, he bought them by one deed, and ſold them to the petitioner: and in the years 1721, and 1722, he conveyed them to three different perſons by three different deeds, to make three votes, as he ſuppoſed.

A conveyance of a meadow to Edward Brummell, was produced from the petitioner in 1721; and ten deeds were produced at the committee for ten of the ſixteen, who did not produce them at the election; and four others were proved to have voted formerly.—

One was but juſt come to age; and as to the other, the objection was not proved: and as to the others, the petitioner's counſel inſiſted, they were not diſqualified by the evidence given; and that all conveyance of freehold, at any time before the election, gave good votes.

The committee reſolved,

2. That Joſeph Taylor, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for this borough.

The firſt reſolution, as to the right of election, was read twice; and agreed unto by the houſe.

The ſecond reſolution was read twice; and diſagreed to by the houſe.

A motion was made, and the queſtion propoſed, that Edmund Miller, ſerjeant at law, is duly elected a burgeſs to ſerve in this preſent parliament for this borough.

The nineteenth article of the act for an union of the two kingdoms England and Scotland, and the act 6th *Annæ*, for ſettling and eſtabliſhing a court of exchequer in the North part of Great Britain, called Scotland, were read; and a debate ariſing in the houſe thereupon,

It was moved to adjourn the debate; but diſagreed to.

Reſolved, that Edmund Miller, ſerjeant at law, is duly elected a burgeſs to ſerve in this preſent parliament for this borough.

And the return was ordered to be amended.

PLYMOUTH.

THIS borough is ſituate within the county of Devon. It was formerly called Sutton; and returned burgeſſes to parliament from the 26th of Edward the firſt; then intermitted to the 4th of Edward the ſecond, according to Mr. Prynne. (Dr. Willis writes, and gives the names of a return in the 33d of Edward the firſt.) After this, it returned in the 7th of Edward the ſecond, and to a council in the 14th of Edward the third; and then intermitted till the 20th of Henry the ſixth, in whoſe 18th year it was incorporated. Of its ancient right of election I meet with no circumſtances, but thoſe which appear in the reports in the journals, which my reader will find in the reports following.

Willis's Notitia.
Prynne 4 part Brev. Pa
1084.

April 27, 1660. Mr. Turner reported from the committee of privileges and elections, touching the double return for this borough.—That Mr. ſerjeant Maynard, and Mr. Edmund Vowell, be returned by the mayor, William Morris and Samuel Trelawney, eſquires, by the freemen; and the opinion of the committee, that ſerjeant Maynard and Edmund Vowell ought to ſit, until the merits of the cauſe, touching the ſaid double return, be heard: whereto, the houſe agreed.

June 9. Mr. Turner reported from the committee for privileges and elections, the ſaid matter.—That, upon the examination of the fact, the queſtion appeared to be, whether the mayor, the twelve aldermen, and twenty-four burgeſſes, or the mayor and commonalty at large, had right of election; and that upon the evidence then produced, the committee were of opinion, and reſolved, that the mayor and commonalty have right of election; and that Mr. ſecretary Morris, and Samuel Trelawney, eſquire, being elected by the mayor and commonalty, are duly elected, and ought to ſit: whereto, the houſe agreed.

October 28, 1689. A petition of Martin Ryder, eſquire, was read; ſhewing, that the petitioner being duly elected for this borough, in the room of Arthur, Earl of Torrington, by the majority of electors polled, and allowed by William Symonds, eſquire, the mayor of the ſaid borough; yet, the ſaid mayor hath returned the honourable John Granville, eſquire, in prejudice of the petitioner: and praying &c.

Ordered, that the petition be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

December 31. Mr. Grey reports from the committee the matter upon the ſaid petition.—That upon the ſaid petition, the counſel for the petitioner inſiſted, that this was a borough by preſcription, and incorporated by Henry the ſixth; and the right of election is in the freeholders and freemen of the ſaid borough; and alledged, that the petitioner had the majority upon the poll of both theſe.

The counſel for the ſitting member inſiſted, that it being a borough by preſcription, the right of election could not be in the corporation or freemen, though of late they had interpoſed in elections; and that it was in the freeholders only, whereof they inſiſted the ſitting member had the majority.

That for the petitioner, was produced the reſolution of this houſe, 9th of June, 1660, "That the "right of election of burgeſſes for this borough, "was in the mayor and commonalty:" and alſo the following indentures of return—1. *Jac.—Major et communitas ex eorum communi aſſenſu et general' conſenſu elegerunt — Indentur' ſub ſigillo majori et communitatis.* 26. *Eliz.—Major et communitas nominaverunt et aſſignaverunt burgenſes—indentura ſub communi ſigillo majoris et communitatis.*

2. *Ph. & M.*—Mayor, burgeſſes, and commonalty of Plymouth, elected—Indenture under the common ſeal of mayor, burgeſſes, and commonalty.

1. & 15. *Car.—Major et communitas eliger.—Indentura ſub communi ſigillo majoris et communitatis.*

Cotton ſaid, the election of burgeſſes had formerly been by the mayor, magiſtrates, and common counſel; and no freeholder was admitted; but ſome * freeholders have been admitted.

* Sic orig.

For the ſitting member, the counſel agreed, that the freemen had interpoſed forty or fifty years, but without any right: and called Eaſtlake; who ſaid, he took the poll on behalf of the petitioner; and when he numbered them, he found 85 for Mr. Granville, and 89 for the petitioner.

Cotton ſaid, Mr. Rider had 55 freeholders; and Mr. Granville 54.

For the ſitting member, were called, John Miller, and Andrew Philips; who ſaid, the poll, delivered in by the ſitting member, was taken by order of the mayor; and that Mr. Granville had 61 freeholders, and Mr. Rider 53: upon which the committee reſolved,

That John Granville, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for this borough: whereto, upon its being twice read, the houſe agreed.

Nov. 15, 1709, Ordered, a warrant for a new writ for electing a burgeſs, in the room of Sir George Byng, made a commiſſioner of the admiralty.

Dec. 9, 1720. Ordered, a warrant for a new writ for electing a burgeſs in the room of Sir George Byng made treaſurer of the navy.

April 18, 1724. Ordered, a warrant for a new writ for electing a burgeſs in the room of Pattee Byng, eſquire, made treaſurer of the navy.

PLYMPTON.

THIS borough ſituate in the weſtern part of the county of Devon, had its privileges confirmed by King Edward I. (ſee Appendix) and Dr. Willis writes, ſent burgeſſes to parliament in the 23d of Edward I. Mr. Prynne dates the firſt ſummons he has met with in the 26th of Edw. I. though it is probable Dr. Willis is well authoriſed for dating it in the 23d, that being the firſt time cities or boroughs were ſummoned; and he has made a liſt of the repreſentatives from that time. I meet with no memoirs of its right of election before the reformation: thoſe, which the journals afford ſince that time, are theſe, which follow.

Brady 46. Cart. 13 Ed. 1. 1264. Willis's Notitia, vol. II. 335. Br. parl. red. 195.

April 20, 1640. Motion made, concerning Sir Thomas Hele and Sir Nicholas Slaning, choſen for burgeſſes of the borough of Plympton Erle in the county of Devon, choſen by the major part of the electors; and Sir Richard Strode, not ſo choſen, returned himſelf. Upon this, and the deſire, ——Whether the third indenture of Sir Richard Strode were delivered to the clerk of the crown by the ſheriff or his deputy, or by Sir Richard Strode himſelf; the reſolution of the houſe was, that this was properly to be examined by the committee for privileges.

October 27th, 1666. Sir Job Charleton reports from the committee of elections, that the committee had examined the matter, touching the election for this town, between Sir Edmund Forteſcue and Sir Nicholas Slaning: That there were two indentures returned under the common ſeal of the town of Plympton; by one of which Sir Edmund Forteſcue is returned; and, by the other, Sir Nicholas Slaning; but that the pretended indenture, by which Sir Nicholas Slaning is returned, doth contain in it an abſurd and unuſual clauſe, to this effect, *viz.* "That Sir Nicholas Sla-"ning is returned to ſerve; ſo as the parliament and "committee of privileges ſhall approve of it:" and beſides the original indenture is not returned, but only a pretended counter-part; ſo that the committee are of opinion, that the return was not double; and that Sir Edmund Forteſcue ought to ſit, till the merits of the cauſe be heard and determined: whereto the houſe agreed.

Reſolved, that John Kelend, high-ſheriff of the county of Devon, be ſent for in the cuſtody of the ſerjeant at arms, or his deputy; for his miſdemeanor and abuſe, in making the return for this borough.

Reſolved, that Mr. Edward Hayman, under-ſheriff of the county of Devon, be ſent for in the cuſtody of the ſerjeant at arms, or his deputy, for his miſdemeanor and abuſe, in making the return for this borough.

Reſolved, that Mr. Nicholas Horſeman, mayor of this borough, be ſent for in the cuſtody of the ſerjeant at arms, or his deputy; for his miſdemeanor and abuſe, in making the return for this borough.

November 29th. Serjeant Charleton reported, from the ſaid committee, touching the election for this town, between Sir Edmund Forteſcue and Sir Nicholas Slaning, that the petition on the behalf of Sir Nicholas Slaning was withdrawn: and that the committee were of opinion to diſmiſs the cauſe, as to the pretence of Sir Nicholas Slaning: and that Sir Edmund Forteſcue is duly elected: whereto the houſe agreed.

Ordered, that John Kelend, eſquire, high-ſheriff of the county of Devon, be diſcharged from the cuſtody of the ſerjeant at arms, paying his fees.

Ordered, that Edward Hayman, under-ſheriff of the county of Devon, be diſcharged from the cuſtody of the ſerjeant at arms, paying his fees.

Ordered, that Nicholas Horſeman, mayor of this borough, be diſcharged from the cuſtody of the ſerjeant at arms, paying his fees.

March 19th, 1676. A petition of Richard Strode, eſquire, was read; complaining of an undue return of George Treby, eſquire, to ſerve for this borough, in wrong of the petitioner, who was duly elected by a majority of thoſe voices who had a legal right of election.

Reſolved, it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

May 23d, 1678. A petition of Richard Strode, eſquire, complaining of an undue return of George Treby, eſquire, to ſerve for this borough, in injury of the petitioner, who was duly elected, was read.

Ordered to be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

June 3, 1685. A petition of Sir George Treby, touching the election for this borough, was read.

Ordered to be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

January 28th, 1688. A petition of Richard Strode, eſquire, complaining of an undue election and return of burgeſſes to ſerve in this convention for this town, in prejudice of the petitioner, was read.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

March 24, 1689. A petition of the mayor, bailiff, &c. of this borough, was read; ſhewing, that notwithſtanding one of the petitioners, the mayor of this borough, was duly choſen, ſworn, and admitted into the ſaid office; but that no precept was (as it ought to be) delivered to him, but ſurreptitiouſly gotten by Mr. Strode, and delivered by him to one Avent, who was no ways intereſted or concerned in the ſaid borough: and yet, on the 11th of March laſt he came into the borough, and there publiſhed the ſaid Mr. Strode and George Parker, burgeſſes for the ſaid borough, without the conſent of the petitioners, who are free burgeſſes thereof; and hath prevailed with the ſheriff to make his return according—— : and praying &c.

Ordered to be heard at the bar on this day three weeks.

April 14, 1690. The houſe proceeded to the hearing the matter on the ſaid petition; and the petitioners and parties, and counſel on both ſides, were called in, and the petition read: and after examination of divers witneſſes, and hearing a charter of incorporation granted by Queen Elizabeth to the ſaid borough, and a ſurrender to King Charles II, dated the 12th of July 1684, and inrolled in the court of Chancery on the 17th of March 1684, from the ſaid corporation, of all liberties, franchiſes, privileges, charters, letters patents of incorporation and juriſdictions whatſoever, at any time or times heretofore granted to and held or enjoyed by the ſaid mayor, bailiffs, burgeſſes, and inhabitants, or their or any of their predeceſſors, by any ways or means, or by what name or names ſoever; and a new charter dated the 21ſt of March 1684, granted by the late King James to the ſaid borough; and an order of the privy council, dated the 7th of December 1688, read: and, after hearing counſel for both parties, the petitioners, parties, and counſel, withdrew.

Reſolved (upon the queſtion) that Richard Strode, eſquire, and George Parker, eſquire, are not duly elected burgeſſes to ſerve in this parliament for this borough.

Reſolved, that the ſaid election is void; and a warrant was ordered for a new writ for electing two other burgeſſes for this borough.

Reſolved, that the charter, granted by the ltea King James to this borough, is illegal, and deſtructive to the conſtitution of the government.

Reſolved, that the houſe will, on Thurſday morning next, take into conſideration the adviſers and proſecutors of the ſaid charter of this borough, and ſuch as paſſed the ſame; and the ſurrenderers of the old charter.

Ordered, that John Avent, the pretended mayor of this borough, be ſent for in cuſtody of the ſerjeant at arms attending this houſe, for his miſdemeanor in the election of burgeſſes for this borough.

May 2d. A petition of the freeholders, inhabitants, and burgeſſes of the ancient town and bailiwick of Plympton, was read; ſhewing, that, by a grant in the reign of King Henry III. the bailiffs, freeholders, and inhabitants, had power to elect and return two burgeſſes to ſerve in parliament, which countinued till Queen Elizabeth's time; when by ſome undue means a charter was procured to make the ſaid town become a mayor-town; who, by making foreigners freemen thereof, have uſurped the power of elections and right of returns from the petitioners, thereby debarring them from voting for Richard Strode and Peter Forteſcue, eſquires; and having ſurrendered the ſaid charter to the late King James, have procured a new one; whereby a greater power is pretended, in depriving the petitioners of their right: and praying &c. Alſo

A petition of the ſaid Richard Strode and Peter Forteſcue, eſquires, was read; ſhewing, that the late election for this town being declared void by the houſe, and a new election ordered, the petitioners were duly elected thereat by the majority of the ancient and legal votes of the ſaid borough; but that John Tozer, the pretended mayor (though he lives three miles diſtant from the borough) committed divers illegal and arbitrary acts, in hindrance of the petitioners election, and hath ſince very wrongfully returned Sir George Treby, their majeſties attorney general, and John Polexfen, eſquire, as duly elected, in manifeſt injury to the petitioners, and the ſaid borough: and praying &c.

Ordered to be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

October 14. Two petitions, in ſubſtance the ſame with the former, were again read: and ordered to be referred in like manner.

October 27th, 1691. A petition of Mr. Strode was read, the ſame in ſubſtance with his former petition: and referred in like manner.

December 5th. Ordered, that Mr. Strode have leave to withdraw his petition.

November 4, 1692. A warrant for a new writ to elect a burgeſs, for this borough, in the room of

Sir George Treby, made chief juſtice of the Common Pleas.

February 14, 1700. A petition of Richard Hele and George Parker, eſquires, was read; ſhewing, that the petitioners, with Courtney Crocker and Martin Ryder, eſquires, were candidates for burgeſſes to ſerve in this parliament for this borough, when Mr. Aldwyn the preſent mayor, and Mr. Forteſcue the late mayor, and other agents for Mr. Crocker and Mr. Ryder, treated ſeveral of the electors at public-houſes, and diſtributed ſeveral ſums of money for their votes, who accordingly did vote for Mr. Crocker and Mr. Ryder: and the ſaid preſent mayor rejected ſeveral good electors, who offered to vote for the petitioners; and uſed many other indirect practices; whereby Mr. Crocker and Mr. Ryder procured themſelves to be returned, in wrong to the petitioners: and praying &c.

Ordered to be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

October 24th, 1702. A petition of Richard Hele, eſquire, was read; ſhewing, that, at the election of burgeſſes to ſerve in this parliament for this borough, the petitioner, John Williams, Richard Edgecombe, and Thomas Jervoiſe, eſquires, were candidates; and the petitioner and Mr. Williams were duly elected, and ought to have been returned; but Mr. Edgecombe and Mr. Jervoiſe uſed many corrupt practices, whereby they procured not only many legal voices, but alſo many illegal voices who were ſuffered by the mayor, to poll; and many the rightful voters were by the ſaid mayor refuſed to be polled for the petitioner and Mr. Williams; and many indirect practices were uſed by the mayor and aldermen of the ſaid borough, who have wrongfully returned Mr. Edgecombe and Mr. Jervoiſe: and praying &c.

Ordered to be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

A petition of John Williams, eſquire, was read; ſhewing, that, at the election of burgeſſes to ſerve in this parliament for this borough, the petitioner, and Richard Hele, eſquire, had a majority of legal votes, and ought to have been returned; but Richard Edgecombe and Thomas Jervoiſe, eſquires, by ſeveral corrupt and illegal practices, procured a great many legal and illegal voters, who were ſuffered by the mayor to poll for them; and the mayor refuſed ſeveral qualified perſons to vote for the petitioner and Mr. Hele; and made ſeveral perſons free, who had no right to their freedoms, and refuſed to make others free who had a right to the ſame: and the mayor and aldermen of the ſaid borough did uſe ſeveral other indirect means, in violation of the ancient rights and privileges of the ſaid borough, and have returned the ſaid Mr. Edgecombe and Mr. Jervoiſe: and praying &c.

Ordered to be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

November 6th. A petition of Richard Strode, eſquire, on behalf of himſelf, and other freeholders, and inhabitants of the ſaid borough, was read; ſhewing, that the petitioner was a candidate at the late election of members to ſerve in this parliament for this borough, and was duly choſen by ſuch as had a right to elect; but by the contrivance of the other candidates, and John Tozer, the pretended mayor, and others, the ſaid mayor hath returned Richard Edgecombe and Thomas Jervoiſe, eſquires, who were not duly elected, in ſubverſion of the rights of the ſaid borough, and prejudice of the petitioner: and praying &c.

Ordered, the ſaid petition be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

January 26th. Ordered to be reported on Thurſday.

Jan. 28th. Mr. Bromley reported, according to order, the matter, as it appeared, upon the ſaid petitions, as follows.—On the poll there were, for Mr. Edgecombe 52; for Mr. Jervoiſe 46; for Mr. Hele 41; for Mr. Williams 27; for Mr. Strode 5: That it was agreed, the right of electing burgeſſes to ſerve in parliament for this borough, was in the freemen of the borough: and the petitioners counſel inſiſted, that none but the ſons of freemen, when they attained their age of eighteen years, by the conſtitution and cuſtom of the borough, ought to be made free: the counſel for the ſitting members affirmed, that no perſon whatſoever had any right to be made free, but that the corporation might make free, whom they pleaſed.

Whitchalls and Sparke, two very old men, ſaid, that they never remembered any, till of late, made free, beſides the ſons of freemen.

Waltham ſaid, that only the ſons of freemen were made free; but that he, and ſeveral other foreigners, were made free, about twenty ſix years ſince, to ſerve Mr. Treby, and had voted at all elections, but the firſt; when they did not, becauſe they were made free after the teſte of the writ.

That, in 1700, the aldermen agreed to make each one freeman: that they had yearly two courts in this borough, one of which is called the fulfilling court; and the town-clerk then gives it in charge to the jury to preſent the names of all the ſons of freemen above eighteen years of age; who are ſummoned to come in, and take their freedom.

Mrs. Spark ſaid, ſhe had known this borough above forty years, and her huſband had been mayor three or four times; and that it was uſual for freemens ſons, at eighteen years of age, to come to the fulfilling court, and take up their freedom; otherwiſe the bailiff warns them ſo to do: that ſhe has two ſons made free, and others of her ſons had been denied about two years ſince; becauſe (as Mr. Treby, the town-clerk, told her) they would not vote, as the magiſtrates would have them.

For the ſitting members were called, Biſhop, Dennis, and Davy; who ſaid, they looked upon no perſons entitled to be made free, but ſuch as the mayor and magiſtrates thought fit; and that they had known ſeveral gentlemen, viz. Sir Francis Drake, Mr. Hilſdon, Mr. Copſall, &c. made free, and vote for members of parliament: Mr. Davy owned, that the jury at the fulfilling court, preſented the ſons of freemen; but that it was at the pleaſure of the mayor, and the major part of the aldermen, whether they would make them free, or not.

In reply to this, a by-law, in an ancient book of the corporation, was read; whereby it was declared, that if any free burgeſs born ſhould be preſented in the borough court to be ſworn, and, being warned to come to be ſworn, ſhall not come to court to be ſworn, and claim his freedom, within three months, he ſhall loſe the poſſibility of his freedom, and not afterwards to be admitted thereto, but as a ſtranger.

Thereupon the committee reſolved, that the right of electing burgeſſes, to ſerve in parliament, for this borough, is in the mayor, bailiff, and freemen, of the ſaid borough, and in the ſons of freemen, who have a right to demand their freedom, and have been refuſed the ſame.

Then the petitioners counſel ſaid, that they would add to their poll, and take off from the ſitting members, ſo many, as ſhould give them the majority: and called John Waltham, Nicholas Spark, John Witchalls, and John Veale; who ſaid, that John Woolcombe, eſquire, John Lux, Edward Sparke, Henry Sparke, William Witchalls, William Whiniate, John Watts, John Sparke, Richard Churchſtile, John Veale, were ſons of freemen, had demanded their freedom, moſt of them ſeveral times, ſome of them at the fulfilling court, ſome at the ſame time, when ſeveral ſtrangers from Exon were made free, and three of them only at the time of election.

Brooking and Waltham ſaid, that Tutton and Blake were ſworn freemen, and offered to vote at the laſt election for the petitioners, but were refuſed.

They then proceeded to take off, from the ſitting members poll, ſeventeen, who lived at Exon, who were not the ſons of freemen, and were made free after the death of the late King; viz. Jeremy King, Staplehill Heath, Thomas Jeffries, Richard White, Thomas Turner, John Dodge, Benjamin Hawkins, Francis Lydſton, Hugh Palmer, Edward Evans, John Poole, Thomas Jope, Joſeph Cheeke, Walter Langsford, Robert Triſtram, Robert Tapſon, William Hull.

Then they called witneſſes to the partiality of the mayor and aldermen, and their deſign in making freemen.

Sparke ſaid, he heard ſome of the aldermen ſay, that they would make none free, but thoſe who were againſt Mr. Hele.

Pearce ſaid, alderman Martin, about ſix weeks before the election, offered him his freedom, to vote againſt Mr. Hele.

Perryman ſaid, that he aſked Mr. Treby, why he made ſo many ſtrangers burgeſſes; and he told him, they would make more, if they were not enough.

Agnes Huntſman ſaid, there dined about twenty freemen at Mr. Aldwyn's about a fortnight before the election, and ſhe ſaw her miſtreſs change two guineas for Mr. Edgecombe and Mr. Jervoiſe after dinner; and ſhe ſaw Mr. Edgecombe put five ſhillings into one Lang's hand, and another crown into the hands of another man that dined there; and when the reckoning was collected, they all paid five ſhillings each, whereas ſome of them were not worth five ſhillings; and Mr. Crocker then ſaid, "what we "have done now, they cannot call bribery." She alſo ſaid, ſhe ſaw Mr. Jervoiſe put five ſhillings into Croſſman's hand, another who dined there, and ſaid, he hoped he would vote for them.

Freeſy ſaid, alderman Treby aſked him for his vote for Mr. Jervoiſe and Mr. Edgecombe, and ſaid, he would give him ten ſhillings; that he accepted the money, and was to anſwer in three days. He ſaid, afterwards Mrs. Aldwin offered him a guinea for the ſame; and Mr. Aldwin, coming in, ſaid, he would make good, what his wife had promiſed.

To anſwer this, was called Diana Bunſole, who ſaid, Freeſy was her father-in-law, and Mr. Treby owed him twenty-ſhillings, and ſhe heard him ſay, he had received ten ſhillings of him: and he told her, he had promiſed to vote for Mr. Hele, if Mr. Roche would pay for him a debt of 18 l. he owed to one Lee; and that he had a place in the Prize-office, which Mr. Hele and Mr. Roche got for him.

Mary Freeſy ſaid, that about a week before the election, Mrs. Aldwin promiſed her 5 l. and a year's rent of her houſe, if ſhe would perſuade her husband to vote for the ſitting members.

They then excepted to eight others who lived ſome diſtance from the town, and had been made free within two or three years; viz. Philip Avant, Hugh Price, Thomas Edwards, John Dunning, Mr. Walter Wroth, James Leer, Mr. Philip Crocker, Richard Balhatchetts.

In anſwer, the counſel for Mr. Edgecombe and Mr. Jervoiſe alledged, that neither the 17, or the 8, were made free on their account; and charged the petitioners with treating, and other indirect practices: and called

Mr. Andrew Davy; who ſaid, they had formerly a yarn market in Plympton; and they hoped, the making the Exon men free would be of uſe to them to recover their trade: but, being aſked, who were the principal traders, he only named Mr. Jefferies. He ſaid, of the Exeter men, Mr. Wood voted for the petitioners, and Mr. Carheel and Mr. Evans voted for Mr. Hele; and that they were not objected to.

Mr. Polexſen ſaid, that, about the 10th of April, the town offered to chuſe his ſon; and that, going through the town, ſome of the aldermen told him, they had agreed to chuſe Mr. Edgecombe and Mr. Jervoiſe, becauſe Mr. Hele would not be ſatisfied, unleſs he brought another beſides himſelf.

Watts ſaid, he voted for Mr. Hele, upon being promiſed to have a debt of thirty ſhillings diſcharged for him by Mr. Hele, owing to Mr. Waltham; but that ſince Chriſtmas, Waltham had demanded the money. He ſaid, Mr. Hele promiſed this, when Mrs. Waltham and Mrs. Sparks were there; but whiſpered him; and Mr. Hele ſaid, he ordered them what drink they would; and there were ſeveral drinking with him: and that Mr. Roche told Freeſy, if he would vote for Mr. Hele, he would take care of him and his family: and Freeſy afterwards told him, he was helped to his place in the Prize-office; and, he believed, others of Mr. Hele's friends might have the like.

Watts was confronted by Mrs. Waltham and Mrs. Sparks: the former of whom ſaid, ſhe was preſent moſt of the time, and heard Mr. Hele aſk Watt's vote; but heard no promiſe of paying any money to Waltham; but that ſhe told Watts of the money he borrowed; and he ſaid, he was ready to pay it, if ſhe had his note; and that there was a talk of Watts having Mr. Hele's horſe. Mrs. Sparks ſaid, ſhe heard nothing of paying the money to Waltham; but Watts ſaid, he was poor and aſked money of Mr. Hele; and there was ſome talk of his having Mr. Hele's horſe; which Watts ſaid, he did not remember.

Biſhop ſaid, Mr. Hele ſent for him, the day after the election, to Waltham's, and aſked him, if he ſaw Mr. Edgecombe's man give Brooking a guinea; which, he ſaid, he knew nothing of: and Mr. Hele offered him 7 or 8 guineas to ſay ſo; but he anſwered, he would not for 1000: and that he has been preſſed, and treated, by others ſince, to do the ſame.

Upon the whole matter, the committee reſolved, that Richard Edgecombe, eſquire, is duly elected a burgeſs to ſerve in this parliament for this borough.

That Thomas Jervoiſe, eſquire is not duly elected ed a burgeſs to ſerve in this parliament for this borough.

That Richard Hele, eſquire, is duly elected a burgeſs to ſerve in this parliament for this borough.

The four ſeveral reſolutions being twice read, were agreed to by the houſe.

Reſolved, that the proceedings of the mayor and corporation of this borough, in making freemen, after the death of his late majeſty, to vote at the laſt election, was illegal, and contrary to the rights of the ſaid corporation; and that thoſe freemen, then pretended to be made, have not thereby obtained any right to vote at any future election: and ordered the return to be amended.

Nov. 14, 1705. A petition of Richard Strode, eſquire, on behalf of himſelf and other freeholders, inhabiting within this borough, was read; ſhewing, that the right of electing members to ſerve in parliament for this borough, was anciently in the bailiff and freeholders, inhabiting within the ſaid borough; but, under colour of a late charter, the mayor and corporation have endeavoured to alter the ſaid ancient method, and exclude the rightful electors, by introducing ſtrangers: that at the laſt election, the petitioner was duly choſen; but by the contrivance of the mayor and others, Sir John Cope, and Richard Edgecombe, eſquire, are returned as duly choſen, in ſubverſion of the rights of the ſaid borough, and in prejudice of the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

June 25, 1716. Ordered, a warrant for a new writ for electing a burgeſs to ſerve for this borough, in the room of Richard Edgecombe, eſquire, made a commiſſioner of the treaſury.

Dec. 22, 1718. Ordered, a warrant for a new writ for electing a burgeſs to ſerve for this borough, in the room of George Treby, eſquire, made ſecretary at war.

June 10, 1720. Ordered, a warrant for a new writ for electing a burgeſs to ſerve for this borough, in the room of Richard Edgecombe, eſquire, made a commiſſioner of the treaſury.

April 9, 1724. Ordered, a warrant for a new writ for electing a burgeſs to ſerve for this borough, in the room of George Treby, eſquire, made a teller of the exchequer.

Eodem die. Ordered, a warrant for a new writ for electing a burgeſs to ſerve for this borough, in the room of Richard Edgecombe, eſquire, made joint vice-treaſurer of Ireland.

PONTEFRACT.

THIS borough is in the county of York: and Dr. Willis writes, it returned burgeſſes to parliament in the 23d and 26th of Edward the firſt; but Mr. Prynne takes notice only of the 26th; after which it intermitted until the year 1621; when it was reſtored: of which, and the ſubſequent memoirs, I find in the journals.

Willis, 1749-70. 4 Regiſter, 1087.

March 26, 1621. Sir Edwyn Sandys moveth for Pomfret (for ſending burgeſſes) which, in Edward the firſt's time, and after, ſent burgeſſes: after, decayed by wars. — That the king granted them a charter, 4°. *Jac.* with reſtitution of all their liberties and privileges, notwithſtanding they be loſt, forfeited, &c. That they have ever ſithence. —

Committed to the committee of privileges.

27th. Sir George Moor reporteth from the committee for privileges; that, for Pomfret, 26°. Edw. I. it ſent burgeſſes; which continued a good while after: that by reaſon of the barons wars, it grew poor: that 10°. and 11°. Hen. VI. a return made; they would not ſend burgeſſes, by reaſon of their poverty: that 4°. *Jac.* the king granted them all their former liberties and cuſtoms, notwithſtanding they had been forfeited, or loſt. That the committee thinketh it to ſtand both with law and juſtice; that a writ ſhould go for choice of burgeſſes.

Upon queſtion, Pomfret to ſend burgeſſes: and a writ ordered.

April 1, 1624. Sir Thomas Wentworth preſers a petition from Pomfret: read. — The mayor, before any writ came, undertook a place for Sir John Jackſon: ſhut the door againſt thoſe that came for Sir Richard Beomont: a number of recuſants and papiſts brought in: 40 of them made burgeſſes, to carry the election. — The election being naught, the return can't be good. — To have all reported to the houſe together. Sir George Moore: — This town admitted, the laſt parliament, to ſend burgeſſes. — Since one ſide heard by counſel, to have the other heard.

Mr. Glanville, upon queſtion to make the report. — Conſidered one point, the validity of the return: heard no counſel on either ſide: — had the writ and two indentures — Sir Henry Holcroft double returned, he waved Pomfret — a new writ went down to Pomfret. — The ſheriff makes this return: two days after the date of the writ. — Mayor and aldermen told him, they had choſen Sir John Jackſon; and after the 11th of March, divers other aldermen and burgeſſes told him, they had choſen Sir Richard Beomont. He returned two indentures: 1. mayor, aldermen and burgeſſes; — the common ſeal of the town: 2. Four or five aldermen, and the reſt burgeſſes, returned Sir Richard Beomont — 20 and odd hands — Committee conceived theſe ſeveral indentures to be returned by the ſheriff. —— They thought the form of it irregular. —— Their opinion, that the return, as it is, hath ſubſtance ſufficient to warrant Sir John Jackſon to come into the houſe. — Afore they roſe, a petition exhibited againſt the election. — Writ good enough, altho' the *day; becauſe it begins not, till the king come. —— Two returns, he made a warrant to mayor, aldermen and burgeſſes. — Sir John Jackſon's indenture is true then according to the warrant; the other not — bear date one day. — Looked on the hands to the indenture: — 40 to one, but 20 to the other. — Sir John Jackſon the greater number. — This the ground of the opinion of the committee.

Ordered, that the buſineſs of Pomfret, concerning the election, ſhall be heard at the committee of privileges, in its time and turn; and left by the houſe to the choice of Sir John Jackſon, whether to come into the houſe, or to forbear.

May 28. Mr. Glanville reported from the committee of privileges concerning Pomfret. — Queſtion of Sir John Jackſon. —— Committee reſolved, all the inhabitants, houſeholders, ought to have voice. 2. Committee reſolved, upon the latter writ, no burgeſs duly choſen, but a new writ to go.

Reſolved, that the election ought to be in Pomfret, by the inhabitants, houſeholders, reſident there.

Reſolved, that neither Sir John Jackſon or Sir Richard Beomont are duly elected; and that a new writ ſhall go out for a new election.

May 16, 1660. Mr. Turner reports from the committee for privileges and elections, the caſe upon the treble return for this borough: that upon the examination of the fact, it appeared, that Sir George Saville, baronet and William Lowther, eſquire, had the greateſt number of voices, and ought to ſit: whereto, the houſe agreed. And the return was ordered to be amended accordingly.

Nov. 29, 1695. A petition of Sir John Bland, was read; ſhewing, that at the election of members to ſerve in this parliament for this borough, Sir William Lowther, Mr. Monckton, and the petitioner, were candidates to be elected: that ſeveral undue practices were uſed by the mayor and others, in threatning ſeveral, who would have voted for the petitioner, and denying others; and by ſetting down ſeveral for the ſitting members, who were not qualified to vote, to the great injury of the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine, and report the matter, with their opinion.

Dec. 16, 1698. A petition of Robert Monkton, eſquire, was read; ſhewing, that the petitioner was duly choſen a burgeſs to ſerve in this preſent parliament for this borough, and ought to have been returned; but by corrupt and illegal methods, John Bright, eſquire, procured himſelf to be returned, in wrong to the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine, and report the matter, with their opinion.

November 16, 1699. The ſame petition was again read, and referred as before.

January 15. Ordered to be reported on Wedneſday next.

17th. Sir Rowland Gwyn reported the matter upon the ſaid petition.——That the right of election was agreed to be in ſuch perſons, as have an inheritance or freehold of burgage-tenure within the borough. The poll was, for Mr. Bright 72, for Mr. Monkton 70. But it was inſiſted for the petitioner, that eight of Mr. Bright's, viz. Symmons, Hoyle, Horneby, Staples, Frank, Moore, Taylor, and Lowther, ought not to be allowed on Mr. Bright's poll: and alſo that one Edward Foſter had a right to vote; and would have voted for the petitioner, but was refuſed.

As to the three firſt, the exception was, that they bought their eſtates of Rooth; and that it was but one burgage, but divided on the purchaſe, to make three votes: and called Hebwood; who ſaid, Symmons, Horneby, and Hoyle were brought to him by Mr. Keplin, ſteward to Mr. Bright; and Keplin told Hebwood, that Mr. Bright was the purchaſer; and that he muſt draw a leaſe from Symmons, Hoyle, and Hornby, to Mr. Bright, for 1000 years, for that the deeds were only to enable them to vote: that he made three conveyances from one Rooth, one for each, the conſideration 60, 40, and 20l. that they were not executed before he went to London, which was on the 24th of June: that they ſeverally paid for their deeds; and he could ſay nothing more about the leaſe.

Ward ſaid, the grounds bought of Rooth were but one burgage; that there is but one houſe on it; and he never knew but one vote for it.

Staples, junior, ſaid, all his father's lands in the borough were conveyed to him 15 years ago.

Hebwood ſaid, that Franks's deeds were not indented at the time of the election; but when he made his fealty, they were ſo.

Ward ſaid, that Mr. Bright's ſteward told Moore's wife, he would give her forty ſhillings, if her husband would vote for Mr. Bright; and paid her the money: but it was owned, that Mr. Keplin did ſay ſomething of a deſperate debt; and that ſhe gave a receipt for it, which one Gargrave, an attorney, wrote.

Dr. Johnſon ſaid, Thomas Taylor left all his eſtate to his younger children: but owned, that Taylor, who voted, was an alderman of Pomfret.

Ward ſaid, that Lowther, and one Burman, voted for the ſame burgage.

Staples ſaid, that Foſter's deeds were ſhewn in court; but that he was refuſed, becauſe they were dated three or four days before the teſte of the writ, although he hath the eſtate to this time.

For Mr. Bright, it was inſiſted, that there were perſons preſent at the election, on behalf of both candidates; and that none of the perſons, now excepted to, were excepted to at that time: and that they would juſtify theſe votes, and except to twelve, who voted for the petitioner.

That as to eight excepted to, Mr. Abbot ſaid, he is town-clerk, and took the poll for the mayor: that before it began, the counſel agreed, that the votes excepted to, ſhould be marked, and diſputed after; and accordingly, ſome were queried; but Mr. Monkton went away ſatisfied, without diſputing them: that there was no exception againſt Symmons, Hoyle, and Horneby: that they had three ſeveral burgeſſes; and paid ſeveral rents: to prove which, they produced their deeds, and proved them fairly executed: that Leonard Staples paid two ſhillings rent for a freehold he had; and that there is no ſuch rent paid, but for burgage tenure.

The counſel inſiſted, that Franks's deed was legal, without being indented: that Taylor, who voted as an alderman, and had been mayor, could not have been ſo, if he had not a burgage; and he pays a burgage rent for his houſe, which he bought of his father's truſtees: that Robert Lowther and * Burman bought two ſeveral burgages of Auſtin, and paid ſeveral rents; and the eſtate has been in two perſons before, who voted ſeverally for it.

Keplin ſaid, Rooth told him, he had three burgages to ſell, and wanted the money; and deſired him to help him (Rooth) to a purchaſer: that he told Symmods, Hoyle, Horneby, and others, of it, and agreed with them three, without mentioning it to Mr. Bright; and that there was no truſt in the caſe, nor any mention made of any leaſe to be made to Mr. Bright: but he owned, he ſold Rooth certain lands, called the Ox-cloſes; and Mr. Rooth paid him 250 *l.* for them. As to the 40 *l.* paid to Moore's wife, he ſaid, it was a debt due to him (Moore) from one Middleton, a ſervant of Mr. Bright's, that had been owing eight or ten years; and he paid it by Middleton's requeſt, about a month or ſix weeks before the election; nor did he, upon payment, aſk for Moore's vote, nor expect it: that Edward Forſter declared both for Mr. Bright and Mr. Monkton; but his deeds being of a late date, he was not admitted.

That, as to ſeven of the twelve, excepted to by Mr. Bright, of Mr. Monkton's voters, they inſiſted, that they had no burgage right: and called Taylor; who ſaid, Picker told him, ſince the election, that he had no burgage, but only to ſerve a turn; though it was owned, he voted before, and was not excepted to, nor at this election.

Abbot ſaid, Picker is not in the mayor's book, a burgher, nor ever paid any rent: but owned, he formerly produced his purchaſe deeds: that Ruſhworth pays ſix-pence yearly; but ſaid, 'tis an encroachment, and his vote has always been diſputed: that Crow's burgage is his mother's jointure, and he was queried; but owned, he had voted once before:

that Mr. Nettleton produced his deeds, which were for part of an houſe, that paid an entire rent, and was not before divided: that Adaman voted in right of his wife; and the eſtate was deviſed between her former huſband's children: that Hatherwight's mortgagee was in poſſeſſion of his burgage; and he had only an equity of redemption: that Creſſy's mother had half the houſe; and his title was always diſputed.

As to the other five, Mr. Bright's counſel charged them with bribery: and called Smallwood, who ſaid, that by order of one Ward, an agent for Mr. Monkton, he paid Hatherwight, the day of the election, ten ſhillings, which was promiſed before; and Ward has repaid him: that Mr. Shepley, Mr. Monkton's ſteward, told him, what money he laid out for the petitioner, he would repay him: that he did expend twenty ſhillings on treating of five voters; and gave Green money for voting: that he aſked Mr. Shepley for the money; who ſaid, he would repay him, one time or another.

Medley ſaid, that, about four days before the election, Shepley gave him ten ſhillings, and deſired, he would give it to George Down, and preſs him for a ſingle vote for the petitioner: and he did ſo; and Down did vote ſo, as he deſired.

In reply.——Hebworth ſaid, Picker has a burgage, and has ſeen him do fealty and pay rent; and he drew the purchaſe deeds ſome years ſince: that Stone, who ſold the eſtate to Ruſhworth, voted for it: that Mr. Crow had voted ſeveral times.

As to Nettleton, there was no anſwer.

That Adaman voted, as having married Loryman's widow; and has the eſtate: that Hatherwight's father made a leaſe for 99 years; and Hatherwight voted as he had the fee, which he had ſince the election, and ſold it to Rooth: That Creſſy's father died ſeized of $\frac{1}{2}$ burgage; and Jonathan is his heir; though it was owned, that his mother had two or three rooms in the houſe by his father's appointment.

Mr. Shepley denied, he was ever Mr. Monkton's ſteward or ſervant, or ever gave any order to Smallwood to lay out money, but on the contrary did receive a letter from Mr. Monkton to diſcharge Smallwood from laying out any money: though he owned, he did give Medley then ten ſhillings for Down; but ſaid, it was not for his vote, but of his own will, his own money, and after the election.

Whereupon the committee reſolved, that John Bright, eſquire, was duly elected a burgeſs to ſerve in this preſent parliament for this borough.

The ſaid reſolution, being read a ſecond time, was diſagreed to by the houſe.

Reſolved, that Robert Monkton, eſquire, is not duly elected a burgeſs to ſerve in this preſent parliament for this borough.

Ordered, a warrant for a new writ for electing a burgeſs for this borough in the room of Mr. Bright, who is adjudged not to be duly elected.

February 14. A petition of ſeveral aldermen and burgeſſes of this borough, in behalf of themſelves and the majority of the aldermen and burgeſſes of the ſaid borough, was read; ſhewing, that a late election of John Bright, eſquire, to ſerve in parliament for this borough, being declared void by the houſe, a writ iſſued for chuſing another burgeſs: at which election, on the 1ſt inſtant, ſeveral of the petitioners, who have a right to vote, offered to vote for Robert Monkton, eſquire; but Mr. Haſkins the mayor, arbitrarily refuſed to accept them, and admitted others to vote for the ſaid Mr. Bright, who had no right: that, if the petitioner's votes had been taken, Mr. Monkton would have had the majority; but the mayor hath unduly returned Mr. Bright, in wrong to the petitioners and Mr. Monkton, who was duly choſen: and praying &c.

Ordered to be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

21ſt. The houſe being informed, that the committee of privileges and elections had appointed the matter, concerning the merits of the election for this borough, to be heard upon the 6th day of March next; by which day ſeveral witneſſes, who are at a diſtance, cannot be brought up to attend the ſaid committee;

Ordered, that it be heard on Friday the 15th day of March next.

29th. Ordered to be heard on the 8th of April next.

March 30, 1715. A petition of Sir William Lowther, baronet, and Hugh Bethell, eſquire, and Chriſtopher Heyford, Thomas Gilpin, Timothy Kyplin, George Jennings, Benjamin Radcliffe, David Medley, Robert Wood, John Poplewell, John Kiplin, John Hutchinſon, Joſhua Cooper, and John Aſh, burgeſſes of this borough, on behalf of themſelves and others, the burgeſſes of the ſaid borough, was read; ſhewing, that at the election of members for the ſaid borough.——William Lowther and Hugh Bethell, and the honourable John Dawney and Robert Frank, eſquires, were candidates: the ſaid Mr. Lowther and Mr. Bethell had the majority of legal votes, yet Robert Lowther, eſquire, mayor of the ſaid borough, has returned the ſaid Mr. Dawney and Mr. Frank; and the mayor did reject a great many legal votes, who offered to poll for the ſaid Mr. Lowther and Mr. Bethell; and likewiſe refuſed ſeveral quakers, who offered to give their affirmation; and the ſaid mayor admitted ſeveral illegal voters to poll for the ſaid Mr. Dawney and Mr. Frank; and that the ſaid Mr. Frank being recorder, and during the ſaid election, directed the mayor, what votes he ſhould allow of, and what he ſhould reject, and the ſaid Mr. Lowther and Mr. Bethell demanded a ſcrutiny; but the ſaid mayor refuſed one: and praying &c.

A petition of the ſaid Sir William Lowther, baronet, and Hugh Bethell, eſquire, was read; ſhewing, that at the election for this borough, the petitioners and the honourable John Dawney and Robert Frank, eſquires, were candidates; and the petitioners had the majority of legal votes, though Robert Lowther, eſquire, mayor, has returned the ſaid Mr. Dawney and Mr. Frank; and that the ſaid mayor did reject many legal votes for the petitioners, and refuſed to admit the perſons called quakers, to vote for the petitioners, unleſs they would take the abjuration oath, though ſeveral of them offered their ſolemn affirmation; and the ſaid mayor admitted ſeveral perſons to poll for the ſaid Mr. Dawney and Mr. Frank, who had no right, and refuſed others to vote for the petitioners who had a right; and Mr. Frank, recorder of the ſaid borough, together with Mr. Edward Abbot, town-clerk, directed the ſaid mayor what votes ſhould be allowed, and what rejected, who acted accordingly; and that the petitioners after the cloſing of the poll demanded a ſcrutiny, but the ſaid mayor refuſed one: all which matters are contrary to the rights of the ſaid borough, and a great prejudice to the petitioners: and praying &c.

Ordered, that the ſaid petitions be referred to the committee of privileges and elections, to examine and report the matter thereof, with their opinion.

Feb. 7th. Ordered it be an inſtruction to the committee of privileges, that they do examine the matter of the ſaid petitions, on the 7th day of March next.

March 19. Ordered, the report be received on Thurſday next.

22. Mr. Hampden reported the matter as it appeared to the committee, as follows; viz.

That the committee had examined the merits of the election.

That it was agreed this was a borough by preſcription, and the right of election is in perſons having a freehold of burgage-tenure, paying a burgage rent.

The poll was—For. Mr. Dawney 149.
Mr. Franck 145.
Sir William Lowther 122.
Hugh Bethell, eſquire, 111.

That the petitioners counſel complained of partiality in the mayor, recorder, and town-clerk; and alledged they ſhould add 41 to their poll, and take off 38 from the ſitting-members.

It appeared by the poll, that two voted twice for the ſitting-members.

William Lee ſaid, it appeared three quakers tendered their votes for the petitioners; and were refuſed, becauſe they would not take the abjuration oath, though they offered to take the affirmation to the effect thereof. That the mayor was governed in the poll by the recorder, and town-clerk, who was a manager for Mr. Dawney and Mr. Frank, and accepted ſeveral votes for them who had no right; and refuſed ſeveral for the petitioners who had right; and the town-clerk, who had the making up the fee-farm book yearly for the mayor, wherein the different tenures ſhould be diſtinguiſhed, and all the burgeſſes duly entered, had marked therein ſeveral as burgage-tenants, who were not ſo; and omitted the marking others, who were: which partiality run in favour of the ſitting-members; and diſputes upon the poll had been uſually determined by this book.

That twelve perſons, who, by conveyances from Sir William Lowther, dated Jan. 2, 1712, and proved by Mr. Lee, claimed twelve burgages, part of an eſtate formerly Wakefield's, and which pays burgage rent, and were formerly purchaſed by Sir William Lowther in 1711, tendered their votes for the petitioners, but were refuſed; although moſt of them, or their predeceſſors, have been admitted in former elections, when they voted in a contrary intereſt.

The petitioners counſel proceeded to add eleven, who, by conveyances from Sir William Lowther and Mr. Bethell, dated January 5, 1714, claimed eleven burgages, formerly the poſſeſſion of Engliſh's, and which pay burgage-rent, and were purchaſed from Sir William Lowther, from Harriſon, and others, in December 1714: Their conveyances were proved by Mr. Lee, and it appeared that Engliſh, the former owner, being a quaker, did not vote in elections, but that the premiſes were burgage-tenure, and are ſo entered in the town-books.

Alſo, to add ſix more to the petitioners poll, Mr. Lee proved the conveyances of ſix burgages to ſix perſons in 1714, from Sir William Lowther, and others, and named ſix others who voted for Mr. Dawney and Mr. Frank for the ſame burgages, and therefore ought to be taken from the poll.

Nine were inſiſted to be added to the petitioners poll, whoſe conveyances of burgages from Sir William Lowther, and others, ſome in 1714, and others in former years were produced, and proved by Mr. Lee and others; by whoſe evidence, and by the old books and writings, it appeared that theſe premiſes were ancient burgages, paid burgage-rents, and moſt of them had been voted for.

It appeared the forty one voters thus offered to be added, did tender themſelves for the petitioners and were refuſed; and on proving their titles before the committee, it appeared the conſideration monies had not been paid, but notes given for the ſame.

They alſo objected to thirty of the ſitting members voters, beſides the eight beforementioned, to be taken off the poll.

Lee and others ſaid, that of theſe thirty, ſeveral were not burgage-tenants, ſome had not freeholds, ſome were ſplit votes, or diſputable, others formerly rejected, and ſome of them had no title.

Mr. Lee added alſo, that he had inſpected the fee-farm books of the burgage-tenants, and believed there were forty or fifty alterations made therein, of the town-clerk's own hand writing, differing from former books: that ſome of the rents were changed to make, or not make, a burgage-rents as ſhould favour the ſitting members:

That fifty were left out who were burgage-tenants in favour of the ſitting-members, for whom the town-clerk was very active, during the poll; diſputing all that came againſt them, and none who voted for them; ſometimes acting by direction of the recorder, without the mayor, and ſometimes by his own authority.

Lee ſaid, the town clerk inſerted in the poll ſeveral by the recorder's direction, and without the direction of the mayor, then preſent.

The ſitting-members counſel alledged they ſhould juſtify the poll, by qualifying thoſe objected to, and diſqualifying thoſe the petitioner would add; and ſhould vindicate the town-clerk in the ſeveral matters objected againſt him; but offered no evidence for any of theſe purpoſes, other than the town-clerk who is complained of in the petition, and charged by the petitioners evidence with ill practices in favour of the ſitting-members.

The committe reſolved,

That the honourable John Dawney, eſquire, is not duly elected a burgeſs to ſerve in this preſent parliament for this borough.

That Robert Frank, eſquire, is not duly elected a burgeſs to ſerve in this preſent parliament for this borough.

That Sir William Lowther, baronet, is duly elected a burgeſs to ſerve in this preſent parliament, for this borough.

That Hugh Bethell, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for this borough.

A motion was made that the report be re-committed, but diſagreed to, and

The ſaid reſolutions were twice read, agreed to by the houſe, and the return ordered to be amended.

POOL.

THIS borough is ſituate within the county of Dorſet. It was made a county by Queen Elizabeth, (ſee Appendix) having before ſent burgeſſes to parliament, in the 36th and 42d of Edward III. It firſt ſent to a council in his 14th year; but intermitted until the 33d of Henry VI. It has had ſeveral charters; ſome whereof will be in the Appendix. I meet with no memoirs of the right of election, but in the journals; wherein are theſe.

Willis's Notitia. Vol. II. p. 410. Prynne Br. Parl. red 198. 4th Reg. 1087.

May 16th, 1661. Serjeant Charleton reported from the committee of privileges, touching the election for this town, that John Moreton and William Conſtantine, eſquires, are returned by one indenture; and John Moreton, eſquire, and Sir John Fitzjames by another indenture; and all by the chief officers: and the opinion of the committee, that both Mr. Conſtantine and Sir John Fitzjames do forbear to ſit in the houſe, till the merits of the caſe, touching this election, be determined: Whereto the houſe agreed.

June 16th. Serjeant Charleton reported from the ſaid committee, touching the difference between William Conſtantine, eſquire, and Sir John Fitzjames, knight, concerning the election for this town; —— That the firſt queſtion, before them, was, whether the out-burgeſſes of the ſaid town had voices, as well as the in-burgeſſes: and the opinion of the committee, that the out-burgeſſes had equal voices with the in-burgeſſes: and the ſecond queſtion being, who had the majority of voices,

It appeared, that Sir John Fitzjames had much more the majority of voices, and was duly elected one of the burgeſſes for the ſaid town; and the opinion of the committee, that the ſaid Sir John Fitzjames was duly elected one of the burgeſſes of the ſaid town, and ought to ſit: Whereto the houſe agreed.

January 26th, 1688. A petition of Thomas Chafin, eſquire, was read; ſhewing, that he, with Henry Trenchard, eſquire, was choſen and returned by the ſheriff of this town and county, to ſerve as burgeſs in the preſent convention for the ſaid town; but that the ſheriff had alſo returned Sir Nathanael Nappier, in prejudice of the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

Feb. 9th. Colonel Birch reported, from the ſaid committee, the matter upon the merits of the double return for this town and county,——That it appeared, that Henry Trenchard, eſquire, and Sir Nathanael Nappier are returned by one certificate; and the ſaid Mr. Trenchard and Thomas Chafin, eſquire, another.

It was proved, that Sir Nathanael Nappier agreed to ſettle 15l. *per annum* on the town, for their ſchool; and that he was at the charge of paſſing their new charter, before the prince of Orange landed.

To this, it was anſwered, that what Sir Nathanael Nappier did, was about the time of his being made free of the town; and it was uſual to give preſents on that occaſion: and that Mr. Trenchard and Mr. Chafin, when they were made ſo, gave 50l. each to the uſe of the town for their freedom.

That the matter in queſtion was, whether the right of election be in the mayor and burgeſſes only, or in the mayor, burgeſſes, and commonalty, who pay ſcot and lot.

That it appeared by many parliament returns, that the right of election had anciently been in the mayor and burgeſſes only, except a return in the 18th of King James I. wherein the commonalty are mentioned with the mayor, aldermen, and burgeſſes, though the indenture is ſealed with the ſeal of the mayor, aldermen, and burgeſſes. That Sir Nathanael Nappier had 33 burgeſſes; and Mr. Chafin 22; but of the commonalty, it was allowed, Mr. Chafin had the greater number: whereupon the committee reſolved,

That the right of election of burgeſſes, to ſerve in this convention for this town and county, is in the mayor, burgeſſes, and commonalty, of the ſaid town and county, who pay ſcot and lot.

That Thomas Chafin, eſquire, is duly elected a burgeſs, to ſerve in this convention, for this town and county.

The ſaid reſolutions, upon debate, were diſagreed to.

Reſolved, that Sir Nathanael Nappier, baronet, is duly elected a burgeſs, to ſerve in this preſent convention, for this town and county; and Mr. Chafin's return was ordered to be taken off the file.

February 15th, 1710. The houſe proceeded to take into conſideration the report from the committee appointed to enquire into the abuſes of the victualling: and the report was read.

Reſolved, that it appears to the houſe, that in the management of her majeſty's brew-houſe, as well as in the contracts for furniſhing the navy with beer, there have been many notorious embezzlements and ſcandalous abuſes, to the defrauding of the public of great ſums of money, and to the injury and diſcouragement of the ſeamen.

Mr. Ridge was heard in his place to the matter of the report relating to him: and then withdrew. See the Appendix.

Reſolved, that it appears to the houſe, that Thomas Ridge, eſquire, a member of this houſe, is guilty of great frauds and abuſes, by having contracted to furniſh 5513 tons of beer upon his own account, and 2704 tons of beer in partnerſhip with Mr. Dixon, and having received bills for the whole, although he delivered but 3213 tons on the firſt, and 1269 upon the latter, contract.

Reſolved, that the ſaid Thomas Ridge, eſquire, be, for the ſaid frauds and abuſes, expelled the houſe.

Feb. 22, 1710. Ordered a warrant for a new writ for electing a burgeſs, to ſerve for this borough, in the room of Thomas Ridge, eſquire, expelled this houſe.

PORTSMOUTH.

THIS borough is within the county of Hants
or Southampton. It was one of thoſe, as Dr. Willis's
Willis writes, originally in the 23d of Edward I. Notitia,
ſummoned to return burgeſſes to the parliament. Mr. 1749, 47. Prynne's
Prynne has ſet down the firſt writ in the 26th of Br. Par.
Edward I. The original method of election I do Red. 211.
not meet with, nor any memoirs thereof, until the
29th of Henry VI. when it appears by the return. Ib. 284.
—— *Quod cum conſenſu et aſſenſu totius communitatis
ejuſdem eligerunt ſibi per major. Balliv.* &c. (See Appendix) The future memoirs in the journals are theſe.

March 19th, 1678. A petition of John Peachy, eſquire, complaining of an undue return of Sir John Kempthorne, knight, to ſerve in this preſent parliament as a burgeſs for this borough, to the petitioner's wrong and injury, who was duly elected, and ought to have been returned, was read.

Reſolved, that the ſaid petition be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

March 24th, 1680. A petition of Richard Stevens, touching the election for this borough, was read.

Reſolved, that the ſaid petition be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

March 24th, 1689. A petition of Henry Slingſby, eſquire, was read; ſhewing, that Nicholas Hedger, mayor of this borough, upon pretence of having ſurrendered his office, which he could not legally do, and by undue means, cauſed himſelf to be returned with the honourable Edward Ruſſel, eſquire, notwithſtanding he is ſtill the legal mayor of this town, in prejudice of the petitioner, who had the majority of legal voices: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

December 5th, 1695. A petition of divers of the inhabitants of * Portſea was read; ſhewing, that the inhabitants of the ſaid borough, paying ſcot and lot, have a right to elect members to parliament; and that the petitioners, who live within the juriſdiction of the ſaid borough, were denied to give their voices to Edmund Dummer, eſquire: that many ill practices were uſed in behalf of Nicholas Hedger, eſquire; viz. by ſhutting up the gates of the town, to prevent thoſe from voting that lived without, who would have polled for Mr. Dummer; by threatening many of the petitioners with corporal puniſhments, for offering to poll for Mr. Dummer; and, in an hoſtile manner, by keeping a guard of ſoldiers, drawn from the main guard of the town, to threaten and diſcourage Mr. Dummer's friends from voting for him; by which, and many other practices, Mr. Hedger was illegally declared choſen a member to ſerve in this preſent parliament for the ſaid borough, in manifeſt wrong of the petitioners right: and praying &c.

Ordered it to be referred to the committee of privileges and elections, to examine the matter thereof, and report the ſame, with their opinion.

28th. A petition of Matthew Aylmer, eſquire, was read; ſhewing, that, at the election for a burgeſs to ſerve in this parliament for this borough, the petitioner and colonel Gibſon were candidates; and many hundreds of the burgeſſes and inhabitants voted for each of the candidates; and the poll was taken of all ſuch votes, by conſent, before the caſting up thereof; whereupon it appeared, that the petitioner had the majority, without contradiction; and the petitioner was then declared elected; and demanded, and was promiſed, by the town-clerk, a return, the next day: but the mayor, at a private conſult between him and ſome few aldermen, was prevailed upon to put the common ſeal to an indenture and return, now with the clerk of the crown; wherein it is mentioned, that the mayor, aldermen, and burgeſſes, had choſen colonel Gibſon; and that part of the burgeſſes, with the major part of the inhabitants, had choſen the petitioner; though, during the whole tranſaction, there was not the leaſt claim or pretence, for the burgeſſes to elect, excluſive of the inhabitants: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Ordered, that it be an inſtruction to the ſaid committee, that they do proceed ſpeedily to hear and examine the ſaid matter.

30th. A petition of John Gibſon, eſquire, was read; ſhewing, that the petitioner and Matthew Aylmer, eſquire, were candidates at the election for this borough; and the petitioner was duly elected by the mayor, aldermen, and burgeſſes, in whom the right of election is: but Mr. Aylmer, by many undue practices, and by ſetting up the right of election to be in the populace, who never pretended to have any vote till ſince the revolution, and the ſame never controverted, hath procured himſelf to be returned in the ſame indenture with the petitioner; whereby the petitioner is hindered from ſitting in the houſe, till the matter of the return be determined: for which reaſon, he intended to petition the houſe; but he was informed, that he might ſtay, until the return came to the clerk of the crown, which was not till this morning, as the petitioner is informed; though Mr. Aylmer hath obtained an order upon his petition for a ſpeedy hearing, upon a ſuggeſtion, that the return was then with the clerk of the crown, and that the petitioner procured the ſame to be made, which could not be; for that the petitioner was abſent from Portſmouth, when Mr. Aylmer, by threats, procured the mayor to make the ſaid return: and praying &c.

Ordered, that the ſaid petition be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion: and that it be heard at the ſame time with the petition of Mr. Aylmer.

January 6. A petition of ſeveral aldermen and burgeſſes of this borough, on behalf of themſelves, and other burgeſſes of this ſaid borough, was read; ſhewing, that at the laſt election of a burgeſs to ſerve in this preſent parliament for this borough, a conſiderable majority of the mayor, aldermen, and burgeſſes, in whom only is the right of election, choſe John Gibſon, eſquire, for that borough; but the mayor (being threatned and over-awed admitted the populace to poll, contrary to the ancient cuſtom of the ſaid borough) hath returned Matthew Aylmer, eſquire, together with the ſaid Mr. Gibſon, in the ſame indenture, in prejudice of the petitioner's right: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion: and that it be heard at the ſame time with the other petitions, concerning this election.

January 21. Ordered, the report to be made on Friday next.

24th. Mr. Solicitor-general reported from the committee, the matter upon the ſaid petitions of Mr. Aylmer, colonel Gibſon, and the aldermen and burgeſſes, viz.

The committee have examined the matter of the return, and alſo of the election: that upon inſpecting the records of the returns, it appeared, that John Gibſon, eſquire, and Matthew Aylmer, eſquire, were returned by one and the ſame indenture; ſo that the determining the right of the return depended upon the determining the merits of the election: therefore the committee appointed a day for hearing the merits of the election.

At which time, for Mr. Aylmer, was called

Mr. Suffield; who ſaid, he had lived in this borough 28 or 29 years; and that, ſince the revolution, the inhabitants at large have been admitted to vote for parliament men, with the mayor, aldermen and burgeſſes: that, at this election, they did vote with the aldermen and burgeſſes; and the candidates did agree to abide by that poll; and admiral Aylmer carried it with all fairneſs and unconcernedneſs: that he remembered four elections before the revolution; and though the inhabitants were not admitted to poll by the corporation, yet ſomebody uſed to poll them: that Mr. Richard Stevens was choſen by the inhabitants; and upon their right he petitioned the Oxford parliament.

To

* Portſmouth.

To prove the right of the inhabitants, was produced a charter of confirmation to this borough, 4. *Nov.* 3. *Car.* by which it appeared, they had been incorporated by ſeveral names; and this confirmed them by the name of mayor, aldermen, and burgeſſes.

They alſo produced theſe returns; viz. 22. *Apr.* 14. *Eliz.* Mayor, chamberlains, and commonalty, elected.——9. *Nov.* 26. *Eliz.* Mayor, burgeſſes, and freeholders,——9. *Jan.* 1688. Mayor, aldermen, burgeſſes, and commonalty, elected, by virtue of a precept of the prince of Orange.——3. *Mar.* 2. *Gul.* & *Mar.* Mayor, aldermen, and burgeſſes, together with the commonalty.

To prove the right in the mayor, aldermen, and burgeſſes, were read theſe returns; viz. 17. *Ed.* IV. 13 burgeſſes named, elected. — 7. *Ed.* VI. Mayor, and 11 burgeſſes. — 1. *Mary.* Mayor, and 13 burgeſſes. — 1. *Eliz.* Mayor, and 12 burgeſſes. —— 30. *Eliz.* Mayor, and burgeſſes.——43. *Eliz.* & 1. *Jac.* The ſame.——1. *Jacobi.* The ſame.——3. *Car.* I. The mayor, with the whole aſſent and conſent of the reſt of the burgeſſes.— 16. *Car.* Mayor, aldermen, and burgeſſes. — 12. 13. 15. 31. 31. and 33. *Car.* II. The ſame.

Blakely ſaid, he had lived in Portſmouth about 29 years, and had known ſeveral elections: that in an election, upon a diſſolution in King Charles the ſecond, and King James the ſecond's time, only the mayor, aldermen, and burgeſſes, had elected: that the inhabitants had ſome times demanded a poll; but it was not granted them.

Launder ſaid, he was clerk to the town-clerk in 1678, and 1679; and none, but the mayor, aldermen, and burgeſſes, then elected.

Biſſil, the town-clerk, produced the poll of this election, promiſcuouſly taken of mayor, aldermen, burgeſſes, and inhabitants: the numbers were, for admiral Aylmer 234 — for colonel Gibſon 219: that colonel Gibſon had the majory by above 20, of the mayor, aldermen, and burgeſſes.

Mr. Suffield, and others, ſaid, that alderman Blakely ſpoke to the inhabitants, and told them, they had a right to vote; and that both candidates agreed to abide by the poll: and accordingly the town-clerk was about to make a ſingle return for admiral Aylmer; but the mayor ſnatched it from the town-clerk, and ſaid, he would make another return.

Thomas Rich ſaid, the mayor congratulated admiral Aylmer, and ordered the bells to be rung for him.

That the counſel on both ſides inſiſted, that there had been divers irregularities on both ſides of the election: and on the behalf of admiral Aylmer, was produced Triggs, who ſaid, he voted for admiral Aylmer; and colonel Gibſon came to his houſe, with the maſter-gunner, and trumpets ſounding before him; and bid them turn the rogue upſide down; and the rabble broke his windows.

Henry Coward ſaid, about two o'clock he was alarmed by the noiſe of a drum; ſo he went to the market-place, where he ſaw a huddle of people, crying out, *A Gibſon:* and that the maſter-gunner, who was Mooday, becauſe Coward had declared for admiral Aylmer, threatned to take all his buſineſs from him.

Rutter ſaid, that before the election, telling Bently he was for admiral Aylmer, Bently threatned to ſhut his windows down.

For colonel Gibſon and the burgeſſes, were called Blakely, and others; who proved, letters had been ſent to Admiral Ruſſel, that the corporation had uſed admiral Aylmer ill: Admiral Ruſſel did write to Mr. Bartin and Mr. Shales (a letter to each) to this effect: — that if they ſlighted his recommendation of admiral Aylmer, he would take ſuch meaſures, as might make them repent it; and that, if admiral Aylmer was not returned, and there was juſt ground for a petition, he would expend 10,000*l.* to do admiral Aylmer right.

That Mr. Hedger, and Mr. Holt, two members, informed the committee, that they had been at ſeveral elections before the revolution; and the inhabitants always claimed a right to vote.

That upon the whole, the committee reſolved,

That the right of election of burgeſſes to ſerve in parliament for this borough, is in the mayor, aldermen, and burgeſſes of the ſaid borough, only.

That John Gibſon, eſquire, is not duly elected a burgeſs to ſerve in this parliament for this borough.

That Matthew Aylmer, eſquire, is not duly elected a burgeſs to ſerve in this preſent parliament for this borough.

That the ſaid election of a burgeſs for this borough, is a void election.

The ſaid reſolutions being read a ſecond time, were agreed unto by the houſe.

December 1, 1710. A petition of Sir William Giffard, knight, and Sir James Wiſhart, knight, was read; ſhewing, that at the election of burgeſſes to ſerve in this parliament for this borough, the petitioners, Sir John Jennings, and Sir Charles Wager, were candidates: that Henry Seager, eſquire, took upon him to act as mayor at the ſaid election, and to execute the precept, though he was not legally qualified, he being elected mayor at a court, ſummoned by one Joſeph Whithorne, who never was lawful mayor of this borough, he having not taken the ſacrament of the church of England within one year next before his election into the office of mayor: that Thomas Ridge, eſquire, James White, and others, acted and voted as aldermen, and ſeveral others, as burgeſſes, though they were never duly elected nor qualified as ſuch; having never received the ſacrament, nor taken the oaths and ſubſcribed the teſte, as they ought to have done; yet Henry Seager admitted them, and ſeveral others, to poll againſt the petitioners, and rejected ſeveral legal votes for them; yet they were duly elected, and ought to have been returned; but the ſaid Seager hath unduly returned Sir John Jennings, and Sir Charles Wager, who, with the ſaid Seager, Whithorne, and their agents, were guilty of many indirect practices, in making and procuring votes, and otherwiſe: and praying &c.

Ordered to be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion, to the houſe.

February 2. Ordered, that it be reported on the morrow.

3d. Mr. Freeman reported from the committee the matter, as it appeared to them, upon the ſaid petition: that the poll was, for Sir Charles Wager 66—for Sir John Jennings 64 — for the petitioners 51 each: that it was agreed, the right of election was in the mayor, aldermen and burgeſſes: that the queſtion was, whether Joſeph Whithorne, eſquire, who was elected mayor of this borough on the 10th of December 1709, was a legal mayor? and whether the aldermen and burgeſſes, elected during his mayoralty, are good and legal aldermen, and burgeſſes, of this borough? that it was admitted, that all elections of mayor, aldermen and burgeſſes of the borough, muſt be made by the mayor, aldermen and burgeſſes, for the time being, or the major part of them: that it appeared to the committee, that Mr. Whithorne is a preſbyterian, and goes to the meeting-houſes; and that he had not, within one year next before his election into the ſaid office of mayor, taken the ſacrament, according to the rites of the church of England; and that ſeveral of the aldermen proteſted againſt his acting as mayor; and that ſeveral aldermen and burgeſſes were elected, during the time he acted in the mayoralty.

That for Sir Charles Wager and Sir John Jennings, the reſolution of the houſe, 18. *Car.* II. in the caſe of Mr. Auſtin, who was elected for the port of Winchelſea, was inſiſted on: in that caſe, it appears by the journal, Mr. Auſtin was returned by a mayor, who had not, within a year before his election, received the ſacrament of the Lord's ſupper, according to the rites of the church of England; and that the houſe reſolved Mr. Auſtin was duly elected, and ought to ſit.

That upon peruſal of the clauſe, in the act of parliament, which enjoins the taking the ſacrament, the committee reſolved,

That Joſeph Whithorne, eſquire, who was elected mayor of this borough, on the 10th day of December 1709, and had not qualified himſelf for that office, according to law, by taking the ſacrament of the Lord's ſupper, according to the rites of the church of England, within one year next before his election, was not legal mayor of this borough.

That the aldermen, elected during the ſaid pretended mayoralty of the ſaid Mr. Whithorne, are not legal aldermen; and that the burgeſſes, elected during his pretended mayoralty, have not a right to vote in election of members to ſerve in parliament for this borough.

After which the counſel for the ſitting members admitted a majority for the petitioners, without thoſe burgeſſes; whereupon the committee came to the following reſolutions, viz.

That Sir Charles Wager, knight, is not duly elected a burgeſs to ſerve in this preſent parliament for this borough.

That Sir John Jennings, knight, is not duly elected a burgeſs to ſerve in this preſent parliament for this borough.

That Sir James Wiſhart, knight, is duly elected a burgeſs to ſerve in this parliament for this borough.

That Sir William Giffard, knight, is duly elected a burgeſs to ſerve in this parliament for this borough.

The ſaid reſolutions, being ſeverally read a ſecond time, were agreed unto by the houſe; and the return was ordered to be amended accordingly.

February 5, 1710. Ordered, a warrant for a new writ for electing a burgeſs to ſerve for this borough, in the room of Sir James Wiſhart, knight, made a commiſſioner of the admiralty.

Feb 10. The houſe being moved to take into conſideration the caſe of Sir William Giffard, who has been adjudged duly elected to ſerve in this preſent parliament for this borough; whether he, being governor of Greenwich-hoſpital, is capable (according to the act 6. *Annæ Reginæ*, for the ſecurity of her majeſty's perſon and government, and of the ſucceſſion of the crown of Great Britain in the proteſtant line) of being a member of the Houſe of Commons.

The act was read.

Ordered, that the conſtitution of Greenwich-hoſpital, and alſo the patent, conſtituting Sir William Giffard governor thereof, be laid before the houſe.

12th. The ſaid patent and conſtitution were laid before the houſe; and being read, Sir William Giffard came into the houſe, and took his place.

PRESTON.

THIS borough is ſituate within the county palatine of Lancaſter. It was firſt made a borough by King Henry II. and had new liberties granted by King John, when Earl of Morton and Lancaſter; which were confirmed in the reigns of King Henry III. and King Edward III. It was as ſuch originally ſummoned to ſend members to parliament, and made ſix returns only; after which it was omitted for the reaſons given in the return for the county (ſee Lancaſter) but was reſtored by King Edward VI. ſince which time I meet with the following memoirs reſpecting its elections.

Brady 46.
Prynne's Br. Parl. 203.
Willis's Notitia, 1749. 29.

June 20th, 1660. Mr. Turner reported, from the committee of privileges and elections, the caſe upon the double return for this borough; that, upon the examination of the fact, it appeared to the committee, that at the time of the election, the taking of the poll was denied by the mayor; and that, in reſpect thereof, the committee are of opinion, that the election is void: Whereto the houſe agreed; and ordered a writ for a new election.

December 18th, 1661. Serjeant Charleton reported from the ſame committee, that, upon the petition of Doctor Fiſe againſt Doctor Riſhton, they had proceeded to examine the matter touching their elections for this borough: and, the queſtion being, whether the mayor and 24 burgeſſes had only voices; or the inhabitants at large; the committee was of opinion, that all the inhabitants had voices in the election; and that the majority of ſuch voices is with Doctor Riſhton; and that he was duly elected and ought to ſit.

Whereto the houſe agreed.

March 25th, 1690. A petition of Thomas Patton, eſquire, was read; ſhewing, that the petitioner was duly elected a burgeſs for this borough; yet the mayor, bailiffs, and ſeveral burgeſſes, to whom the precept was directed, by undue practices, have returned the right honourable the Lord Willoughby of Ereſby, in prejudice of the petitioner: and praying &c.

Ordered to be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

October 16th. A petition, the ſame in ſubſtance, with the former, was read.

Ordered, to be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

17th. A petition of the mayor, bailiffs, majority of aldermen, common-council, and capital burgeſſes, of this borough, was read; ſhewing, that the right honourable the Lord Willoughby of Ereſby was duly elected and returned for the ſaid borough; but is ſince called up, by writ of ſummons to the houſe of Lords, whereby the borough is now repreſented by one member only: that Thomas Patton, eſquire, hath exhibited his petition to this honourable houſe, thereby alledging, he is duly elected for the ſaid borough; which petition is referred to the committee of elections and privileges, but cannot be by them heard, in courſe, in a long

long time: and praying that a ſhort day may be appointed for hearing the matter of the ſaid petition; and that the petitioners may, at the ſame time, be heard againſt the pretenſions of the ſaid Thomas Patten.

Ordered, to be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

22d. Ordered, that the matter touching the election for this borough, be heard at the bar of the houſe on this day month: and that Thomas Patten, eſquire, have notice of this order.

Nov. 17th. Ordered, that the matter touching the election of burgeſſes to ſerve in this preſent parliament for this borough, which was ordered to be heard on Wedneſday morning next, be put off, and heard on Thurſday morning next at the bar of this houſe.

19th. Ordered, that the ſaid matter be heard at the bar of this houſe to-morrow morning.

20th. The ſaid matter came on to be heard at the bar of the houſe, both on the petition of Thomas Patten, eſquire, complaining of the election and return of Robert Lord Willoughby of Ereſby, to ſerve as a burgeſs for the ſaid borough; and upon the petition of the mayor, bailiffs, majority of the aldermen, common-council, and capital burgeſſes, of the ſaid borough: and after counſel called in on both ſides, and heard; they being withdrawn;

Reſolved, that Robert Lord Willoughby of Ereſby was duly elected a burgeſs, to ſerve in this parliament, for this borough.

December 7th, 1695. A petition of Sir Chriſtopher Greenfield, knight, was read; ſhewing, that the petitioner was duly elected one of the burgeſſes to ſerve in this parliament for this borough, and as ſuch ought to have been returned; but, by the corrupt practices of Thomas Molineux, eſquire, he hath procured himſelf to be returned, though he was not duly elected: and praying &c.

Ordered, to be referred to the committee of privileges and elections, to examine the matter, and report it, with their opinion.

Jan. 16th, 1706. A petition of Henry Fleetwood, eſquire, was read; ſhewing, that the petitioner and Arthur Manwaring, eſquire, were candidates at the laſt election for this borough, in the room of Edward Rigby, eſquire, deceaſed; and the petitioner was duly elected, and ought to have been returned, though many corrupt practices were uſed to get votes for Mr. Manwaring; and, by the partiality of the mayor, and one of the bailiffs of the ſaid borough, Mr. Manwaring is returned in prejudice of the petitioner: and praying &c.

Ordered, that the ſaid petition be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

February 15th. Ordered that Mr. Fleetwood have leave to withdraw his ſaid petition.

December 5th, 1710. A petition of Francis Anneſly, eſquire, was read; ſhewing, that the petitioner was duly elected a burgeſs, to ſerve in this parliament for this borough; but Sir Henry Houghton, by himſelf and agents, did, by bribery, treats, promiſes, impriſonment of the voters, and other undue practices, procure a majority of votes, and himſelf to be returned, in wrong to the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report it with their opinion.

December 8th, 1711. A petition of Francis Anneſly, eſquire, to the ſame effect, was again read.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

January 21ſt, Ordered, that Mr. Anneſly have leave to withdraw the ſaid petition.

October 25, 1722. A petition of Thomas Molineux, eſquire, was read; ſhewing, that at the election of members to ſerve in parliament for this borough, the petitioner was duly elected to ſerve for the ſaid borough; Thomas Heſketh, eſquire, who was alſo a candidate, by bribery, and other undue means, procured himſelf to be returned for the ſaid borough: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

January 10, 1723. The petition of Thomas Molineux, eſquire; the ſame in ſubſtance with the former, was read, and referred in like manner.

QUEENBOROUGH.

THIS borough is ſituate within the county of Kent. It was firſt repreſented in parliament, in the 13th of Queen Elizabeth; and afterwards incorporated by King Charles I. The journals afford the following memoirs of its firſt ſummons, and her matters relating to its elections. Willis, 1749. 28.

April 6, 1571. This day, Mr. Treaſurer and others (ſee Cirenceſter) were appointed to confer with Mr. Attorney and Mr. Solicitor about the return of the burgeſſes for this and other boroughs; and to meet on the morrow in the afternoon, at three o'clock, in Mr. Treaſurer's chamber. D'Ewes Journal, 156.

9th. Report was made of the validity of burgeſſes, and ordered by Mr. Attorney's conſent, that the burgeſſes ſhall remain according to their returns; for that the validity of the charters of their towns, is elſewhere to be examined, if need be. Ibid. 159.

March 28th, 1679. A petition of Edward Hales, complaining of undue practices, uſed by the mayor of this borough, in returning James Herbert, eſquire, to ſerve in this preſent parliament as one of the burgeſſes for the ſaid borough, in injury of the petitioner, who was duly elected, and ought to have been returned, was read.

Reſolved, that it be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

October 25, 1680. A petition of William Glanville, eſquire, was read.

Ordered, that it be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

January 8th. Mr. Treby reported from the ſaid committee touching the ſaid election, that the committee had conſidered the matter; and come to two reſolutions; viz.

That James Herbert, eſquire, is not duly elected a burgeſs to ſerve in this parliament for this borough:

That William Glanville, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for this borough.

Whereto (they being twice read) the houſe agreed.

December 4, 1710. A petition of Sir John Jennings, knight, was read; ſhewing, that by groſs bribery, and other undue practices, James Herbert, and Thomas King, eſquires, procured themſelves to be elected, and returned, members, to ſerve in this parliament for this borough, otherwiſe the petitioner had been choſen by the majority of legal electors: and praying ſuch relief in the premiſſes, as to the houſe ſhall ſeem meet.

Ordered, that the ſaid petition be referred to the conſideration of the committee of privileges and elections; and that they do examine and report the ſame, with their opinion.

March 3, 1713. A petition of James Herbert, eſquire, was read; ſhewing, that the petitioner, at the laſt election of burgeſſes for this borough, was, as he conceives, duly elected to ſerve for this borough; but by the corrupt practices, bribery &c. of Charles Fauthersby, eſquire, one of the candidates, his agents, and friends, did procure himſelf to be elected a burgeſs for the ſaid borough, in wrong of the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

6th. Ordered, that the ſaid committee be diſcharged from proceeding upon the ſaid petition: and that Mr. Herbert be at liberty to withdraw it.

October 25, 1722. A petition of John, Lord Viſcount Carmichael, and colonel Thomas King, was read; ſhewing, that the petitioners lodged a petition with the clerk of this houſe; and that they, and John Cope, and James Littleton, eſquires, were candidates for this borough; and the objections they made againſt the undue qualifications of the ſaid James Littleton, as a commiſſioner of the navy; and, alſo, that they ſaid, Mr. Cope and Mr. Littleton by bribery, and other unlawful means procured themſelves to be returned for the ſaid borough, contrary to law and the petitioners juſt rights: that at the laſt election, the petitioners did require of the ſaid John Cope to make oath of his qualification, which he complied with, that upon inquiry, the petitioners cannot receive any information, that he had, or ever was poſſeſſed of, any ſuch eſtate, or received the profits therefrom: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Another petition of Lord John Carmichael and colonel Thomas King was read; ſhewing, that at the election of members to ſerve in parliament for this borough, the petitioners, John Cope and James Littleton, eſquires, were candidates: that the petitioners objected againſt Mr. Littleton's qualification, as being a commiſſioner of the navy: notwithſtanding ſuch undue qualification, the mayor, recorder, jurats, and water-bailiff proceeded to elect two burgeſſes, and took a poll for the ſaid Mr. Littleton; who, with the ſaid John Cope, by notorious bribery, and other corrupt practices, prevailed upon the ſaid mayor to return them contrary to law, and the petitioner's juſt right: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

March 11th. Ordered, that John Carmichael, eſquire, commonly called Lord Viſcount Carmichael, and colonel Thomas King, have leave to withdraw their petition.

RADNOR County.

Stat. 27 H. VIII. c. 6. THIS is one of the twelve Welch counties, and returns one knight to parliament, in virtue of the ſtatute in the 27th of Henry VIII. The memoirs, relating to its elections, do not occur, until ſince the reſtoration; of which I meet with theſe following.

May 6th, 1678. Sir Thomas Meeres reports from the committee of privileges and elections, touching the election for this county, That Mr. Samuel Powell, by his letters and friends, deſired his petition and claim might be diſmiſſed: that Sir Thomas Littleton, at the deſire of Mr. Powell, withdrew the ſaid Mr. Powell's petition, by the permiſſion and conſent of the committee: and that the committee reſolved,

That the petition and claim of Mr. Samuel Powell to be elected for this county, and the whole cauſe and queſtion of return and election, be totally diſmiſſed: and the ſaid committee were of opinion, that Richard Williams, eſquire, be reported well elected, to ſerve in this parliament, as knight of the ſhire for this county: whereto the houſe agreed.

March 31, 1715. A petition of Thomas Harley, eſquire, was read; ſhewing, that Edward Fowler, eſquire, high-ſheriff of this county, proclaimed the election for the ſaid county on the 9th of February, 1714: That Richard Fowler, eſquire, combining with the ſaid high-ſheriff, Mr. William Chamberlain, under-ſheriff, Mr. Matthew Davies, and others, confederates, did, by promiſes, threats, &c. endeavour to influence the freeholders to vote for the ſaid Richard Fowler, but the majority of them declared for the petitioner: and that the ſaid Mr. Harley, with ſeveral freeholders, demanded of the deputy-ſheriff to proceed to election and return the petitioner, who had the majority of votes, but refuſed the ſame: and praying &c.

Alſo a petition of divers gentlemen, and freeholders of this county, was read; ſhewing, that the petitioners, and the major part of the freeholders of the ſaid county, were reſolved to give their votes for Thomas Harley, eſquire, for the ſaid county; but Richard Fowler, eſquire, in confederacy with Edward Fowler, eſquire, high ſheriff, Mr. William Chamberlain, under-ſheriff, and others, did, by bribes, threats, and ſeveral other illegal practices of themſelves, and agents, endeavour to procure votes for the ſaid Richard Fowler; and that Thomas Harley, eſquire, and others, freeholders, did demand of the ſaid deputy-ſheriff to proceed to election, and grant a poll for the ſaid Mr. Harley, but he refuſed the ſame: and praying &c.

Ordered, that the ſaid petitions be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

October 19, 1722. A petition of Sir Richard Fowler, baronet, was read; ſhewing, that at the election of members to ſerve in parliament for knights of this county, the petitioner, and Sir Humphrey Howorth, knight, were candidates; that the ſaid Sir Humphrey, by corrupt and illegal practices, by himſelf, and agents, and in confederacy with ſeveral other gentlemen, procured a majority upon the poll; and made uſe of threats and rioting to terrify the freeholders from coming to give their votes for the petitioner; and diſtributed large ſums of money to ſeveral of the voters and treated the freeholders in ſeveral parts in the county; and the ſaid Sir Humphrey hath not an eſtate ſufficient to qualify him for a knight of the ſhire in parliament; and was returned in manifeſt wrong to the petitioner: and praying &c.

Ordered, it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

January 10, 1723. A petition of Sir Richard Fowler, baronet, was read; ſhewing, that the petitioner and Sir Humphrey Howorth, knight, were candidates at the laſt election for knights of the ſhire of this county; and that Sir Humphrey, with his agents, and in confederacy with Henry Howorth, Nicholas Tayler, and others mentioned in the petition, procured a majority upon the poll by their illegal practices; and Sir Humphrey is returned, although he is not qualified in eſtate; and many of the voters were, by bribery and menaces, deterred from voting, and who would have voted for the petitioner; and Sir Humphrey alſo treated the freeholders in ſeveral places within the ſaid county, after the teſte of the writ, contrary to law, and in prejudice to the petitioner's election: and praying &c.

Ordered it to be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

RADNOR Town.

See Angleſea.

THIS borough is the ſhire town of this county: and as ſuch, is entitled to return one burgeſs to parliament, in conjunction with the boroughs of Knighton, Kevenllys, Knucklas, and Rharder. The memoirs, relating to elections of ſuch repreſentatives, are theſe.

June 19, 1661. Ordered, that the petition for this borough, which though it came not in within the time limited, be referred to the committee of elections.

*Q. Deerham.

March 20, 1678. A petition of Robert * Deering, eſquire, complaining, that although he was duly elected to ſerve for this town; yet the bailiff of the town, combining with Sir Edward Harley, had, by an indenture, returned the ſaid Sir Edward Harley; but that the ſame was not returned by the ſheriff: and praying &c.

Reſolved, that the clerk of the crown do attend to-morrow morning, to give an account of the writ for Radnorſhire.

21ſt. Ordered, that the clerk of the crown be called in, to give account touching the return for Radnor.

And the clerk of the crown being called in, informed the houſe, that there was no return for this town affixed to the writ; but a return for the county only.

And one Mr. Oſtland being called in, informed the houſe, that he had an indenture, which he was directed by the ſheriff to affix to the writ; and that he had tendered it to the clerk of the crown: and the indenture being brought up to the table;

Ordered, that the clerk of the crown do affix the precept and indenture to the writ for Radnor.

27th, 1679. A petition of Richard Deerham, eſquire, complaining of an undue return of Sir Edward Harley, to ſerve in this preſent parliament for this borough, in injury of the petitioner, was read.

Reſolved, that the ſaid petition do lie upon the clerk's table, until Mr. Deerham do come, and own the ſame.

28th. The petition of Mr. Deerham was tendered to be read: and Mr. Deerham being called to the bar of this houſe, did own the petition.

Reſolved, that the ſaid petition be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

January 23, 1688. A petition of William Probert, eſquire, complaining of an undue election and return of * burgeſſes to ſerve in the preſent convention for this borough, was read.

* Sic orig.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

March 28, 1689. Ordered, that the matter touching the election of burgeſſes for this borough, upon the petition of William Probert, eſquire, be heard by the ſaid committee on Wedneſday next.

April 15. Sir Joſeph Tredenham reported the matter upon the ſaid petition, as follows:

See Appendix in Angleſea.

That for the petitioner, the counſel opened it— That by the 27th of Henry the eighth, and 35th of Henry the eighth, all the burgeſſes, as well of the out-boroughs, as of the ſhire-towns, of Wales (except for the town of Merioneth) had a right to vote for a burgeſs of the ſhire-town; and that in the county of Radnor there were five borough towns, who had a right to vote for a burgeſs for this borough; and that the majority of burgeſſes of two of the out-boroughs, who heard by accident of the election, were for Mr. Probert; and that the reſt of the out-boroughs, not having any notice of the day of election, did not appear: and called

James Davis, who ſaid, he was at the election: that Mr. Probert, when he came, ſaid, he had brought ſeveral of the out-boroughs, to vote for Mr. Williams; but the bailiff denied they had any right to vote, ſaying, they ought not to vote when any of the 25 were candidates; and declaring, he would return Mr. Williams, Mr. Probert demanded a poll; and a paper was delivered in to the bailiff, of the names of ſeveral of the out-burgeſſes, to the number of 70, who would have voted for the petitioner.

Thomas Lownd ſaid, he was at the election: that he heard Mr. Davis demand the poll: that Mr. Probert gave in a liſt of the out-burgeſſes to James Davis, who polled about 60 for Mr. Probert: that Mr. Probert had the generality of the out-burgeſſes; but they were refuſed, and their right denied by the bailiff.

For Mr. Williams, it was admitted, that the out-burgeſſes had a right of election, but inſiſted, that Mr. Williams had the majority, and a poll was never demanded: and called

Powell, who ſaid, he was preſent at the election, when the Prince's letter was read: that the bailiff openly demanded (there being about 200 perſons preſent) who they thought fit to return; and all the perſons, as he thought, declared, with an unanimous acclamation, for Mr. Williams: that thereupon, Mr. Probert aſked the bailiff, ſhall the out-burgeſſes ſign the indenture? and the bailiff anſwered, there was no indenture to be ſigned; but it was to be returned by certificate, under the common ſeal. He ſays, when they were refuſed to ſign the indenture, they cried out for Mr. Probert; but ſays, though he ſtood near, he heard no poll demanded.

Bendlow ſaid, he was preſent at the election: that Mr. Probert told the bailiff, he and the burgeſſes did vote for Mr. Williams, and joined in the acclamation, after the writ was read: afterwards Mr. Probert aſked, if they ſhould ſign the indenture? and was anſwered, there was no need of that; for the return muſt be by certificate, under the common ſeal: that Mr. Probert ſaid, if we ſhall not ſign the indenture, who do you vote for? and a great many ſaid, *A Probert*: but remembers no diſcourſe about the right of election; though he was near both to the bailiff and Mr. Probert. Several others ſaid to the ſame effect: and the committee reſolved,

That Richard Williams, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for this borough: which, being read twice, was agreed to by the houſe.

March 25, 1690. A petition of Robert Harley, eſquire, was read; ſhewing, that he was duly elected for this borough, by the majority of thoſe who had a right to vote; yet the bailiff hath returned Sir Rowland Gwynn, to the prejudice of the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

October 6. A petition of Robert Harley, eſquire, was read; ſhewing, that the high-ſheriff of the county of Radnor proceeded to the election, about the 25th of February, but iſſued out no precept to the bailiff of this borough; ſo that the election for this borough began not till the 17th of March: notwithſtanding which unwarrantable practices, the petitioner was duly elected by the majority of legal qualified voices; but the bailiff hath returned Sir Rowland Gwynn for the ſaid borough, in prejudice of the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

November 12. Mr. Grey reported the matter upon the ſaid petition: that the queſtion between the petitioner and Sir Rowland Gwynn, was concerning the right of election.

That the petitioner inſiſted, that the right of election lies in the burgeſſes of Radnor, Ryader, Knighton, Knucklas, and Kevenlice, only.

That the ſitting member inſiſted, that Painescaſtle and Preſteigne, had an equal right in electing with the ſaid other towns.

That, as the poll was taken, the numbers, without Preſteigne and Paines-caſtle, were thus; for Sir Rowland Gwynn 172— for Mr. Harley 173.— But ſeveral others were excepted to, and taken off from Sir Rowland Gwynn's poll; and beſides theſe there were 34 of Paines-caſtle, and 45 of Preſteigne, who voted for him.

To prove Paines-caſtle and Preſteigne had right, the counſel inſiſted upon the ſtatute of the 27th of Henry VIII. cap. 26. that ſaid "The burgeſſes fee "ſhould be levied as well of the ſhire-towns, as of "other ancient boroughs, within the ſame ſhire."— And the record of a return for this borough, wherein Preſteigne and Norton were mentioned; but the record was very much torn and obliterated— alſo a copy of a record of an indenture of return, 30° *Car.* II. ſaid to be made between the bailiff of the ancient borough of Paines-caſtle, and the bailiffs of other towns, therein named.

But it was ſaid by John Williams, aged 64, and by another aged 82, that Williams had lived at Preſteigne all his time, and the other had been town-clerk of this borough 20 years; and never knew any of Preſteigne vote for parliament men. Thereupon the committee reſolved,

That the right of election of burgeſſes to ſerve in parliament for this borough, is in the burgeſſes of Radnor, Ryader, Knighton, Knucklas, and Kevenlice, only.

That Sir Rowland Gwynn is not duly elected a burgeſs to ſerve in this parliament for this borough.

That Robert Harley, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for this borough: whereto, they being twice read, the houſe agreed; and ordered the return to be amended.

March 31, 1715. A petition of Edward Harley, eſquire, commonly called Lord Harley, was read; ſhewing, that the petitioner was a candidate at the laſt election for this and the other boroughs, in this county; and that a great majority of the legal voters did appear, and tendered their votes for the petitioner; but Mr. Samuel Burton, bailiff of the ſaid borough, refuſed to admit them, and returned Thomas Lewis, eſquire, junior, who is not qualified: and that the ſaid bailiff, Thomas Lewis, ſenior, and William James, have pretended to make ſome hundreds of illegal burgeſſes, and polled them for Mr. Lewis, junior; declaring, it was to exclude the petitioner: and praying to be relieved.

Ordered, it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

March 6, 1716. The petition of Edward Harley, eſquire, commonly called Lord Harley, was read; the ſame in ſubſtance as before.

Ordered, it be referred to the committee of privileges and elections, to examine, and report the matter, with their opinion.

December 4, 1717. A petition of Edward Harley, eſquire, commonly called Lord Harley, was read; ſhewing, that the petitioner was a candidate at the laſt election for a burgeſs to ſerve in parliament for this borough, and the other boroughs in that county: that a great majority of legal voters appeared, and tendered their votes for the petitioner: but Mr. Samuel Burton, bailiff of the ſaid borough, refuſed to admit them, and returned Thomas Lewis, eſquire, junior, who is not qualified, as the law requires, to ſerve for a borough: and that the ſaid Mr. Burton, Thomas Lewis, ſenior, eſquire, and William James, of Ceven-Keece, have pretended to make ſome hundreds of illegal burgeſſes, and polled them for Mr. Lewis, contrary to the known practice and uſage of the ſaid borough; declaring, at the time of making the ſaid burgeſſes, it was to exclude the petitioner: that the ſaid bailiff did not give four days notice of the election, as the law requires: that Mr. Burton, Thomas Lewis, ſenior, eſquire, Mr. William Chamberlain, deputy-ſheriff, and one of the coroners of the ſaid county, and others, their agents, by menaces, bribes, and threats, have endeavoured to influence the electors to give their votes againſt the petitioner: and praying &c.

Ordered, it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

READING.

THIS borough is ſituate within the county of Berks. Dr. Willis from Dooms-day book writes, "That, at the time of the Norman ſurvey, "it was rated at 48 l. though, in King Edward's "time, at 40 l. when it defended itſelf for forty-"three hides, and was then, and in King William's "time, held as the King's demeſne-land, who had "in the borough of Redinges, in the hundred of "Redinges, twenty-eight hagas, or houſes." Mr. Brady writes it was an ancient demeſne, but no borough, which ſeems to diſagree with the entry in Doomſday-book. It is now a corporation, conſiſting of a mayor, twelve aldermen, and as many burgeſſes,

Dooms-day book. Willis's Notitia, vol. I. 39, 40.

Brady 41.

Willis 43.

Dugd. 446. burgeſſes, with other officers. In the 25th of Henry III. a parliament was held here; and in the 41ſt of the ſame reign a council; and alſo in the 31ſt Henry VI. another parliament was held here. It was ſummoned to ſend repreſentatives to parliament Willis ut ſup. 23d Edward I. and has ever ſince continued ſo to do. The right of election appeared to be in the burgeſſes at large, in the 11th of Henry the fourth, by the following extract of the indenture: B. P. R. 284. ——*Quod Johannes Kent major villæ de Readings, una cum omnibus burgenſibus ſuis in eodem burgo, præſent. mandat. aſſidue intendentes tenore præſentium die veneris prox. poſt feſt. natalis Domini jam ultimo præterito, bene intellexerunt, et tunc ibidem cum bono aviſamento dictorum majoris, et omnium burgenſium* Brady, 71. C. D. *in eodem burgo, &c. eligerunt.* In the 25th of Henry the ſixth, the return was thus:—*Teſtatur, quod nos major et communitas burgi de Redynge ordinavimus, eligimus, et nominavimus de communi conſilio noſtro &c.* Ibid. In the 7th of Edward the fourth — *Quod Willielmus Bluet, et Johannes Brode, ballivi burgi de Reddinge, et comburgenſes burgi præd. ex unanimi aſſenſu et conſenſu* Bohun, 250. *eligerunt.* In the 1ſt of Mary—*Quod nos major, burgenſes, et communitas burgi de Reading ordinavimus, elegimus, et nominavimus.* From all theſe, the right ſeems to have been conſtantly in the commonalty. —The memoirs of more modern elections, and the conſtruction of the word commonalty, will appear from the journals, as follows.

May 23, 1685. A petition of Sir William Rich, baronet, and Sir Henry Fane; and a petition of Samuel Houſe, and other freemen and inhabitants of this borough; complaining of the undue return of John Breedon, and Thomas Coates, eſquires, to ſerve in this preſent parliament for this borough, in injury of the petitioners, was read.

Reſolved, that it be referred to the committee of privileges to examine the matter, and report the ſame, with their opinion.

June 23. Sir Chriſtopher Muſgrave reported from the ſaid committee, the matter of the election of burgeſſes to ſerve in parliament for this borough; as follows.

That they had reſolved, that John Breedon, eſquire, is not duly elected a burgeſs to ſerve in this preſent parliament for this borough.

That Thomas Coates, eſquire, is not duly elected a burgeſs to ſerve in this preſent parliament for this borough.

That the election for this borough is a void election: whereto, upon their being read twice, the houſe agreed; and ordered a new writ for electing two burgeſſes for this borough.

December 12, 1698. A petition of Sir Thomas Stamp, knight, was read; ſhewing, that the petitioner, and others, were candidates at the election for this borough; and had the majority of legal votes; and ought to have been returned with Sir Owen Buckingham; and yet, John Dolby, eſquire, is returned with him: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Nov. 24, 1699. A petition of Sir Thomas Stamp, was read; ſhewing, that at the laſt election of burgeſſes to ſerve in this preſent parliament for this borough, the petitioner, Sir Owen Buckingham, John Dolby, eſquire, and others, were candidates; who ſeverally appointed a perſon to give notice of ſuch, as they conceived, had no right to poll; in order, if polled, to be queried and examined: but Thomas Oades, then mayor of this borough, forbid Edward Winchip, appointed by the petitioner, to give ſuch notice, and ſeveral times threatned to ſtrike him if he did; which deterred Winchip from giving ſuch notice; and many were polled, who had no right: whereupon, the petitioner demanded a ſcrutiny; but the mayor would allow him but two hours time to refreſh, and procure friends to aſſiſt him in the ſcrutiny, although 1340 perſons were polled; and the petitioner and his friends came at the time and place, by the mayor appointed; but, before that, he had declared the election for Sir Owen Buckingham and Mr. Dolby, without any ſcrutiny: that Mr. Dolby, by promiſes and threats, procured himſelf to be returned; though the petitioner had a majority of legal votes, and ought to have been returned: and praying &c.

Ordered to be referred to the committee of privileges and elections; and that they do examine and report the ſame, with their opinion therein, to the houſe.

December 15. The houſe being informed, that the petition of Sir Thomas Stamp, touching the election for this borough this ſeſſion, is different from that which was preſented the laſt ſeſſion;

Ordered, that it be an inſtruction to the committee of privileges and elections, that they do examine, whether the petition, this ſeſſion, be the ſame in ſubſtance with that which was preſented the laſt ſeſſion; and report the ſame, with their opinion therein, to the houſe: and that the committee do the ſame, before they proceed upon the merits of the election.

18th. Ordered, that the report upon this matter be made to-morrow morning.

19th. Sir Rowland Gwynn (according to order) reported the ſaid matter, in the following reſolutions, viz.

That it is the opinion of the committee, that the petition of Sir Thomas Stamp, preſented to the Houſe of Commons this ſeſſion of parliament, touching the late election for this borough, is not the ſame in ſubſtance with the petition from the ſaid Sir Thomas Stamp, preſented to the houſe in the laſt ſeſſion of parliament relating to the ſaid election: and the petitions were read.

Reſolved, that the houſe do agree with the committee, that the petition of Sir Thomas Stamp, preſented to the Houſe of Commons this ſeſſion of parliament, touching the late election for this borough, is not the ſame in ſubſtance with the petition from the ſaid Sir Thomas Stamp, preſented to the houſe the laſt ſeſſion of parliament.

Ordered, that the ſaid committee do not proceed any further on the ſaid petition.

Feb. 14, 1700. A petition of Tanfield Vachell, eſquire, was read: ſhewing, that at the election for burgeſſes to ſerve in the preſent parliament for this borough, Sir Owen Buckingham, the petitioner, and Francis Knowles, eſquire, were candidates; and the major part of the legal voters voted for the petitioner; and he ought to have been returned with Sir Owen Buckingham: that at, and before the election, many illegal practices were uſed by Henry Dean, town-clerk of Reading, and under-ſheriff of the county, and others, to procure votes for Mr. Knowles, and deterring others from voting for the petitioner, by threatning them with impriſonment, and other puniſhments: and Mr. Knowles, and others on his behalf, procured ſeveral votes by bribery, menaces, and promiſes of reward; and polled perſons receiving alms, who are not qualified to vote; and that the mayor hath returned Mr.

Knowles, to the petitioner's prejudice: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

22d. A petition of ſeveral freemen of this borough and corporation, inhabiting there, and paying ſcot and lot, and other freemen thereof, not inhabiting therein, and divers other houſeholders, reſiding therein, that pay ſcot and lot there, and other houſeholders who do not pay ſcot and lot there, and receive no alms or charity, was read; ſhewing, that at the election of burgeſſes to ſerve in the preſent parliament for the ſaid borough, Sir Owen Buckingham, Tanfield Vachell, and Francis Knowles, eſquires, were candidates; and Sir Owen Buckingham, and Mr. Tanfield Vachell, were duly elected by the majority of the perſons qualified as aforeſaid, who only have the right of election: that moſt of the perſons, who voted for Mr. Knowles, were alms-people, and ſuch as received charities, and therefore unqualified to vote at elections; yet the mayor of the ſaid borough hath returned Mr. Knowles with Sir Owen, in wrong to the petitioner's right of election: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

November 23, 1708. A petition of Sir William Rich, baronet, was read; ſhewing, that at the election of burgeſſes to ſerve in this preſent parliament for this borough, the petitioner, Owen Buckingham, and Anthony Blagrave, eſquires, were candidates: that Mr. Blagrave, by menaces, bribery, treats, and other undue practices, procured ſeveral electors to vote for him; and others, who had no right, were admitted to vote for him; and he, by promiſes, prevailed with Francis Briſcoe, eſquire, mayor of Reading, to return the ſaid Mr. Blagrave, though the petitioner was duly elected, and ought to have been returned in his ſtead: and praying &c.

Ordered, that the merits of the ſaid election be heard, on the 2d day of December next.

A petition of ſeveral of the inhabitants of the ſaid borough, paying ſcot and lot within the ſaid borough, on behalf of themſelves, and other perſons in the ſaid borough, who pay ſcot and lot there, was read; ſhewing, that the ſcot and lot men have the right of electing burgeſſes to parliament for the ſaid borough; and they did duly chuſe Sir William Rich to be their repreſentative in this preſent parliament, and he ought to have been returned one of their burgeſſes; but many perſons, never paying ſcot and lot; others, receiving alms and charities every year; and others, no-ways qualified, were permitted to vote for Anthony Blagrave, eſquire, who hath procured himſelf to be returned; whereby the petitioners are not only deprived of one of their repreſentatives, but their right of election and liberties are invaded, and taken from them, by perſons, no-ways entitled to vote: and praying &c.

Ordered to be heard at the ſame time with the merits of the ſaid election.

December 2. The houſe proceeded in the hearing the merits of the ſaid election: and the counſel on both ſides were called in — and the petitions read. — And the counſel were heard; and ſuch evidences, as were produced, were examined; and then withdrew. — And after the counſel withdrew —

And a motion being made, and the queſtion put, that the right of electing burgeſſes to ſerve in parliament for this borough, is in the freemen and inhabitants not receiving alms, and inhabitants paying ſcot and lot.

Several amendments were moved, and made to the queſtion; and it was reſolved,

That the right of electing burgeſſes to ſerve in parliament for this borough, is in the freemen and inhabitants; ſuch freemen not receiving alms; and ſuch inhabitants paying ſcot and lot.

The counſel being again called in, Mr. Speaker acquainted them with the ſaid reſolution; and the counſel for the petitioners acquainted the houſe, that they ſhould proceed to diſqualify a great many of the votes for the ſitting member: whereupon they were directed to withdraw.

Reſolved, that it be further conſidered on Saturday morning next.

4th. The houſe proceeded in further hearing the merits of this election: and the counſel being called in; the counſel for the petitioners proceeded to diſqualify ſeveral of the perſons, who had voted for Mr. Blagrave. —— And objections being taken to ſeveral of them, upon account of their having received a proportion of Kendrick's charity; after counſel on both ſides were heard to the ſaid objections, they withdrew.

And a motion being made, and the queſtion being put, it was reſolved, that ſuch perſons, as have, within two years laſt, received Kendrick's charity, or any other annual charity diſtributed within this borough, have not a right to vote at elections for burgeſſes, to ſerve in parliament, for this borough.

And the counſel were called in, and acquainted therewith: and the counſel for the petitioners proceeded to diſqualify other perſons, who had voted for the ſitting member; and afterwards withdrew.

Reſolved, to conſider further of this election on Tueſday next.

7th. Ordered to be further conſidered on Thurſday morning next.

9th. The houſe proceeded to the further hearing the matter of the ſaid petition: And the counſel being called in; the petitioner's counſel proceeded to diſqualify ſeveral other perſons, who voted for Mr. Blagrave: and a book, covered with parchment, being produced by the town-clerk, to make out the right of one of the voters to a freedom of the ſaid borough; the counſel thereupon withdrew.

And a motion being made, and the queſtion being put, that the parchment book, now produced at the bar by the town-clerk of this borough, be received as evidence; it was diſagreed to.

And the counſel were called in again, to make out their exceptions to other voters; and then withdrew.

Ordered, that the matter be further conſidered on Saturday next.

11th. The houſe proceeded in the further hearing the ſaid matter, and the counſel on both ſides were called in.

The petitioner's counſel proceeded to diſqualify ſome other of the perſons, who gave their votes, at the ſaid election, for the ſitting member; after which, ſeveral witneſſes were called, and examined for the petitioner.

And, after that, the counſel for the ſitting member proceeded to diſqualify ſeveral of the perſons, who had given their votes to the petitioner, and to add ſuch as were refuſed; and alſo ſeveral witneſſes were called in, and examined, on behalf of the ſitting member.

And the counſel on both ſides were heard; and then they withdrew.

Reſolved, that Anthony Blagrave, eſquire, is duly elected a burgeſs, to ſerve in this preſent parliament, for this borough.

March 3d, 1713. A petition of Owen Buckingham, eſquire, was read; ſhewing, that Robert Clarges, Felix Calvert, eſquires, and the petitioner, were candidates at the election for this borough; at which time the petitioner was duly choſen, and ought to have been returned: that, at the time and place of the election, ſeveral perſons, having an unqueſtionable right to vote, did object, that Mr. Clarges was at that time under age; and was ſufficiently proved; therefore not qualified to ſerve for the ſaid borough; notwithſtanding which, the mayor has returned the ſaid Mr. Clarges: that, at the ſaid election, ſeveral were admitted to vote who had no right for the ſaid Mr. Clarges, and others, who had a right, were refuſed; by which undue means, bribery, and corrupt practices, of Mr. Clarges and Mr. Calvert, and their agents, * hath procured themſelves to be elected, and have prevailed with the mayor to return them for the ſaid borough, in wrong to the petitioner: and praying &c.

* Sic orig.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

April 26th, 1714. Ordered, that Mr. Buckingham be at liberty to withdraw his ſaid petition.

March 30, 1715. A petition of divers inhabitants of this borough, who pay ſcot and lot within the ſaid borough, was read; ſhewing, that at the laſt election for the ſaid borough William Cadogan, eſquire, was duly choſen; and that many perſons, who did not pay ſcot and lot, and divers others who had no right, were permitted by Mr. Wilder, mayor of the ſaid borough, to vote for Robert Clarges and Felix Calvert, eſquires; and that by divers illegal practices of the ſaid Mr. Clarges and Mr. Calvert, and agents, have procured themſelves to be returned in prejudice to the petitioners: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

May 7, 1716. Ordered, that it be an inſtruction to the committee, that they hear the matter of the ſaid petition on this day ſeven-night.

24th. Ordered, the report be received on Wedneſday next.

30th. Mr. Hampden, according to order, reported the matter upon the ſaid petition, as follows; viz.

That the committee have examined the merits of the election.

That the petitioners counſel alledged this to be a borough by preſcription; and that the right of election is in the inhabitants only, who pay ſcot and lot.

For the ſitting members it was inſiſted the freemen, not receiving alms, have alſo a right of voting.

To prove the petitioners allegation was produced a copy of roll of fines 37 Henry III. *Homines de Rading dant regi C. libr' pro quodam brevi habendo, quod ipſi manuteneantur in eiſdem libertatibus, quibus uſi fuerunt temporibus predeceſſorum regis, regum Angliæ:*

And the following returns to parliament; viz.

33 Edward I. and 1 Edward II. 19 Edward II. 1 and 43 Edward III. *Pro communitate villæ:* 1 Rich. II. *Per communitatem villæ Redyng, pro communitate ejuſdem villæ.*

That the ſitting members counſel inſiſted upon the ancient uſage of the town, and the laſt determination of parliament: and called,

Simon Finch, and others, who ſpoke for thirty or forty years paſt; and ſaid, that before the determination of the houſe in 1708, all houſe-keepers, and all freemen, and the eldeſt ſons of freemen, being of age, were allowed to vote; none were ever objected to, though they received alms; and the common reputation was, they had all a right of voting.

In the year 1708, the houſe determined the right of election of burgeſſes, to ſerve in parliament, for this borough, to be in the freemen and inhabitants; ſuch freemen not receiving alms, and ſuch inhabitants paying ſcot and lot.

The committee reſolved,

That the right of election of burgeſſes, to ſerve in parliament for this borough, is in the inhabitants only, paying ſcot and lot.

That the petitioner's counſel admitted a majority againſt Mr. Cadogan, and proceeded to diſqualify the ſitting members, on account of bribery and corrupt practices: and called

John Morley; who ſaid, John Baſkerville told him, and ſeveral others, that, on the night before the election, he received of William Gandy, who made intereſt for the ſitting members, ſix guineas between him and Joſeph Spire, to vote for the ſitting members.

John Pigot ſaid, that after the proclamation was out for a new parliament, he had his freedom given him to vote for the ſitting members, for which he promiſed his vote; and, about three weeks before the election, Gandy gave him three guineas.

Boote, junior, ſaid, that before the election, Gandy promiſed him a reward to vote for the ſitting members; and, after the election, gave him one guinea.

Henry Morley ſaid, Daniel Graves told him, the night before the election, at a public-houſe, that Gandy had given him a guinea to vote for the ſitting members, and ſhewed the money.

Elkins ſaid, that Gandy and Winkfield gave him 2 l. 13 s. to vote for the ſitting members: he gave a ſingle vote for Mr. Cadogan; and then Mr. Curtis, who ſollicited votes for Mr. Cadogan, gave him two guineas for voting:

That Hall told him, that Gandy gave him 2 l. 1s. 6d. to vote for the ſitting members:

That Buckle, junior, told him, that William Nokes, who made intereſt for the ſitting members, gave him thirty ſhillings to vote for them. And Samples owned he had money to vote for the ſitting members, but did not ſay what.

John Morley ſaid, that John Smith told him, he had received ſome money to vote for the ſitting members; but did not ſay what, or of whom he had it; but owned Curtis gave him money on the other ſide, for votes for Mr. Cadogan; particularly, two guineas to James Hill, for one ſide of his mouth, as the phraſe was for one vote; and that Hill had beef and ſtrong beer for the other ſide of his mouth; and voted for the ſitting members.

Quarrington ſaid, Mr. Gandy asked him his vote for the ſitting members, and gave him a guinea for it; and alſo paid him a ſum of three pounds, for which the witneſs had formerly given him a diſcharge, thinking he was not obliged to pay it; but, upon

Gandy's aſking his vote, he inſiſted to have that money, and Gandy paid it.

Stanborough ſaid, in the morning of the laſt day of the poll, Richard Sweed offered him four guineas for one ſide of his mouth for the ſitting members; but that not doing, Zinzan, who aſked votes for them, afterwards gave him five guineas; which he produced, and ſaid, they carried his vote.

For Mr. Clarges and Mr. Calvert were called,

Richard Alder, who voted for Mr. Cadogan ſingly; and ſaid, Mr. Curtis, who diſtributed money about the town for votes for Mr. Cadogan, aſked his vote, and gave him, at two different times, two guineas for one ſide of his mouth; and after, on the laſt day of the poll, gave him four guineas more for both ſides of his mouth; and ſaid, he would double what any other offered: that when he gave him the firſt money he ſent for him to the Black-Boy, in Reading, where he had a bag of about 50 or 60 guineas before him, and about thirty voters; that he went away upon receiving the money, and did not ſee any given to the others:

He added, they never had before ſuch gifts for voting, and was afraid, they ſhould never have the like again.

William Hall ſaid, Curtis ſollicited votes for Mr. Cadogan; and gave, at two different times, three guineas for one ſide of his mouth for him, with a promiſe he ſhould have as much as any body; and after, in the morning before the election, Dr. Harriſon brought him four guineas more upon the ſame account; which not ſatisfying the witneſs (becauſe he was to have as much as any body) he offered to return the ſix guineas; upon which major Hall, who ſollicited votes for Mr. Cadogan, threw him another guinea, ſaying, it would be a ſcandal to him, if one of his name ſhould be againſt the general: that he believed, that there was a quart of guineas in the bag, which Curtis had at the Black-Boy, and gave away to thoſe who went to him: that Bingley told him he had been and received a guinea; and Wright ſaid to him, he had three guineas for his vote for Mr. Cadogan.

John Cooper ſaid, that Holloway told him, he had three or four guineas for his vote for Mr. Cadogan, but did not ſay from whom:

That John Elkins ſhewed him five or ſix guineas, which he ſaid Mr. Curtis gave him for his vote for Mr. Cadogan: that the laſt day of the election, Stephen Atwater offered him ſix guineas to vote for Mr. Cadogan; and the witneſs ſaying he would not do it for fifty, Atwater gave him three guineas to go out of the way a fiſhing, that afternoon, which he did, having voted for the ſitting members the day before; which Atwater not diſcovering till afterwards, he came and told the witneſs there was a miſtake in taking his money after he had voted on the other ſide; to which he anſwered, he had not miſtaken if t'other had: that he went a fiſhing according to his bargain and would keep the money; but he returned him two of the three guineas upon Atwater's making a work for them, and ſaying, the general had promiſed him a place in the Cuſtom-Houſe, and it would be a loſs to him.

Holloway ſaid, Curtis gave him three guineas to vote for Mr. Cadogan, which he did.

Haskins ſaid, Curtis, at twice, before the election, gave him four pounds to vote for Mr. Cadogan; and afterwards, during the poll, the witneſs declaring his mind was changed, and he would return the money, Curtis gave him five guineas more, and Elkins gave him one guinea more; and Elkin's gave Lovegrove a guinea, who declared he would not poll till he had more money: being croſs-examined, he owned he was offered beer, but no money, for the ſitting members ſide.

Watmore ſaid, a night or two before the election, major Hall gave him ſix guineas to vote for Mr. Cadogan.

Pither ſaid, Curtis gave him five guineas to vote for general Cadogan.

Cordery ſaid, Curtis gave him forty ſhillings at one time, and ſix guineas at another, to vote for general Cadogan; and he ſaid Curtis gave John Smith forty ſhillings, but he voted for the ſitting members.

It appeared by the evidence that Mr. Cadogan was not at Reading at the time of the late election, and moſt of the bribed voters, on either ſide, were only freemen, and not inhabitants that paid ſcot and lot at the time of the election.

The committee reſolved,

That Robert Clarges, eſquire, is not duly elected a burgeſs to ſerve in this preſent parliament for this borough.

That Felix Calvert, eſquire, is not duly elected a burgeſs, to ſerve in this preſent parliament, for this borough.

That William Cadogan, eſquire, is not duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

The ſeveral reſolutions being twice read, were agreed unto by the houſe.

Reſolved, the late election of burgeſſes for this borough, is a void election.

June 19. A petition of Felix Calvert, eſquire, was read; ſhewing, that at the laſt election of members for this borough, Charles Cadogan, Owen Buckingham, eſquires, and the petitioner, were candidates: that the petitioner was duly elected for the ſaid borough by a majority of uncorrupted votes; but the ſaid Mr. Cadogan and Mr. Buckingham, by bribery and other undue practices by themſelves, and agents, have procured themſelves to be elected, in prejudice to the petitioner: and praying &c.

Ordered, it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

February 21ſt. The petition of Felix Calvert, eſquire, in ſubſtance the ſame with the former.

Ordered, it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

December 9, 1717. Ordered a warrant for a new writ for electing a burgeſs for this borough, in the room of Owen Buckingham, eſquire, made a commiſſioner of the Victualling-office.

October 18, 1722. A petition of Charles Cadogan and Richard Thompſon, eſquires, was read; ſhewing, that at the election of members to ſerve in parliament for this borough, the petitioners and Anthony Blagrave, and Clement Kent, eſquires, were candidates: the petitioners would have had a majority, but by bribery, threats, and other indirect practices, made uſe of by the ſaid Mr. Blagrave and Mr. Kent, and through the partiality of Richard Richards, the mayor, procured themſelves to be returned, in manifeſt wrong to the petitioners: and praying &c.

Ordered, it be referred to the committee of privileges and elections, to examine the matter thereof, and report the ſame, with their opinion.

EAST RETFORD.

THIS borough is ſituate within the county of Nottingham; and was firſt ſummoned to parliament in the 9th of Edward II. but never returned after, until the 13th of Queen Elizabeth, when it became again ſummoned, tho' its right was queſtioned; whereof, and other memoirs relating thereto in reſpect of its elections, theſe following occur.

Prynne's 4 Regiſter, 1094.

See poſtea.

D'Ewes journal 156.

April 6th, 1571. This day, Mr. Treaſurer, and others, were appointed to confer with Mr. Attorney, and Mr. Solicitor, about the return of burgeſſes for this, and other boroughs, and to make a report.

Ib. 159.

9th. Report was made of the validity of burgeſſes, and ordered by Mr. Attorney's conſent, the burgeſſes ſhould remain according to the returns; and their charters to be examined elſewhere, if need be. (See Cirenceſter.)

May 28th, 1624. Mr. Glanville reported concerning this borough.—Lord Darcy his ſon returned, who dead.—To let this ſleep, and paſs it over.—So reſolved by the houſe.

Feb. 13, 1700. A petition of Sir Willoughby Hickman, baronet, was read; ſhewing, that, at the election of burgeſſes to ſerve in parliament for this borough, the petitioner, John Thornhaugh, and Thomas White, eſquires, were candidates: That the petitioner deſired of Edward Jackſon and William Peet, bailiffs of the ſaid borough, to admit the petitioner, or ſome other friends for him, into the place of election, to ſee that the election was fairly made; but they refuſed ſo to do; and ſometime before the election, disfranchiſed ſeveral perſons, and at the election refuſed others to come into the chamber, that demanded to vote for the petitioner; and admitted others to vote for Mr. White, that had no right: and the ſaid bailiffs, and Mr. White, uſed many other undue practices, whereby Mr. White procured himſelf to be returned, although the petitioner was duly elected: and praying &c.

Ordered to be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

April 11, 1701. Ordered to be reported on Tueſday next.

15th. Sir Rowland Gwynn, according to order, reported the matter upon the ſaid petition; viz.

The firſt thing that came in queſtion, was the right of election: the petitioner's counſel inſiſted, that the right was in the burgeſſes, being freemen, at large.

The counſel for the ſitting member inſiſted, that it was only in the freemen reſident in the borough.

Upon the poll the numbers were, for Mr. White 24.—For the petitioner 17.

To prove the right of election, for the petitioner, was called William Bunby; who ſaid, that Sir Edward Nevill voted above fourteen years ago, and in ſeveral elections, and continued an alderman: that his brother Richard Bunby continued auditor, and voted when not reſident: that Rawſon was out of town above a year and day, voted at laſt election, and had been a ſoldier for three years; but it was owned, that his wife had been reſident: that William Gabitas voted a dozen years ago in the election of an alderman, or junior bailiff; and Robert Maſon voted the laſt election before this.

Lawrence King ſaid, that, in King Charles IId's time, John Ryley had lived above a year and an half out of town, at Wheatly; was ſent for to vote; and his vote was not queſtioned.

Moody ſaid, that Atkinſon continued alderman, when out of town, and has voted for officers; but himſelf had lived out of town twenty years.

They alſo inſiſted, that the non-reſident burgeſſes were only excluded by an order of the corporation; and they produced an order, in an ancient book, made by the bailiffs and aldermen; by which ſeveral perſons, not reſident within the borough, are, by name, diſabled and exempted from voting at any election whatſoever: and, in the ſame order, it is ordered, eſtabliſhed, and decreed, by the bailiffs and aldermen, that, if any burgeſs, or burgeſſes of the borough ſhall, at any one time hereafter, remove his, or their dwelling, or dwellings, forth of the liberties of the ſaid borough, and ſhall ſo continue for one whole year; then all and every ſuch burgeſs and burgeſſes ſhall from thence be diſabled to vote at any election whatever within the ſaid borough.

That, for Mr. White, it was inſiſted, that the non-reſidents had no vote: and called

Richard Brownlow who was an apprentice at this borough, in 1651; William Jeſſop, who had known this borough 46 years; and Marmaduke Cotton, who had known the borough 40 years: and they ſaid, they took the cuſtom of the borough to be, That if any freeman was abſent one year and one day, he loſt his right to vote: Jeſſop ſaid, there was ſome order to this purpoſe.

Brownlow ſaid, he was denied his vote, being non-reſident, though he lived but half a mile from the town: and Cotton ſaid, Popple could not vote, though he lived within a quarter of a mile of Retford.

That the committee hereupon reſolved,

1. That the right of electing members, to ſerve in parliament, for this borough, is as well in the burgeſſes non-reſident, as in the burgeſſes reſident, within the borough.

That the petitioner's counſel proceeded to give evidence of ſuch who had a right, and would have voted for the petitioner, and were refuſed: and by the town books it appeared, that Richard Bunby, John Hodgkin, William Gubitas, Robert Maſon, George Popplewell, were disfranchiſed: the firſt four for non-reſidence, and the others by the bayliffs and aldermen, without conſent of the burgeſſes.

William Nichols ſaid, that John Leary was the eldeſt ſon of a freeman; and was ſworn by William Popplewell, the junior bailiff: and this drew on another queſtion; viz. the qualification for freedom.

The petitioner's counſel inſiſted, that all the ſons of freemen, and all ſuch who had ſerved an apprenticeſhip, had a right to their freedom.

The ſitting member's counſel did not controvert the right by ſervice; but inſiſted, that no perſon had a right by patrimony, but the eldeſt ſon born after his father was made a freeman.

The petitioner's counſel called William Bunby; who ſaid that himſelf and Robert Maſon were both younger ſons of freemen; and were made free, as ſuch, about eleven years ago.

Thomas Moody ſaid, he was a ſecond ſon of a freeman, and ſerved an apprenticeſhip at Mansfield; and he, and his two younger brothers, were made free by his father's copy, paying the court fees.

William Moody, the eldeſt ſon, was called; and confirmed the teſtimony of his brother: and ſaid, William Smith, the younger ſon of a freeman, was made free; and he never knew any freeman's ſon denied, paying the court-fees.

That, as to the perſons ſo entitled, and refuſed, Nicholls ſaid, that Colton, junior, is the only ſon of a freeman: that Robert Reed and John Hodgkin are eldeſt ſons of freemen: that Bonefont, Atkinſon, and Colton, were the ſons of freemen; and beſides, Atkinſon has been an apprentice: that Bonefont and Colton had demanded their freedoms, and were ſworn by Popplewell, the junior-bailiff, in 1698; and all the others, ſome time before the election, had demanded their freedoms, and would have voted for the petitioner:

That it was owned, there had been a court ſince Michaelmas: but Nicholls ſaid, becauſe they were threatened, they durſt not offer themſelves, leſt they ſhould be committed: and one of them, Bonifant, was committed; but it was the election before this.

Martin Colton ſaid, that John Stevenſon and Thomas Ryley had ſerved him ſeven years; and had demanded their freedom, and were denied: the exception to Stevenſon was, that, by a covenant in his indenture, he was obliged to ſerve the London carrier as a porter, as he did before he was bound an apprentice; and did attend the ſaid carrier once a week, as his porter: the exception to Ryley was, that his indentures were out ſo long, before he claimed his freedom; that it cauſed a ſuſpicion. There was alſo Thomas Clark, who had ſerved his apprenticeſhip five years to a freeman, when his maſter died; and it was ſaid, there was no other of the trade in town; and theſe would have voted for the petitioner.

That they then proceeded to give evidence of indirect practices.———That it did appear, that, at this election, the doors were ſhut, and none but freemen reſident admitted to be preſent.

Francis ſaid, the Duke of Newcaſtle's ſteward promiſed to help him to an exciſeman's place, if he would vote for Mr. White: and Johnſon ſaid, the ſteward did make intereſt for Mr. White.

Stephen Johnſon ſaid, Richard Wann, who voted for Mr. White, declared he could not have been for the petitioner, for he owed a debt to one Dunſtan; and if he would vote for Mr. White, he would forgive him the debt.

John Appleby ſaid, that, about a fortnight before Michaelmas, Mr. Reynolds, junior, told him, if he would vote for Mr. Thornhaugh and his friend, he would ſpeak to the bailiff to give him his freedom.

Clark ſaid, the bailiff asked him in November, if he had a mind to be made free; and he ſaid, yes, if he might vote as he pleaſed; to which the bailiff replied, he had no more to ſay.

Then the counſel for Mr. White inſiſted to add ſeveral to their poll, and take from the petitioner's poll; and alſo ſhew indirect practices by the petitioner.

That, as to the right and manner of making free; —Reynolds ſaid, the manner of making free was, That ſuch, as deſired freedom, come to the bailiffs and make their requeſt, who bid them acquaint the aldermen with it; and, if approved, at the next court, they were admitted to their freedom: that he had known the corporation 30 or 40 years, and never knew a younger ſon made free.

And Holland ſaid, Martin Colton came into court, on the 23d of September, to demand his freedom; and was told he might have it next court.

Walker ſaid, Colton told him in October laſt, he might have had his freedom, but he would ſave his money to buy an hat.

Reynolds ſaid, Robert Reed was born an year or two before his father was made free; and he never thought any had right to claim, in caſe they were born before their fathers were made free; and that Mr. Jackſon was, for that reaſon, made free by redemption, though the elder ſon of a freeman, having been refuſed nine or ten years: and, he ſaid, they commonly have the conſent of the major part of the aldermen, in the caſe of making free; and he never knew the junior bailiff hold a court for that purpoſe.

To this it was anſwered, as to Atkinſon, he had not ſerved out his time; to Stevenſon, that he had ſerved part of his time with the carrier.

Booth ſaid, that Ryley, on the 23d of laſt September, deſired his freedom, and produced indentures of an old date; and the court deſired to be ſatisfied of his ſervice; and they never heard of him ſince: and Clark had ſerved but five years.

Then they excepted to four, who had no votes: and called William Bellamy and William Booth; who ſaid, that, about the middle of November, Fox told them, when he took Gabitas's ſhop, it was on condition he ſhould vote as Mr. Wharton pleaſed.

Booth ſaid, Buttery was very poor, and had two ſhillings yearly, for ſeveral years of Mr. Wharton's money, which was commonly paid in April and May.

Bellamy ſaid, Hoskins was at Edward Thomſon's and Bellamy's, drinking Mr. White's health, and ſaid, he believed Mr. White was an honeſt gentleman; but he owed Mr. Wharton and Mr. Nicholls money, and durſt not vote for Mr. White, becauſe they would arreſt him; and tears ran down his face: that Martin Colton receives twenty ſhillings *per annum* of Clerk's charity, and is a very poor man, and excuſed his rent by the corporation, in reſpect of his poverty; yet it was owned that he was free, and had always voted.

To add to the poll, the ſitting member's counſel called Mr. Lowther; who ſaid, that, at the requeſt of Mr. Tucker, he demanded of the bailiff, that Mr. Thornhaugh, Mr. Jeſſop, Mr. Brownlow, and Mr. Storrs, might be polled for Mr. Thornhaugh and Mr. White.

Mr. Jeſſop ſaid, that theſe four were all in town at this election, and were freemen, though not reſident; and particularly, that the three firſt had demanded to be polled.

That as to the ſhutting the doors at the election, it appeared to have been the practice at ſeveral elections.

That the counſel for Mr. White called ſeveral witneſſes to prove bribery on the petitioner's behalf.

Holland ſaid, that Greathead, of Workſopp, told her, if ſhe could perſuade her husband to vote for the petitioner, ſhe ſhould have from him 10 l. and afterwards twenty guineas: and Mr. Nicholls asked her, if her husband did not deal in wild leather; and told her if he would be for the petitioner, he ſhould have the income of three parks: that ſhe told her husband of it the night before the election; but he voted for Mr. White and Mr. Thornhaugh.

William Holland ſaid, in the Chriſtmas, Greathead told him, he might have money as well as the reſt; and if he would vote for the petitioner, he would give him 10 *l.* and afterwards, upon an invitation to his houſe, offered him the ſaid 10 *l.* to carry home with him.

Edward Moor ſaid, that ſix days before the election, Nicholls ſent for him, and aſked him, if he wanted money? and he telling him, he did want 50 *l*; Nicholls offered it him, in caſe he would vote for the petitioner: and Firth offered him the cloſe, if he would ſo vote, with 40 *l.* or 50 *l.* to ſtock it; which is now taken by another.

Palfryman ſaid, Wharton came to his houſe a little before the election, and aſked his vote for the petitioner; and would have given him money; and afterwards he was at Mr. Nicholls's, and offered money again; and they put their hands in their pockets, but did not ſhew them any money.

Cotton ſaid, that on the 13th of Feb. laſt, Mr. Nicholls came to the hoſpital, where he lives, and threatned him, if he concerned himſelf to tell the cuſtoms of the town or any thing elſe, he ſhould be put out of the hoſpital; and hath ſince heard, that his pay is ſtopped: but it was owned, that upon a quarrel, Cotton had ſtruck a man over the head.

Rawſon ſaid, he was threatned, if he voted for Mr. Thornhaugh and Mr. White, he ſhould be arreſted; and he did vote ſo, and was arreſted three times on the election-day.

Bellamy ſaid, that Mr. Hoar, ſenior, upon the 8th of January laſt, came unto Thompſon's, and ſaid, he was for the petitioner, and for ſuch gentlemen, as were for the country, and not for the King; for he ſaid, when the parliament gave four ſhillings in the pound, the country got no more than the advantage of two ſhillings and ſix-pence: and ſaid, Mr. White ſhould not ſit in the houſe.

Bellamy and Lowther ſaid, Mr. White was invited by the corporation, and deſired to be excuſed; whereupon the corporation would have had Mr. Hewet to ſtand, who excuſed himſelf for want of health; and after Mr. White accepted it: and Lowther ſaid, it was offered to young Mr. Thornhaugh, who declined it, before Mr. White declared. Upon this evidence the committee reſolved,

That Thomas White, eſquire, is not duly elected a burgeſs to ſerve in this preſent parliament for this borough.

That it is the opinion of this committee, that Sir Willoughby Hickman, baronet, is duly elected a burgeſs to ſerve in this preſent parliament for this borough.

The three reſolutions being read twice, were agreed to by the houſe.

January 3. A petition of Sir Willoughby Hickman, baronet, and William Levinz, eſquire, was read; ſhewing, that at the election of a burgeſs to ſerve in this preſent parliament for this borough, the petitioners, John Thornhaugh, and Thomas White, eſquires, were candidates: that William Bellamy, and John Reynolds, the bailiffs of this borough, refuſed to poll ſeveral perſons who had a right, and demanded to be polled for the petitioners; ſeveral of which were adjudged by the laſt parliament to have a right to vote; upon which the petitioner, Sir Willoughby Hickman, was by that parliament declared duly elected: and the petitioners had a majority not only by theſe votes, but alſo by others, who had the ſame right, and ought to have been returned: but the ſaid bailiffs, with Mr. Thornhaugh and other Mr. White, uſed many illegal practices; by which means Mr. Thornhaugh and Mr. White, have unjuſtly procured the ſaid bailiffs to return them, in wrong of the petitioners, and the legal electors: and praying &c.

Ordered to be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

March 17. Sir Rowland Gwynn reported the matter upon the ſaid petitions, as follows:—The poll was, for Mr. Thornhaugh 31—for Mr. White 28—for Sir Willoughby Hickman 25—for Mr. Levinz 22.—The right of election was agreed to be in the freemen or burgeſſes; but the queſtion was, whether the younger ſons of freemen had a right to demand their freedom?

For the petitioners, it was inſiſted, they had ſuch right; but, for the ſitting members, the contrary: and for the petitioners, were called Thomas Moody, who had known this borough 50 years; William Moody, aged 69, and William Bunby, above 40; who ſaid, the younger ſons of freemen had a right to their freedom: and Moody and Bunby ſaid, they were both the younger ſons of freemen, and ſo admitted on payment of the court-fees.

Thomas Moody ſaid alſo, his younger brother was made free: and William Moody, the elder brother, ſaid the ſame; and three of the Smiths were made free in right of their father's copy, about 40 years ago; and three of the Caltons about 50 years ſince.

Busby ſaid, when he was made free, one Maſon, a younger brother, was made free: and Robert Maſon ſaid the ſame. And Bunby and Maſon ſaid, they were ſummoned to take up their freedom; or otherwiſe, threatned to have their ſhops ſhut up.

They alſo inſiſted on ſome admittances of freemen in the book; viz. two of 13 *Car.* I. in theſe words—*Ad hanc curiam venit Henricus Johnſon; et petiit, quod ipſe, et Willielmus, et Johannes Johnſon fil. ipſius Henrici, et hæredes maſculi de corpore ſuo, de cætero ſint burgenſes villæ et burgi præd. et ſuper hoc prædict. Henricus juratus eſt ſecundum conſuetudinem villæ et burgi præd. et eſt inde burgenſ. et juramen. tunc præd. Willielmi et Johannis, reſpect. quouſque ad ætatem attingunt.*

Ad hanc curiam venit Thomas Fraunce; et petiit, quod ipſe et Henricus Fraunce, Ricardus Fraunce, et Thomas Fraunce fil. præd. Thomæ, hæredes maſculi de corpore ſuo, de cætero ſint burgenſes villæ et burgi præd. et ſuper hoc præd. Thomas Fraunce juratus eſt; and the ſwearing the others, reſpited till they come of age, as before.

They alſo produced an entry of the admittance in another book, of Gilbert Welſh, a younger ſon, to his freedom, on the 28th of September 1635, in theſe words.— Whereas Gilbert Welſh, ſecond ſon of Richard Welſh, did this day take up his freedom, and was ſworn a burgeſs of the ſame town; it is nevertheleſs, agreed upon, ordered and decreed, by and with the conſent of the ſaid Gilbert Welſh, that he, the ſaid Gilbert Welſh, ſhall not, in reſpect of the ſaid freedom have, claim, or challenge, any ſtall or ſtanding in the Moot-hall of the ſaid town, unleſs he do compound and pay for the ſame, as foreigners do; neither ſhall have, claim, or challenge, any ſtall or ſtanding in the market-place, any ways to let or diſpoſe of the ſame to any others; but only to ſtand there himſelf, if he ſee good.

They alſo offered the report for this borough, the laſt parliament; but there being no reſolution upon the point, it was not read.

To anſwer this, the counſel for the ſitting members called William Jeſſop, who had known Retford 47 years, and had ſerved all offices in the borough;

John Reynolds, born in this borough, and lived in it ever ſince, aged 54 years;

James Maſon, aged 54 years, and had known this borough 35 years; who teſtified, That no perſon had a right to demand their freedom, but ſuch as were the eldeſt ſons of freemen, or had ſerved an apprenticeſhip to ſome freemen: and Jeſſop ſaid, no others were admitted in his time; but he had been out of town 16 years: Reynolds ſaid, one Thomas Sorely, a younger ſon of John Sorely, never demanded his freedom: that Richard Colton, a fourth ſon, paid 20 ſhillings fine for his freedom: and Maſon ſaid, William Bunby paid the like ſum for his freedom.

They alſo read an entry, in the 20th of Eliz. in theſe words: —*Ad hanc curiam tent.* 3°. *die Novembris coram Edwardo Spuy, Edwardo Maſon, et Johanne Fletcher, ballivis ibidem, anno regni Reginæ Elizabethæ, &c.* 20. *et petiit, quod ipſe et hæredes maſculi de cætero ſint burgenſes et liberi in villa prædicta, et admiſſus eſt, et præd. Thomas juratus: et poſtea, in eadem curia, compoſuit pro liberatione filii ſui prius nati; viz. Roberti Tuppman, qui etiam eſt liber et burgenſ.*

That the petitioners called, by way of confronting, William Bunby and Robert Maſon, who had been examined before; and they perſiſted in it, that they were younger ſons, and made free, paying the court-fees: and Maſon ſaid, the ſum was 5 s. and 6 d. or 5 s. and 8 d. whereupon the committee reſolved,

1. That the younger ſons of the freemen of this borough, have not a right to demand their freedom of this borough.

Then the counſel for the petitioners proceeded to give an account of others, who were entitled to their freedom, and were refuſed to vote.

Leary ſaid, John Leary, junior, was his eldeſt ſon, and had ſerved him 7 years, as an apprentice.—Bunby ſaid, Leary had ſerved 7 years with his father, and was made free by Popplewell.

Smith ſaid, that Martin Colton was his father's eldeſt ſon, and lived with his father all his time; and his father was free.——Bunby and Leary ſaid, John Hodgkin was eldeſt ſon of a freeman: and Leary ſaid, his father was made free before he (Leary) was born.

Smith ſaid, Thomas Bonefont was made free by Popplewell, having ſerved his father ſeven years.——Bunby ſaid the ſame of John Colton, junior, who ſerved his father 7 years, and was made free by Popplewell.——Bunby ſaid, John Colton, junior, did the ſame, and was made free by Popplewell.——Leary ſaid, Stephenſon and Ryley each ſerved ſeven years to the ſame maſter, within two doors of him——That George Popplewell gave ſeven pounds for his freedom.——That John Colton, Thompſon, and Goodall, are eldeſt ſons of freemen; but could not ſay, they were born after their fathers were made free: that Thomas Colton, and Stephen Hodgkin, ſerved ſeven years to their fathers: that Woodland ſerved ſeven years to one Moody, a butcher.

Smith ſaid, that John Colton, Thompſon, Goodall, and Soreſby, were eldeſt ſons of freemen; but could not ſay, they were born after their fathers were made free: that Thomas Calton, Richard Bonefont, Stephen Hodgkin, William Goodall, and William Woodhead, ſerved apprenticeſhips; but could not ſay, whether bound by indenture. They proved alſo, that Martin Colton demanded his freedom ſeveral years: that John Hodgkin, John Goodall, Thomas Bonefont, Thomas Soreſby, John Calton, Thomas Calton, Savil Atkinſon, Richard Bonifont, John Stephenſon, Stephen Hodgkin, Thomas Riley, William Goodall, Thomas Clark, William Woodhead, William Thomſon, had demanded their freedoms.

That as to their offering to poll, they called William Nicholls; who ſaid, John Leary, George Popplewell, Martin Calton, John Calton, John Hodgkin, William Thompſon, Thomas Bonefont, John Goodall, John Colton, Thomas Calton, Samuel Atkinſon, Richard Bonifant, John Stephenſon, Stephen Hodgkin, Thomas Riley, William Goodall, Thomas Clark, William Woodhead, all offered to poll for Sir Willoughby Hickman and Mr. Levinz, and were refuſed; as was Soreſby, who would have polled for Sir Willoughby Hickman and Mr. Thornhaugh.

The petitioners counſel obſerved, that the ſitting members voted for themſelves: to which it was anſwered, Sir Willoughby Hickman did the like.

The ſitting members counſel inſiſted, they ſhould diſqualify ſome, on account of their having received charity: that Popplewell had no right to make any free, he being disfranchiſed; and that the perſons, ſaid to have a right, had not demanded in time:

And called Maſon, who ſaid, Buttry had received two ſhillings yearly, for ſeveral years, of Wharton's charity: that Martin Calton received of Clark's charity: he did not ſee it paid; but his name is in the book of Wharton's charity.

William Booth ſaid, that Buttry had two ſhillings yearly paid him ſeveral years: that he ſaw it given to his wife the laſt year except one.

Hodſon ſaid, about a week before the election, Nicholls aſked his vote for Sir Willoughby Hickman; and Mr. Levinz ſhould get him a place of twenty or thirty pounds a year, and give him money: and Mr. Nicholls, when he went away, gave him five ſhillings.

Jeſſop ſaid, Johnſon's father was not free; and he was not bound to a freeman.

Skelton ſaid, Leary's father was aſked to ſwear his ſon was made free; and would not.— Walker ſaid, he heard Martin Colton ſay, he could have his freedom, but could vote for parliament men without it, and keep his money to buy cloaths.— Skelton ſaid, that Calton did not ſerve a freeman, but was put out to one of the town-waits, who died about two years after Calton had been with him.

Saville Atkinſon's indenture to Skelton was produced, dated the 15th of October 1668; and by certificate it appeared, that Skelton was buried on the 27th of January 1672: It was ſaid in behalf of the petitioners, that there was no other of that trade in the town:

That, as to John Stephenſon, it was ſaid, he was apprentice to Calton, a ſhoemaker, yet he ſerved Huntington by Calton's conſent.

Jackſon ſaid, he was bailiff laſt year; and that Riley never demanded his freedom of him.

Booth ſaid, that Riley produced a pair of indentures, dated in 1660; but the date was raſed, and made 1670: That Popplewell was disfranchiſed; and his disfranchiſement, April 11, 1699, was read; which was by the bailiffs and aldermen ſubſcribing that disfranchiſement.

Reynolds ſaid, the court, where the freemen applied, was a court-baron, and therefore an improper court.

Serjeant Selby inſiſted, that Popplewell was not legally diſfranchiſed; for it ought to have been done by the corporation.

Mary Cozens ſaid, that Mrs. Moody, the Wedneſday before the election, had deſired her huſband's vote for Sir Willoughby Hickman and Mr. Levinz; and ſaid, ſhe would lay down 7 *l.* and ſhe ſhould take it up: that ſhe told her huſband, who ſaid, he would be a freemen: and afterwards ſhe told Mrs. Moody of it, who ſaid, if ſhe could prevail with her huſband, ſhe ſhould have ten pounds, before he went into the hall. —Whereupon the committee reſolved,

2. That John Thornhaugh, eſquire, is duly elected a burgeſs to ſerve in this parliament for this borough.

3. That Thomas White, eſquire, is duly elected a burgeſs to ſerve in this parliament for this borough.

The three ſeveral reſolutions, being read twice, were agreed to by the houſe.

Oct. 26, 1702. A petition of Sir Willoughby Hickman, baronet, and William Levinz, eſquire, was read; ſhewing, that at the election of burgeſſes, to ſerve in this parliament, for this borough, the petitioners, and John Thornhaugh and Thomas White, eſquires, were candidates: that William Bellamy and John Reynolds, bailiffs of the ſaid borough, exerciſed an arbitrary and illegal power, in admitting ſeveral perſons to be free, contrary to the rights and cuſtoms of the ſaid borough; and entering them on the poll as votes for Mr. Thornhaugh and Mr. White: and did alſo refuſe to admit, and enter upon the poll, ſeveral perſons who had a right to vote, and did declare and demand their votes for the petitioners: by reaſon whereof, and other undue practices, Mr. Thornhaugh and Mr. White have procured themſelves to be returned, although the petitioners had a majority of legal votes, and ought to have been returned: and praying &c.

Ordered, to be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Ordered, that the committee do appoint a particular day of the week, which the committee do not uſually ſit upon, to hear the matter of the ſaid petition.

Ordered, that they hear it on the 17th day of November next.

Nov. 24th. Ordered to be reported on Saturday next.

28th. Mr. Bromley, according to order, reported the matter; viz. that upon the poll the numbers were, for Mr. Thornhaugh 77; for Mr. White 74; for Sir Willoughby Hickman 39; for Mr. Levinz 38. But the petitioners inſiſted, they ſhould take from the poll for the ſitting members, as many as would make a majority for the petitioners.

The right of election was agreed to be in the bailiffs and burgeſſes: but they did not agree, how they were qualified to be burgeſſes. —For the petitioners it was inſiſted, none ought to be made free of this borough, but the ſons of freemen, and ſuch, as had ſerved ſeven years apprenticeſhip: and that the younger, as well as the elder, ſons of freemen, and ſuch, as had ſerved apprenticeſhip within the borough, had a right to their freedom; and others living in the borough, but not foreigners, might be made free by redemption.

For the ſitting members it was inſiſted, that the eldeſt ſons of freemen only, and ſuch as had ſerved apprenticeſhip within the borough, had right to demand their freedom; but that the corporation had a power to make whom they pleaſed free, as well thoſe who lived without, as thoſe who lived within the borough, if they thought fit.

That the firſt thing the committee did, was to examine what power the corporation had to make foreigners free, and called Bunby, and others; who ſaid, they had been acquainted with Retford, 17, 20, and 40 years, and knew no inſtance of foreigners being made free; yet owned, Sir Edward Nevill was elected an alderman, and Sir Willoughby Hickman, though not reſident, was a burgeſs.

The counſel for the ſitting members inſiſted, this matter had been already determined for them by vote of the houſe. Then they produced two orders in the town-books; the firſt 6 *Jac.* I. that no foreigner ſhould be made free, under 20 s. fine to the corporation; and an admittance to a freedom 7 Edw. VI. the perſon paying 20 s. *pro libero ſuo.*

They alſo called Rawſon; who ſaid, he was made free of this borough, and did not live there; and paid in all for his freedom 5 l. and that he lived then with Sir Edward Nevill, who was alſo made free.

John Reynold, another, alſo confirmed his teſtimony, as to his freedom. Evidence was alſo given of ſeveral foreigners about 17 years ago.

It was replied, Sir Edward Nevill was entitled to be a free burgeſs, as he had ſerved in parliament for the corporation: and it appeared by the return, that he was elected a burgeſs to ſerve in parliament, 31 *Car.* II. and was not made an alderman until 32 *Car.* II.

The making ſeveral foreigners free, in the late King James's time, was not denied: but they ſaid, it was irregular. The committee reſolved,

1. That perſons, not inhabiting in this borough, are incapable of being made free of the ſaid borough, by redemption.

Upon this head it was affirmed, they ſhould take off 36, who lived in Nottinghamſhire, Derbyſhire, and Yorkſhire, and were made free ſoon after King William died.

That the counſel for the ſitting members admitted 33.

The petitioners counſel excepted to three others, viz. Mr. Thornhaugh, junior, as being made free, and no inhabitant; and the ſitting members voting for themſelves and each other.

That, the next thing was to add ſeveral to the petitioners poll, and for that purpoſe the counſel called William Smith and William Nicholls; who ſpake to the making free John Leary, John Colton, and Thomas Bonyvant, by bailiff Popplewell: one was a freeman's eldeſt ſon, another a younger, and the other ſerved an apprenticeſhip, which entitled them all to demand their freedom: but they and Popplewell were all refuſed to be polled for the petitioners.

Woodhead, and others, ſaid, others were refuſed (who had a right to their freedom) and not ſuffered to vote, as they deſired, for the ſitting members.

That the counſel for the ſitting members inſiſted, they were made free by Popplewell; and ſo not duly made.

And Mr. Clayton, the ſteward, ſaid, the ſenior bailiff had ordered him to adjourn the court; and his deputy only attended Mr. Popplewell, when they were made free. The diſfranchiſement of Popplewell was alſo produced; and one reaſon for it, was making theſe freemen.

The petitioners counſel alſo called (as to the right of younger ſons to their freedom) Thomas Moody, aged 60; who ſaid, he was a younger ſon, and he, and his two younger brothers were made free.

William Moody, the elder brother, ſaid the ſame; and, as he had heard, three of the Smiths, and three of the Coltons, were made free.——William Bunby and Robert Maſon ſaid, they were ſummoned to take out their freedom: one ſaid, he paid a noble, the other 5 s. 10 d. court fees.

And Nicholls ſaid, he heard alderman Tonſtall, deceaſed, ſay, about three or four years ago, upon demand of a younger ſon to be made free,—That it had been the cuſtom, for younger ſons to be made free, but it ſhould be ſo no longer.

That the ſitting members counſel excepted to ſome of the petitioners voters.

Booth ſaid, Robert Bibby and Thomas Clark had received Wharton's charity, viz. twenty ſhillings, in June laſt.

Matthew Boxted ſaid, William Buttry and Martin Colton did each of them receive twenty ſhillings yearly, as he had done, being a gift of 3 *l.* to three ancient men; but that he paid to church and poor: and he could not ſay, Martin Colton had any thing of the pariſh: and they voted in other matters belonging to the corporation. —— That ſome witneſſes were alſo called againſt the right of younger ſons to be made free.

Mr. Reynolds ſaid, he knew Richard Calton, a younger ſon, made free 22 or 23 years ſince; but he paid a fine.

Clayton (the ſteward) and Jeſſop ſaid, they never knew any of the younger ſons of freemen made free, without payment of a fine, unleſs they had ſerved apprenticeſhips.

They read alſo two entries in their books —— That William Woodroff paid a fine of forty ſhillings: and Francis Woodroff alſo fined.

They deſired a reſolution of the houſe, in the laſt parliament, to be read; wherein it was declared, that the younger ſons of freemen had not a right to their freedom.

Upon this evidence the committee reſolved,

1. That all the ſons of freemen of this borough have a right to their freedom of this borough.

2. That John Thornhaugh, eſquire, is not duly elected a burgeſs to ſerve in this preſent parliament for this borough.

3. That Thomas White, eſquire, is not duly elected a burgeſs to ſerve in this preſent parliament for this borough.

4. That Sir Willoughby Hickman, baronet, is duly elected a burgeſs to ſerve in this parliament for this borough.

5. That William Levinz, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for this borough.

The ſeveral reſolutions, being read twice, were agreed to by the houſe.

Nov. 2, 1705. A petition of Sir Hardolph Weſteneys, baronet, and Robert Moleſworth, eſquire, was read; ſhewing, that the petitioners were duly choſen to ſerve in this preſent parliament for this borough; yet Sir Willoughby Hickman and William Levinz are returned, although they were not duly elected, nor had they the majority of qualified votes, according to the ancient conſtitution of the ſaid borough: and praying &c.

Ordered, to be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

14th. The houſe being informed that there being a doubt, whether a petition of Sir Hardolph Weſteneys, baronet, and Robert Moleſworth, eſquire, formerly preſented to the houſe, complaining of an undue election and return for this borough, and which has been referred to the committee of privileges and elections, and appointed to be heard on the 7th day of December next, was regularly ſigned; and, to prevent any objection touching it, another petition was ſigned by them: and the ſame was preſented, and read, to the ſame purpoſe.

Ordered to be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Ordered, that it be an inſtruction to the committee, that they do hear the matter, the ſame time as appointed by them upon the former petition.

Jan. 8th. Ordered to be reported on Thurſday ſeven-night.

17th. Mr. Compton reported from the committee the matter upon the ſaid petition.——That the right of election was agreed to be in the bailiffs and burgeſſes, or freemen: and the numbers upon the poll were, for Sir Willoughby Hickman 76,—for Mr. Levinz 75,—for Sir Hardolph Weſteneys 50,—for Mr. Moleſworth 48.

But the petitioners counſel inſiſted, they ſhould qualify ſeveral who offered to vote for the petitioners, and were refuſed, and diſqualify ſeveral, who voted for the ſitting members, and ſo make a majority for the petitioners.

The points were, 1ſt, Who had a right to freedom? 2dly, The power of the corporation to make perſons, living out of the borough, free, by redemption.

As to the firſt, they inſiſted, that all perſons having ſerved ſeven years apprenticeſhip within the borough, and the elder ſons of freemen, had a right to their freedom.

For the ſitting members it was inſiſted, that all, as well the younger, as the elder, ſons of freemen had a right to the freedom.——That as to the latter, the petitioners counſel inſiſted, that the corporation had a power to make any perſon free, whether they inhabited in the borough or not.—The ſitting members counſel inſiſted, that ſuch perſons, as had no right to their freedom, could not be made free, except they were inhabitants within the borough.

To prove the younger ſons of freemen had no right to their freedom, the petitioners counſel produced ſeveral entries of freedoms, which were granted to each perſon, *ſibi, & hæredibus maſculis de corpore ſuo*; and it appeared, the admittances were generally in the ſame form.

They alſo called Maſon, Bellamy, Clark, and Rawſon who had known the borough 40 and 20 years; and one of them ſerved offices there: and Rawſon, had been alderman 15 years, and had been free 30 years, who ſaid, the younger ſons of freemen had no right, gave inſtances of ſome who were refuſed, and others admitted upon fines.

They alſo read the reſolution of the 17th of March, 1 *Annæ*, “That the younger ſons of freemen of this borough were not entitled.”

They alſo inſiſted, that this is a corporation by preſcription; which was admitted by the other ſide. To prove the cuſtom of the borough making foreigners free, they produced an ordinance of the 1ſt of Sept. 6 *Jac.* I. *viz.* “It is ordered, eſtabliſhed and decreed, that all, and every ſuch, as ſhall be made free within the town by redemption, ſhall com-

“ pound and agree with Mr. bailiffs, and the aldermen of the town for their freedom; and that no foreigner ſhall be made free by redemption under 20 s. to be paid to the town's chamber, 20 d. to Mr. bailiffs, 20 d. to the chamberlains, 12 d. to the deputy-ſteward or town-clerk, 8 d. to the ſerjeants at mace, and 12 d. to the relief of the poor; and that at the next court, after their ſaid freedom granted, the party ſhall be brought in by the chamberlains, and there take the oath appointed for that purpoſe.”— Alſo another ordinance made in 1624, diſabling the burgeſſes to vote at any election or elections whatſoever within the borough, who ſhall remove his dwelling out of the borough, and continue ſo for one whole year; provided, in caſe he did return again, and live within the borough, he ſhould vote whilſt he lived therein.

They alſo ſhewed, Sir John Hercy and Ralph Denman, eſquire, were *de concilio magno*, *4to Eliz.*

That *Anno* 1658. William Cartwright, eſquire, the ſteward, was ſworn burgeſs.—*Anno* 1680, Sir Edward Nevill was ſworn alderman; and after an ordinance was made, to enable him to vote as ſuch, becauſe of his non-reſidence.

Maſon ſaid, Sir Edward Deering was made free, when he lived in Kent; and Sir Willoughby Hickman, when he lived at Gainsborough; but he never voted till of late. —Alſo it appeared, 22 *Car.* I. Colonel Francis Thornhaugh was made free;—and Rawſon ſaid, Edward Nevil was made free when he lived at Grove, 30 years ago; and he himſelf, when he lived at the ſame place: and 3 *Jac.* II. Evelyn Pierrepont was made free; and Samuel Mawe, paying a fine of ſix pounds.

To anſwer this,——and 1ſt, as to the younger ſons of freemen, were produced ſeveral entries; viz. of Thomas Wharton (in Queen Elizabeth's time) and his two ſons being made free; and, in King Charles II's time, three of the Moodys.

And Thomas Moody ſaid, the three Moodys were his brothers; William was the eldeſt, and all were made free by their father's copy.—It appeared alſo, by other entries, the three Caltons were made free.

Bunby ſaid, the Caltons were brothers, and made free by their father's copy: and he (the witneſs) was a younger brother; and was made free: that he had been ſo above 15 years, and had been bailiff; and always thought, the younger ſons of freemen had right; and Maſon was made free by his father's copy.

Maſon ſaid the ſame; and that he and Bunby were made free the ſame day, 1689, and only paid the fees of the court; and, before he was made free, he was threatened to have his ſhop-windows ſhut, if he was not made ſo.

They alſo read the reſolutions of the the 28th of November, 1 *Annæ*. —— “That all the ſons of freemen of this borough have a right to the freedom of this borough.”

As to foreigners, they called Richard Bunby, William Smith, and William Bunby, who had known the borough 48, 20, and 40 years; who ſaid, they did not look on thoſe, who lived out of town, to be capable of being made free; and that inhabitants not being free, and having no right to be made free, were looked on as foreigners in this borough; and they had diſtinct officers for the duties charged on the borough, viz. for the poor's rate, the bailiffs appointed two aldermen, two burgeſſes and two foreigners to be aſſeſſors. And they read a reſolution out of the ſaid report of the 28th of November, 1 *Annæ*, “That perſons not inhabiting in this borough, are incapable of being made free of this borough by redemption.” Upon this evidence the committee reſolved,

1. That the right of electing burgeſſes, to ſerve in parliament, for this borough, is in ſuch freemen only, as have a right to their freedom by birth, as eldeſt ſons of freemen, or by ſerving ſeven years apprenticeſhip, or have it by redemption, whether inhabiting, or not inhabiting, in the ſaid borough at the time of their being made free.

The right being thus determined, the petitioners counſel proceeded to the diſqualification of the voters.

And firſt to diſqualify ſeveral who had voted for Sir Willoughby Hickman and Mr. Levinz: and they excepted to eleven, entitled as younger ſons of freemen, who were ſo admitted. Alſo Thomas Wright proved nine not to have demanded their freedom, till the election.

Bellamy ſaid, if the court was not ſatisfied with any, who came to demand their freedom at the firſt court, they deferred them till the next court.

Wright and Bellamy proved ſix not to have ſerved their apprenticeſhip.

Goodall proved two to have received charity diſtributed at Gainsborough.

Alſo they proved, by the town-books, two to be disfranchiſed: and, to prove the corporation had a power to disfranchiſe, they read an order of diſfranchiſement, dated the 7th of November, 1625; and alſo ſeveral ordinances, in what caſes perſons ſhould be disfranchiſed, made on the 20th of July, 43 Eliz.

The ſitting members counſel admitted, that Sir Hardolph Weſteneys, and fifteen others, had been made free by redemption, and were not polled: and called a witneſs, that all but Sir Hardolph Weſteneys, tendered their votes for the petitioners, and that Sir Hardolph tendered his vote for Mr. Moleſworth only.

They then added three to the poll, as entitled by apprenticeſhip. As to two of them, Bellamy ſaid, they ſerved ſix years, and bought out the ſeventh: the other had ſerved ſeven years to a freeman; but he did not hear, he demanded his freedom before the election.

In anſwer, exception was made to eight of thoſe who were for the petitioners, having polled as younger ſons of freemen; ſeven whereof were admitted ſo to be; and they proved the eighth to be ſo.

They then excepted to five others, for not demanding their freedom, till the day of election; three whereof were admitted, and the others proved ſo to have done.

Smith, and others, proved one not to have ſerved out his time; another to have had Clark's charity; another as not ſerving his time in the borough; another (one of the bailiffs) as having voted firſt for Sir Hardolph Weſteneys and Mr. Levinz, though, before he went away, he recalled himſelf, and gave it for the petitioners. They proved another disfranchiſed; but in the ſame caſe, one of the votes for the ſitting members was disfranchiſed. They alſo called Smith, who proved that two of thoſe excepted to by the petitioners, had ſerved ſeven years in the borough. Upon the whole, the committee reſolved,

2. That Sir Willoughby Hickman, baronet, is not duly elected a burgeſs to ſerve in this parliament for this borough.

3. That William Levinz, eſquire, is not duly elected a burgeſs, to ſerve in this parliament, for this borough.

4. That Sir Hardolph Weſteneys, baronet, is duly elected a burgeſs, to ſerve in this parliament, for this borough.

5. That Robert Moleſworth, eſquire, is duly elected a burgeſs, to ſerve in this parliament, for this borough.

And the firſt reſolution being read a ſecond time (in regard to the right of election) an amendment was propoſed to leave out the words “ whether “ inhabiting, or not inhabiting, in” and inſert “being inhabitants within;” but diſagreed to: and the ſecond reſolution was agreed to by the houſe; as were the other reſolutions: and the return ordered to be amended.

Feb. 15, 1708. A petition of the bailiff ſenior, and the burgeſſes, of this ancient borough and corporation, was read; ſhewing, that the bailiffs for the time being, by the ancient charters of the corporation, are to keep, every three weeks, a court of record, for determining all cauſes ariſing within the juriſdiction of the ſaid corporation: that, on every Michaelmas-day, the bailiffs enter upon their office, and are ſworn to keep the Queen's court of record, according to cuſtom; and, at the ſame time, the keys, where the charters and records are kept, and the corporation books, are, and ought to be, delivered over to the ſenior bailiff; but William Jeſſop, eſquire, a member of this houſe, and recorder of the ſaid corporation, hath gotten into his poſſeſſion the charters and corporation books, and refuſed to deliver them; and hath diſplaced his late deputy, and not appointed another for keeping the courts of record there: and praying, that in regard the petitioners can have no redreſs at law, they may be relieved in the premiſes, as the houſe ſhall ſee convenient.

Ordered that this petition be rejected.

Dec. 1, 1710. A petition of Willoughby Hickman, and Brian Cook, eſquires, was read; ſhewing, that the petitioners, with Thomas White, Thomas Weſtby, and Robert Moleſworth, eſquires, were candidates at the election of burgeſſes, to ſerve in this parliament, for this borough: that Edward Jackſon and William Holland, the bailiffs of the ſaid borough, refuſed to poll ſeveral legal voters for the petitioners; by reaſon whereof, and of other undue practices, the ſaid Mr. White and Mr. Weſtby have procured themſelves to be returned, though the petitioners were duly elected and ought to have been returned: and praying &c.

Ordered, to be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Jan. 5. Ordered to be reported on Thurſday next.

11th. Mr. Freman reported the matter, as follows; viz. the poll was, for Mr. White 85, for Mr. Weſtby 77, for the petitioners each 45.—The right of election was agreed to be in the bailiffs and burgeſſes; and that a perſon is qualified to be a burgeſs of this borough, who has ſerved ſeven years apprenticeſhip within this borough, or is the eldeſt ſon of ſuch a burgeſs, or is made free by redemption, inhabiting within the borough at the time of being made free. And the queſtion was, whether perſons, not being inhabitants within the borough, may be made free, and vote in elections to parliament.

For the ſitting members it was alledged, they might: but the petitioners inſiſted on the contrary; and, to prove it, ſhewed two orders entered in the town-books——In 1624, an order, diſabling, and exempting, ſeveral burgeſſes (having removed from the borough) from voting at elections there; and ordering, that if any burgeſs ſhould at any time thereafter remove his dwelling forth of the liberties of the borough, and ſo continue a year, he ſhould thenceforth be diſabled and exempted from voting there; but, upon coming to reſide there again within the borough, during ſuch reſidence, he ſhould be admitted to vote, as other burgeſſes. In 1700, an order for diſabling and utterly diſfranchiſing ſeveral burgeſſes from their freedom, who, by reaſon of their dwelling in foreign places, were become foreigners, and had ſo continued a bovea year; and from thenceforth they are not to be reputed freemen, or otherwiſe than foreigners.

Vide ante.

They called Bunby, Barker, and Colton, who had known the borough 40, 15, and 38 years, and never knew any but inhabitants made free, or vote in elections, before King James's time, till within theſe ten years, when honorary freemen were made; and their votes have been proteſted againſt in the borough, and diſallowed by this houſe.

They alſo inſiſted on the reſolution of the houſe on the 28th of November, 1702, “that perſons, “ not inhabiting in this borough, are incapable of “ being made free thereof:” and upon this head they affirmed, they ſhould take from the poll for the ſitting members, 51 from Mr. White, and 52 from Mr. Weſtby; and the poll would then be, for Mr. White 34, for Mr. Weſtby 25, for the petitioners 43 each. — And they alſo declared, they had 15 to add to their poll, being ſuch as had an undoubted right to be made free.

For the ſitting members: —To prove foreigners might be made free, and, being ſo, had a right to vote, they inſiſted upon ſeveral entries in the reign of Edward VI. Philip and Mary, Queen Elizabeth, and King Charles I. of admiſſions of ſeveral who paid fines of twenty ſhillings, and ſmall fees to the officers:

6 *Jac.* I. An order, that no foreigner ſhould be made free, under twenty ſhillings fine, and uſual fees:

In 1680, Sir Edward Nevill's election to be one of the aldermen; and an order for his voting at all elections, although he reſided out of the corporation: notwithſtanding any former order to the contrary.

In 1685, an order, giving free votes at all elections, as well thoſe to parliament, as others, to twelve burgeſſes named therein, although they were not reſident in the corporation; notwithſtanding any former order to the contrary.

Bellamy ſaid, he had known the corporation 38 years: that thoſe who are made free, not having right, pay ſuch fine, as the corporation ſhall ſet: ſome have paid five, ſome four, ſome three, pounds; and ſome fifty ſhillings: and thoſe entitled, pay no fine, only the ſmall fees of the corporation:

That perſons living in or out of town, who are not free, are called foreigners; no freemen called ſo; but the freemen, living out of town, are called the non-reſident freemen; and he knew no foreigner made free, till within theſe eight years.

Rawſon ſaid, he was made free in 1676: he was then a ſervant to Sir Edward Nevill, and was not then an inhabitant; but, two months after, married a widow, who had an houſe in the borough, when he was made free; and upon his marriage had that houſe, and his vote has never been refuſed.

That ſeveral, who were not inhabitants, were made free under King James's charter; and all, who come in by redemption, are called foreigners.

And they read alſo the reſolution of the 17th of January, 1705, in regard to the right of election (which ſee before) whereupon the committee reſolved,

1. That the right of electing burgeſſes, to ſerve in parliament, for this borough, is in ſuch freemen only, as have a right to their freedom by birth, as eldeſt ſons of freemen, or by ſerving ſeven years apprenticeſhip, or by redemption, inhabiting in the ſaid borough at the time of their being made free.

That upon this, the ſitting members and their counſel declared to the committee, they had nothing further to offer: whereupon the committee reſolved,

2. That Thomas White, eſquire, is not duly elected a burgeſs, to ſerve in this parliament, for this borough.

3. That Thomas Weſtby, eſquire, is not duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

4. That Willoughby Hickman, eſquire, is duly elected a burgeſs, to ſerve in this parliament, for this borough.

5. That Brian Cook, eſquire, is duly elected a burgeſs, to ſerve in this preſent parliament, for this borough.

The ſaid reſolutions being read twice, were agreed to by the houſe: and the return ordered to be amended.

March 20, 1717. Ordered, a warrant for a new writ for electing a burgeſs for this borough, in the room of Thomas White, eſquire, made clerk of the ordnance.

RICHMOND.

THIS borough is in the county of York. It was made a borough very early, as appears by a charter of John, eldeſt ſon of the Duke of Britain, and Lord thereof, without date; wherein he grants to the burgeſſes of Richmond the burgh with the rents of aſſize, &c. which charter was confirmed by King Edward the third. Queen Elizabeth after incorporated it in the 19th year of her reign; and, in her 27th year, called upon it to ſend burgeſſes to parliament. Concerning its elections, I meet with the following memoirs.

at. 2. d. III. . 1. . 11. by nſpexi-us. Willis, 749. 67.

January 9, 1661. Upon reading the petition of John Wandesford, eſquire; a certificate alſo being produced, touching Dr. Craddock's being in holy orders;

Ordered, that the matter, upon the ſaid petition and certificate, be referred to the committee of privileges, to take the ſame into conſideration; and to examine, whether * Sir Joſeph Craddock be in holy orders, and ſo diſabled to ſit as a member of this houſe; and make report of it to this houſe.

* Sic orig.

January 17. Serjeant Charleton reports from the committee of privileges and elections, touching the election for this borough, That it appeared to them, that doctor Craddock was in holy orders; and that Mr. Wandesford had the majority of voices preſent at the election: and the opinion of the committee, that doctor Craddock was incapable of being elected a burgeſs for the ſaid borough; and that Mr. Wandesford was duly elected, and ought to ſit as burgeſs for this borough: whereto the houſe agreed.

Nov. 7, 1705. A petition of James D'arcy, eſquire, was read; ſetting forth, that the petitioner, being one of the candidates at the election of burgeſſes to ſerve in this preſent parliament for this borough, had the majority of legal votes; but ſeveral legal votes, who offered to poll for the petitioner, being refuſed; and others illegal, admitted againſt him; and by ſplitting of votes, and houſes and lands, to multiply votes; and by Lord Wharton's meddling with the election, the other candidates, by bribery, and other corrupt practices, viz. Wharton Dunch, and Thomas York, eſquires, had the majority upon the poll, and were accordingly returned, in prejudice of the petitioner: and praying &c.

Ordered to be heard at the bar on the 12th of December next.

21ſt. Ordered, that Mr. D'arcy have leave to withdraw his petition.

March 4, 1713. A petition of Marmaduke Wyvill, was read; ſhewing, that Thomas York, eſquire, the honourable Henry Mordaunt, eſquire, and the petitioner, were candidates for this borough: that the right of election is only in the real owners of the burgage-houſes: that Mr. Nicholls, the mayor, and returning officer for the ſaid borough, did admit ſeveral for Mr. York and Mr. Mordaunt, who had no right; and Mr. York, or Mr. Mordaunt, their agents or friends, are guilty of notorious bribery, &c. and have procured themſelves to be returned, in wrong of the petitioner, who was duly elected, and ought to have been returned: and praying &c.

Ordered, to be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

RIPPON.

THIS borough is ſituate within the county of York. Doctor Willis writes, that it returned members to parliament in the 23d of Edward the firſt, and in the 1ſt of Edward the ſecond. Mr. Prynne takes notice of it in the 1ſt of Edward the ſecond: but adds, it had a precept in the ſecond of Edward the third, but returned by the ſheriff *nomina burgenſium præd. miſſa mihi non fuerunt, et ideo nihil ad præſens vobis returno*: after which, no return appears until the laſt year of King Edward the ſixth, or firſt of Queen Mary. The ſubſequent memoirs ſince the reformation, in the journals, relating to elections, are only theſe.

Willis, 1749. 67.
B. P. R. 199.

May 3, 1660. Mr. Turner reports from the committee of privileges and elections, touching the double return for this borough, the opinion of the committee, That Henry Arthington, and Edmond Jennings, are returned by the proper officer, and ought to ſit, till the merits of the cauſe, upon the ſaid double return, be determined: whereto the houſe agreed.

June 4. Mr. Turner reports from the ſame committee, on the double return for this borough; that, upon examination of the fact, it appeared, that the double indenture, whereby John Lambert, eſquire, was returned, was ſo returned by the mayor, to ſatisfy the ſaid colonel Lambert only; he confeſſing, that Henry Arthington, and Edmond Jennings, eſquires, who were returned by the other indenture, had the greater number of voices: and that the committee was of opinion, the ſaid Mr. Arthington, and Mr. Jennings, were duly elected, and ought to ſit: to which the houſe agreed.

March 2, 1713. A warrant ordered for a new writ for electing a burgeſs to ſerve in this preſent parliament for this borough, in the room of John Sharp, eſquire, made one of the Lords Commiſſioners of trade and plantations.

March 21. 1717. A warrant for a new writ for electing a burgeſs in the room of John Aiſlabie, eſquire, made a commiſſioner of the treaſury, and chancellor and under-treaſurer of the Exchequer.

March 8, 1720. The houſe being upon the enquiry in relation to the conduct of the late South-Sea directors, thoſe parts of the report of the committee of ſecrecy, relating to John Aiſlabie, eſquire, (member for this borough) were read; and alſo ſeveral examinations, &c. were read. (See Appendix.)

Reſolved, that John Aiſlabie, eſquire, has encouraged and promoted the dangerous and deſtructive execution of the late South-Sea ſcheme, with a view to his own exorbitant profit; and has combined with the late directors of the South-Sea company, in their pernicious practices; to the detriment of great numbers of his Majeſty's ſubjects, and the ruin of the publick credit, and the trade of this kingdom.

Ordered, the ſaid John Aiſlabie, eſquire, be for his ſaid offence, expelled this houſe.

Ordered, the ſaid John Aiſlabie, eſquire, be committed priſoner to the Tower of London.

March 20. Ordered, a warrant for a new writ for electing a burgeſs for this borough, in the room of John Aiſlabie, eſquire, expelled this houſe.

ROCHESTER.

4th Reg. 1094. Willis, 1749. 27. See Kent. Brady, 73.

THIS is a city in the county of Kent: and, as ſuch, ſent citizens to parliament in the 26th of Edward the firſt. It was afterwards made a mayor-town, in the 1ſt of Edward the fourth. The manner of election firſt appears in a return for the county, in the 12th of Henry the fourth; wherein it is inſerted, that the citizens were choſen at the county court: but, in the 17th of Edward the fourth, by an indenture, it appears, *quod major civitatis Roffenſis, una cum omnibus et ſingulis civibus et communiariis ejuſdem civitatis eligerunt*, &c. (See Appendix.) The more modern memoirs, in the journals of the Houſe of Commons, are theſe.

1580. In the vacation of parliament, a writ iſſued from the chancery, for electing a citizen for this city, in the room of William Patridge, eſquire, ſick: and Samuel Cox, eſquire, was returned.

See Caſtle-riſing. D'Ewes Journal, 307, 308.

March 18, 1580. Mr. Cromwell, one of the committee for examination of returns and defaults, reported, that Samuel Cox, eſquire, returned a burgeſs for this city, in the room of William Patridge, eſquire, being ſick, ſhall be forthwith amoved; and the ſaid William Patridge, eſquire, ſhall ſtand and continue in his room and place.

March 3, 1620. Sir George Moore reporteth for this city.—The committee held the election good.—That the mayor ſent but half an hour's notice of the election.—Then a market near, where many of the electors abſent.—To have the mayor admoniſhed.— The mayor faulty in all.

Sir D. Diggs — for a bill to reform theſe abuſes. —A letter of admonition to the mayor to do ſo no more.

Nov. 3, 1680. A petition of the inhabitants of this city was read.

Ordered, to be referred to the committee of privileges and elections, to examine, and report the matter.

4th. The houſe taking notice, that a petition on behalf of this city, touching the election of a citizen to ſerve in this parliament for this city, was yeſterday read, and referred to the committee of privileges; and that the houſe had before that, ordered Mr. Speaker to iſſue out his warrant for a new writ, for the electing of a member to ſerve for the ſaid city, in the room of ſerjeant Barrell, deceaſed, who was returned one of the citizens to ſerve for the ſaid city in this parliament.—

And Mr. Speaker acquainting the houſe, he had not yet iſſued his warrant for the writ.—

Ordered, that Mr. Speaker do forbear to iſſue out his warrant for ſuch writ, until the matter contained in the ſaid petition, be determined.

Jan. 6, 1701. A petition of William Cage, eſquire, was read; ſhewing, that at the election for this city, the petitioner, Francis Barwell, eſquire, and captain Bockenham, were candidates; whereat captain Bockenham, by treating, threatnings, and promiſes, obtained ſeveral, and deterred many from voting for the petitioner; by which illegal practices, James Hales, eſquire, was prevailed upon to return captain Bockenham, in prejudice of the petitioner: and praying &c.

Ordered, to be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Nov. 15, 1709. Ordered, a warrant for a new writ, for electing a citizen to ſerve in parliament for this city, in the room of Sir John Leake, knight, appointed a commiſſioner of the admiralty.

March 20, 1717. Ordered, a warrant for a new writ for electing a citizen for this city, in the room of Sir John Jennings, made a commiſſioner of the admiralty.

ROTELANDSHIRE.

Heylin's Help to Hiſtory, Roteland Poemp. p. 472. B. P. R. 125. B. P. 16 & 170.

THIS is the ſmalleſt county in England. It was, as Doctor Heylin writes, taken out of Northamptonſhire: and I apprehend, it has returned members to parliament from the 22d of Edward the firſt (the firſt general return of knights of ſhires.) Mr. Prynne's liſt is from the 26th of that King. Some particular returns are noticed by him in his *Brevia Parliamentaria rediviva*, viz. In the 4th of Edward the ſecond, the ſheriff returns — *Eligi feci in pleno com. loco duorum militum eo quod milites non ſunt in com. commorantes duos homines de com. Roteland de diſcretioribus, &c.* —— In the 8th of Edward II. — *Eligi feci in pleno comitat. per communitatem totius comitatus illius duos milites de diſcretioribus &c. ad faciend. et conſentiend. hiis quæ de communi conſilio ſuper negot. dominum regem et ſtatum regni ſui et maxime terræ ſuæ Scotiæ ſpecialiter tangentibus, &c.*

The memoirs, relating to elections for this, in the journals, are theſe.

D'Ewes Journal, 624.

Nov. 4, 1601. Mr. ſerjeant Harris moved the houſe, that in reſpect great danger and inconvenience might grow by the want of any one particular member of the houſe, therefore he thought good to certify the want of a knight for this county; for he ſaid, that Sir Andrew Noell, being ſheriff of the county, had returned himſelf, jointly with Sir John Harrington, to be knight; which he took in law to be a void return; becauſe it is againſt the expreſs words of the writ, which are, *Ita quod neque tu neque aliquis alius vicecomes alterius comitatus elegatur &c.* which he thought good to move the houſe in, referring it to their conſideration: and prayeth, that the record may be ſent for, from the clerk of the crown; for, ſaith he, we know in law, that a man cannot make an indenture to himſelf and the county, for there are required two perſons.

To which Sir Edward Hobbie replied, that notwithſtanding this, the houſe might well receive him:

and he vouched a precedent in the 31ſt of this Queen, when a writ was directed to the bailiffs of Southwark to return burgeſſes; and they returned themſelves, and were received.—But, if we do not receive him, another queſtion will grow, whether a new warrant muſt go from the Speaker, to elect a new knight, or from the clerk of the crown: to which it was agreed, *per omnes*, that from the Speaker.

Then Mr. Wiſeman, of Lincoln's-Inn, ſtood up, and ſhewed the neceſſity of having all our members, becauſe otherwiſe, the body is but maimed; as alſo, how dangerous a precedent this would be, if it might paſs with the applauſe of the houſe; and laſtly, the reaſon of putting in the aforeſaid ſpecial words into the writ, becauſe it muſt be neceſſarily intended, that they being ſo great officers, having ſo great a charge, and their preſence in their counties ſo requiſite, ſhould not be returned. Beſides, for that time, they being the chief men of the ſhire, freeholders peradventure, for favour ſake, would rather chuſe them, than men more ſufficient for that place.

Mr. Carey moved, whether if it were with his will, he ſhould be puniſhed by fine, or otherwiſe.

Sir John Harrington ſaid, of his own knowledge, he knew him to be very unwilling: but the freeholders made anſwer, they would have none other.

Mr. Speaker ſaid, it could not be intended againſt his will, for his hand is to the indenture; but he moved, whether it ſhould be intended, that this Sir * Anthony Nowell were *una et eadem perſona*, or no; and though it were, yet whether they could take notice thereof, not being certified out of chancery: to which all the houſe ſaid, there was no other of the name.

Should An- w, but orig.

Then Mr. Comptroller ſtood up, and moved, that in reſpect the return was joint, and that they did diſallow Sir * Andrew Noell, he deſired to be reſolved by the learned maſters of the law in this houſe, whether all the return were inſufficient, and ſo Sir John Harrington to be excluded: to which all the houſe ſaid, no.

Antho- in the rnal.

Mr. ſerjeant Harris ſaid, no; becauſe the ſaid warrant is affirmative, to chuſe any but the ſheriff, who is excepted by ſpecial words; ſo that the return of the other is warranted, but that of himſelf void.

Sir Edward Hobbie anſwered and ſaid, nay then, Mr. Serjeant, if you ſtand on that, I think there are few knights in this houſe lawfully choſen; for the words of the writ and ſtatute are, that he muſt be *commorant* within the county; which but few are: to which, not one word was anſwered; and that clauſe was huſhed up.

Mr. Speaker ſaid—well, I will put it to the queſtion, which ſhall be twofold; one, whether the return be void; the other, whether a new warrant ſhall be ſent forth: to which, being twice moved, all cried, I, I, I; not one man ſaid, no.

Sir Edward Hobbie ſaid, Mr. Speaker, the warrant muſt go from yourſelf; for in the twenty-ſeventh year of this Queen, when Parrie was burgeſs for Queenborough a new election was made, and the warrant was ſent from the Speaker.

Nota, That this reſolution of the houſe is directly contrary to a former precedent, agreed on in the Houſe of Commons upon Friday the 21ſt day of February, in the parliament *de An.* xxxi. *Regin. Eliz. anno Dom.* 1588, 1589. where Mr. St. Poole, being both knight for the county of Lincoln, and ſheriff of the ſame alſo, was notwithſtanding, allowed to retain his place in the ſaid houſe, as a member thereof; and had only licence given unto him to depart into the ſaid county, about the buſineſs of his ſaid ſheriffwick, in no other form or manner, than is vouchſafed of courſe to the members of the ſaid houſe upon any urgent occaſions by them alledged, requiring their abſence for ſome time, be it longer or ſhorter. Where other precedents alſo to this purpoſe are vouched, and yet perhaps both the ſaid precedents may ſtand good, and be reconciled with this difference; that where any man is firſt ſheriff of ſome county, and then elected a knight of the ſame, or a citizen, burgeſs, or baron of any city, borough, or cinque-port of the ſame, that in this caſe his election is void; becauſe it muſt of neceſſity follow, as in this caſe of Sir Andrew Nowell it did, that he muſt return himſelf, which cannot be good in law. But where a man is firſt elected a member of the Houſe of Commons, be it knight, citizen, burgeſs, or baron, and is afterwards made ſheriff of ſome county; here his firſt election ſtandeth good, as it ſhould ſeem alſo it doth, although he may be firſt made ſheriff of ſome county, and be afterwards elected a knight, citizen, burgeſs, or baron of, and in ſome other ſhire or county. And the reaſon of all is plain, in reſpect that in all theſe latter caſes, his return cannot be made by himſelf, but by the ſheriff of the county where he is choſen: this only holds good in the caſe of knight of the ſhire.

Dec. 5, 1710. A petition of ſeveral freeholders of this county, on behalf of themſelves, and other freeholders of the county, was read; ſhewing, that at the election of a knight for the ſaid county, the candidates were, Daniel Lord Finch, John Noel, Richard Halford, and Philip Sherrard, eſquires: that the Lord Finch and Mr. Halford had the majority of legal voices; but by reaſon of the corrupt practices of Mr. Noel and his agents, and by polling ſeveral unqualified perſons, Mr. Noel had a majority of the petitioner upon the poll, and is returned with the Lord Finch, in prejudice of the petitioner: and praying &c. Alſo

Sic. orig.

A petition of Richard Halford, eſquire, was read; ſhewing, that at the ſaid election, the right honourable the Lord Finch, and the petitioner, were duly choſen by a majority of legal votes; but by the corrupt and undue practices of John Noell, eſquire, (who alſo was a candidate) and his agents, and by polling ſeveral unqualified perſons, Mr. Noell obtained a majority upon the poll, and is returned with the Lord Finch, in wrong of the petitioner: and praying &c.

Ordered, that they be heard at the bar of the houſe, on the 16th of January next.

Jan. 16th. The houſe proceeded to the hearing the matter of the ſaid election and the counſel on both ſides were called in, and the petitions read; and ſome witneſſes examined, on the part of the petitioners: and the counſel were directed to withdraw.

The ſtatute of the 7th and 8th of William, *cap.* 25. touching the oath and mortgagers, was read; and the caſes in the journals of 1695, in relation to the elections for the counties of Hertford and Surrey, were read.

A motion being made, that the petitioner be admitted to give parol evidence of the mortgage of a mortgagee in poſſeſſion of lands, for which the mortgager voted againſt the petitioner, without producing the mortgage deed;

An amendment was propoſed to be made by leaving out the word "parol;" but diſagreed to.

And a motion was made to inſert before the word "mortgagee" theſe words, "perſon alledged to be;" which was diſagreed to: And it was reſolved,

That the petitioner be admitted to give parol evidence of the mortgage of a mortgagee in poſſeſſion of lands, for which the mortgager voted againſt the petitioner, without producing the mortgage deed.

The houſe being informed that ſome words of heat had paſſed between Mr. Finch and Mr. Noell, members of the houſe, they were required to give their words and honour, not to proſecute the matter any further; with which they complied.

Then the counſel were called in, and Mr. Speaker acquainted them with the reſolution aforeſaid.

Ordered, that the matter of the ſaid election be heard on Thurſday next.

18th. The houſe proceeded in hearing the ſaid matter: and the counſel were called in; and ſeveral witneſſes examined, on the petitioners part. After which the counſel withdrew; and being called in again, the counſel for the ſitting members were heard; and being withdrawn, it was moved, and acquieſced in, as the ſenſe of the houſe;

That the ſitting member ſhould deliver in liſts of ſuch voters for the petitioner, as were intended to be objected to; and of ſuch as the ſitting member would inſiſt to have added to his poll, as being refuſed to be taken.

Whereupon the counſel were called in: and Mr. Speaker acquainted the ſitting member's counſel with what the houſe expected. Whereupon the counſel and agents delivered in ſuch liſts; and then the counſel on both ſides were directed to withdraw.

Afterwards Mr. Speaker deſired to know the pleaſure of the houſe, whether the clerk might give copies of thoſe liſts to the petitioner: which the houſe acquieſced in, that he might do.

Ordered to be heard again on Saturday next.

20th. The houſe proceeded in hearing the ſaid matter: and the counſel being called in, divers witneſſes were examined for the ſitting member.

And one John Taylor (one of the ſaid witneſſes) being examined on the petitioner's behalf, touching the time of granting an annuity to him, (the freehold for which he voted) to which the ſitting member's counſel inſiſted, he ought not to be examined: and the counſel withdrew.

Reſolved, that John Taylor, being produced as a witneſs by the ſitting member, be examined by the petitioner, when his annuity was granted.

And the counſel were called in again, and Mr. Speaker acquainted them with the ſaid reſolution.

Then the witneſs was examined, touching the ſaid matter; and other witneſſes were alſo examined on the ſitting member's behalf: and one Samuel Freeman being offered to prove perſons voting on the ſitting member's behalf, who are entered on the ſheriff's poll to have polled for the petitioner; the counſel were directed to withdraw.

The queſtion being put, that Samuel Freeman be admitted to prove his voting at the ſaid election, contrary to the poll taken by the ſheriff: it was diſagreed to.

The counſel were called in again; and Mr. Speaker acquainted them therewith. And ſeveral other witneſſes were examined on the ſitting member's behalf.

Ordered, that the matter of the ſaid election be heard further, on Tueſday next.

23d. The houſe proceeded in the ſaid hearing, and the counſel were called in; and ſeveral witneſſes were examined on the ſitting member's behalf; and ſeveral other witneſſes on part of the petitioners.

And afterwards the counſel were heard on both ſides, and withdrew.

Reſolved, that the honourable John Noell, eſquire, is not duly elected a knight to ſerve in this preſent parliament for this county.

Reſolved, that Richard Halford, eſquire, is duly elected a knight, to ſerve in this preſent parliament for this county: and ordered the return to be amended.

Oct. 20, 1715. Ordered a warrant for a new writ for electing a knight of the ſhire for this county, in the room of Daniel Lord Finch, made a commiſſioner of the Treaſury.

May 25, 1725. Ordered a warrant for a new writ, for electing a knight of the ſhire for this county, in the room of Daniel Lord Finch, made comptroller of the houſhold.

RYE.

THIS is one of thoſe ports called the Cinque Ports; but it is rather a member thereof (which are only Haſtings, Dover, Sandwich, Hythe, and Romney.) When it was added thereto, doth not appear; but by a record, See Dover.
in the firſt of King John, it is found, *quod Winchelſea et Rye debent eſſe in auxilium villæ de Haſtings* 2 Inſt. 222
ad faciendum Regis ſervitium 20 *navium* &c; but it has now the ſame privileges with the others. It is ſituate in the county of Suſſex. The writs for election of members to parliament are directed to the conſtable of Dover, or warden of the Cinque Ports; and the firſt return I meet with of repreſentatives, was in the 42d of Edward III. The memoirs of the B. P. R.
elections, and members in that reſpect, are theſe. 215.

Jan. 22d, 1688. A petition of Sir John Auſtin, was read; complaining of an undue election and return of barons to ſerve in this convention for this town, in injury of the petitioner.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report it, with their opinion.

26th. A petition of Peter Gott, eſquire, complaining of an undue election and return of burgeſſes, or barons, to ſerve in this preſent convention for this port, in prejudice of the petitioner, was read.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report it, with their opinion.

April 1, 1689. Colonel Birch reported the matter upon the petition of Sir John Auſtin againſt Thomas Frewen, eſquire, concerning the election for this town; that the queſtion was, Whether the right of election of barons, to ſerve in parliament for this town, was in the freemen, that were reſident in the town, only; or in the freemen of the town, that are not reſident there, as well as thoſe that are reſident in the ſame.

For the petitioner, the counſel inſiſted, that the petitioner had 16 unqueſtionable votes; and Mr. Frewen but 21, but 5 of them were made by Mr. Crouch, and 4 by Mr. Radford, who were not lawful mayors, and conſequently they not freemen: ſo that, ſubſtracting theſe from Mr. Frewen's poll, there would only twelve remain, and ſo Sir John would have the majority.

A poll delivered in by the petitioner, taken for Sir John Auſtin and Sir John Darrell;

Cadman ſaid, the perſons who ſigned the poll are 16; and he knew them to be reſident within the town at the time of the election.

Jeke ſaid, he had lived in the town above 60 years; and has been free 38 years: that he has been town-clerk ſeveral years; and from the 26th of Henry VI. to the time of the act of regulations, there is not one precedent of any foreign freeman that appeared at any election: that all the freemen are ſworn to pay ſcot and lot, which was always underſtood to bear part of their charges of the franchiſes; but he never knew foreigners to pay towards the charge of the pariſh: that he never knew any foreign freeman ever vote, till the act of regulations, unleſs they had been members of parliament a year before: that he never knew any foreign freeman ſerve at any coronation as barons, till King Charles the II's time; and it was but one then: that for the 11 years he was town-clerk, there was never a farthing charge paid by any foreign freeman towards the charge of bailiff to Yarmouth, or wharfage; but apprehends, if ſcotted they ought to pay, but never knew them ſcotted.

They then produced an act of the brotherhood and Gheſtling, (which is in the nature of a parliament for the Cinque Ports) That none but reſident freemen ſhould vote at any election for any head-officers or barons: this was dated the 20th of King Charles II.

Sic orig.

Mr. Tourney, a witneſs,—That Auguſt 1681, was the day of election of mayor by cuſtom in the town; and twenty freemen appeared: that he and Crouch were candidates; and that Crouch had but nine votes, and he (Tourney) eleven: that thereupon he demanded to be ſworn, and was ſworn by the old mayor going out of office; but Mr. Crouch petitioned the council, and was appointed to act for the preſent, and he left to reſtore himſelf by law: that he ſued out three *mandamus's*, and at laſt had judgment, and was reſtored; but, pending this, Mr. Crouch had called ſeveral aſſemblies, which cannot be but by a legal mayor, and made William Williams, Anthony Knight, John Collins, John Brook, and John Harberd, freemen: that, when he (Turney) had the poſſeſſion of the mayoralty, he called an aſſembly; and it being moved, whether theſe freemen, admitted by Mr. Crouch, were legally admitted, they were diſallowed, and ſet aſide: that, at the next election, Mr. Radford oppoſed him in the mayoralty: that he (Tourney) had the majority; but Mr. Radford petitioned the King and council, and got him out of poſſeſſion. He ſaid, when a mayor was re-elected, or dies, the eldeſt jurat ſwears the mayor by cuſtom; but the eldeſt jurat refuſed to ſwear him, and going about to ſwear Mr. Radford, he diſmiſſed the hundred; and then one jurat ſwore Mr. Radford alone, contrary to the expreſs words of the charter, that requires two to be preſent: that he was ſworn before two jurats, and did act till information was brought againſt him for a riot; and ſays, the old mayor ought to act, till he has charged his ſucceſſor.

Jeke ſaid, he had ſearched the records, and there are four freemen entered there, as made by Radford, viz. Streeton, Dorrington, Davis, and Longley.

Mannouch ſaid, theſe were made by Radford.

For Mr. Frewen, ... inſiſted, that the queſtion was only, whether the foreign freemen had a right to vote, as well as the reſidents; and it was not material, whether they were made by a mayor *de facto*, or *de jure*.

Dorrington delivered in a poll; and ſaid, in all, there polled for Mr. Frewen 26, viz. 21 reſident freemen, and 5 foreign: that he heard, there were two others who would have voted for Mr. Frewen; but they did not come in, nor were they polled, the door being ſhut (as uſual at elections) but it was not locked: that he was made free by Mr. Radford.

Goram and Gower ſaid, two others came to the door to vote for Mr. Frewen and Mr. * Goff; but did not come in, the door being ſhut, though not locked.

* Query Gott.

Gillart ſaid, he had been a freeman 24 years; that he has known foreign freemen vote for burgeſſes; and never knew them refuſed. He ſaid, he refuſed to ſwear Mr. Tourney, becauſe Mr. Radford had the majority of voices; Mr. Radford having 9, and Mr. Tourney 7; but Mr. Tourney had beſides 5 of the expunged men, turned out by the Regulators of the corporation: that Mr. Radford had the ſtaff, and acted as mayor; and the mayors uſed always to be ſworn by the eldeſt jurat.

Sir Dennis Aſhburnham ſaid, he is, and has been a foreign freeman of this corporation ever ſince the commiſſion in 1662: has voted ſeveral times for the mayor; once for Webb, another time for Radford, being ſent for by the town; but never voted for burgeſſes before now, when he voted for Mr. Frewen and Mr. Gott: that he claimed his vote as a freeman, and it was allowed.

Goff in the Journals.

They then produced an order, *anno* 1661, made by the mayor, jurats, and commonalty, of this town; by which it was reſolved, that a freeman, by dwelling out of the franchiſes, ſhould not loſe his freedom.

Another witneſs ſaid, none but freemen of the corporation, whether reſident or not, carry the canopy at the coronation; and ſeveral freemen, non-reſidents, have been choſen to ſerve: that Sir Edward Frewen, who lived at Putney, was choſen to carry it: and Mr. Holman, in 1660, was non-reſident, and voted, with others, ſeveral times in aſſemblies for mayors; but cannot ſay, for any parliament-men.

Then the oath of a freeman was read, whereby they ſwear to pay ſcot and lot. Upon the whole the committee reſolved,

1. That the right of election of barons, to ſerve in parliament for this ancient town, is in the freemen, that are reſident in the ſaid town, only.

2. That Thomas Frewen, eſquire, is not duly elected a baron, to ſerve in this preſent parliament, for this town.

3. That Sir John Auſtin, baronet, is duly elected a baron, to ſerve in this preſent parliament, for this town.

The ſaid 3 reſolutions, being twice read, were agreed to by the houſe: and the mayor ordered forthwith to attend, and amend the return.

March 24th. A petition of Caleb Banks and Thomas Frewen, eſquires, was read; ſhewing, that the petitioners were duly elected, by the majority of the legal votes, for this port: yet notwithſtanding, the mayor had returned Sir John Auſtin and Sir John Dorrell, as duly elected, in prejudice of the petitioners: and praying &c.

Ordered, to be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Oct. 6, 1690. The ſame petition in ſubſtance was again read.

Ordered, to be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Nov. 12th. Mr. Grey reported the matter on the ſaid petition, thus — It was agreed, the right of election was in the mayor, jurats, and freemen, of this port.

Dornington delivered in a copy of a poll, which, he ſaid, he took by order of the petitioners.——For Sir John Auſtin 19, for Sir John Dorrell 17, for the petitioners 18 each.———That as to the exceptions, the matter was thus: there was a diſpute between one Thomas Tourney and one Crouch, about the mayoralty of this town: and it was heard before the King and council; and the King determined for Crouch, and commanded him to go down, and act as mayor. Whereupon he went down, and called an aſſembly; and, by conſent of the majority of the freemen, makes ſeveral new freemen, ſix whereof voted for the petitioners. That, after making of theſe new freemen, Mr. Tourney was by *mandamus* reſtored to the office of mayor; and calls an aſſembly, in which the freemen, who were made in Crouch's time, were disfranchiſed, as not being admitted according to cuſtom, there being no mayor *de jure* at that time. Afterwards Mr. Tourney calls another aſſembly, where, the ſaid new freemen being excluded, he admitted, with conſent of the majority of the old freemen, ſeveral others; nine of whom voted for the ſitting-members.

That one Gribble, who voted for the ſitting-members, was proved to be made free by his father's copy, though his father was diſcharged by the commiſſioners for regulating of corporations.

That Tutty, and Jeke, ſenior, who voted for them alſo, were diſcharged in like manner. Upon the whole; the committee reſolved,

1. That Thomas Gribble, Thomas Tutty, and Samuel Jeke, ſenior, being diſcharged by the commiſſioners appointed by the act for regulating corporations, have a right to vote in electing barons to ſerve in parliament, for this port.

2. That Sir John Auſtin is duly elected a baron, to ſerve in parliament, for this port.

3. That Sir John Dorrell is duly elected a baron, to ſerve in parliament, for this port.

The ſaid reſolutions, being twice read, were agreed unto by the houſe.

Oct. 24, 1702. A petition of Edward Southwell, eſquire, was read; ſhewing, that at the election of barons, to ſerve in this preſent parliament, for this town and port, the petitioner, and Thomas Fagg, and Joſeph Offley, eſquires, were candidates; and the petitioner was duly elected one of the barons: but, contrary to the cuſtom of the town, Francis Young, the then mayor, admitted ſeveral to poll for Mr. Fagg, and Mr. Offley, as freemen who before (in his own mayoralty) had been put up to be freemen, and were rejected by the majority of the legal freemen; and ſeveral other perſons, that were not duly qualified, were polled for Mr. Fagg and Mr. Offley, whom the ſaid Young hath returned, in prejudice of the petitioner: and praying &c.

Ordered, to be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Dec. 17th. Ordered to be reported on Saturday next.

19th. Mr. Bromley, according to order, reported the matter, as follows; viz. that the poll was agreed to be thus: for Mr. Fagg 40, for Mr. Offley 38, for Mr. Southwell 25.

The counſel for the petitioner inſiſted, that the right of election was only in the mayor, jurats, and in the freemen inhabiting in the port, and paying ſcot and lot.

That the counſel for the ſitting members denied reſidency to be neceſſary, or the paying ſcot and lot.

That, as to the point of reſidency, evidence was given, and not pretended to be contradicted, unleſs in an inſtance or two, of gentlemen, who had ſerved in ſeveral parliaments for the ſaid port, and did not inhabit there, and yet, at the next election after ſuch ſervice, had been allowed to vote.

That, as to paying ſcot and lot, the oath of a freeman was produced; where, among other things, every freeman ſwears to pay all ſcots and lots, which ſhall be due, or happen to be due, or granted to be levied, within this port.

Afterwards witneſſes were called, who ſpoke to this matter; that they looked upon payment of ſcot and lot to be neceſſary; and that they had known thoſe objected to, that did not pay ſcot and lot.

But it was proved by others, and not denied by the petitioner's witneſſes, that one Mr. Radford, who had been a juſtice of peace, and had fallen into decay, had voted, when he did not pay ſcot and lot.

Walſh, and others, ſaid, that two or three were made free, and did not pay ſcot and lot, when they voted; one of which was an apprentice, the other a journeyman, and the laſt was excuſed by reaſon of poverty. But it was ſaid, thoſe were not diſputed elections: and no other inſtances, than theſe, being given, the committee reſolved,

1. That the right of election of barons, to ſerve in parliament for this port, is only in the mayor, jurats, and in the freemen, inhabiting in the ſaid port, and paying ſcot and lot.

That the right of election being thus ſettled, the petitioner's counſel excepted againſt 23, who voted for the ſitting members; five of whom they ſaid, were diſſenters (viz. Mr. Joſeph Tucker, John Hickmal, John Dixon, Daniel Sandown, and John Waite) and had not received the ſacrament within a year before they were made free; and therefore were not qualified, according to the corporation act 13 Car. II. to be freemen of the port; ſince, by the conſtitution thereof, all the freemen are concerned in the government of it.

To this it was anſwered, that all the freemen had a right to be ſummoned to their aſſemblies; at which meetings, all matters, relating to the government of the port, are tranſacted: that indeed one Mr. Jeek, and other diſſenters, formerly did not look upon themſelves legally qualified to vote and act at theſe meetings; and therefore, though they came ſometimes to them, being deſired to give their advice, they always went away, as ſoon as they had given it.

It was urged, that the election for barons to ſerve in parliament, was not at theſe aſſemblies, but at another court, called the hundred court; and they had uſed to vote there.

It was replied, that the ſame perſons, who conſtituted the court of aſſemblies, likewiſe conſtituted the hundred-court; and that, if they had no right to be members of the one, they could not be members of the other, nor conſequently to vote there.

That it was further offered for the petitioner, that there were three ways of making freemen for this port, viz. the eldeſt ſons of freemen, born after their fathers were made free, had a right at 21 years of age, and might demand their freedom: 2dly, Every mayor might make one: 3dly. Any perſon might be made free, with the conſent of the majority of the freemen, at an aſſembly; but the uſage of this port was, that, if any perſon, ſo put up to be made free, was rejected, he could not be put up again in the ſame mayoralty.

That ſeveral witneſſes were called to prove this uſage; and no evidence to prove the contrary, but in the caſe of Allen Olive, who was rejected, and made free afterwards in the ſame mayoralty: and to this it was replied, he was made free, as the mayor's freeman.

That then evidence was given of four, (viz. Walter Walters, Thomas Hills, Thankfull Biſhop, and John Young,) who had been rejected the laſt year, and were put up again, and made free, in the ſame mayoralty: and that theſe four, with the five diſſenters, made thirteen others free, by the majority of their votes; who, it was inſiſted, were not therefore duly made freemen.

Swain, who voted for the ſitting members, was excepted to, for not paying ſcot and lot.

That for the ſitting members, and in excuſe for making the freemen that were rejected, and others, it was ſaid, that they were men of good ſubſtance: that the mayor having often declared his intention of making more freemen, and had mentioned to them, that he underſtood, that the Houſe of Commons deſigned the increaſe of the number of electors in thoſe places, where they did not exceed 50; and therefore thought it a prudent precaution in them to make the freemen here at leaſt 50.

Then they proceeded to prove indirect practices: and called Oſborn and Hicknal, who ſaid, Lord Aſhburnham came to this town, and treated the freemen about a month before the election, and before the diſſolution of the laſt parliament: that he then recommended the petitioner to them; and told them, that would be the way to have a good harbour, and to have convoys and protections; in which the petitioner, being at court, would be more capable than another to ſerve them: and ſaid, ſome of their neighbours told them, they had protections.

They further ſaid, they could except to ſeveral, who voted for the petitioner, as having not received the ſacrament; but named none: and ſaid, he had not proved any of them ſo qualified. They then ſuppoſed, the committee would not examine into making of freemen ſome years ago, they being in poſſeſſion, and not made free on this occaſion. Whereupon the committee reſolved,

1. That Thomas Fagg, eſquire, is duly elected a baron, to ſerve in this parliament for this port.

2. That Joſeph Offley, eſquire, is not duly elected a baron, to ſerve in this parliament, for this port.

3. That Edward Southwell, eſquire, is duly elected a baron, to ſerve in this parliament for this port.

The ſaid three reſolutions, upon being read a ſecond time, were agreed unto by the houſe: and the return ordered to be amended.

Nov. 2, 1705. A petition of Charles Fagg, and Philips Gibbon, eſquires, was read; ſhewing, that at the election of barons to ſerve in this parliament for this port, Mr. Nicholas Mannouch, then mayor, admitted perſons to vote for Edward Southwell, and Philip Herbert, eſquires, who had no right to vote; and denied ſeveral to vote for the petitioners, who had a right; and though the petitioners had the majority of legal voters, yet the mayor hath returned Mr. Southwell and Mr. Herbert, in prejudice of the petitioners, and the rights of the ſaid port: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report it, with their opinion.

Dec. 4, 1706. A petition of Charles Fagg, and Philips Gibbon, in ſubſtance the ſame with the former, was read.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report it, with their opinion.

Jan. 20. Ordered, to be reported on Thurſday next.

23d. Mr. Compton reported the matter, upon the ſaid petition, thus — That upon the poll the numbers were, for the petitioners 19, for the ſitting members 21.

That the right of election was agreed to be in the mayor, jurats, and freemen, paying ſcot and lot, reſident within the port, or who had been reſident within twelve months before the election.

That the petitioners counſel inſiſted, that one perſon, who had polled for the ſitting members, had no right to vote; and ſix others, who were refuſed by the mayor (as not qualified according to the ſtatute 13. *Car.* II. for well governing and regulating corporations) ought to be added to the petitioners poll; which would give them a majority.

Mr. Gribble proved, that Mr. Martin, who polled for the ſitting members, had not lived in the town theſe twelve years: that he neither paid ſcot or lot there, or had an houſe; but owned, when he left the town, he went to ſea in the King's ſervice, and was employed in a Cuſtom-houſe ſloop, during the peace; nor did he know he had any ſettlement elſewhere: that his daughter lived here for three years paſt, but ſhe was only a lodger.

As to the ſix perſons, viz. (John Young, Thankfull Biſhop, Robert Hounſell, John Dadd, Joſeph Breads, George Burwaſh,) who were refuſed by the mayor, the petitioners counſel produced the aſſembly-book; whereby it appeared, they had all ſix been made free: and called

Gribble, and others, who proved they offered to poll for the petitioners, but were refuſed by the mayor, who ſaid, they might be free to ſome purpoſes, but not to chuſe members of parliament; and, if he admitted them to poll, he could not return the ſitting members.

Mr. Walters ſaid, in March 1704, the mayor ſaid, they ſhould be free, or not, according as they voted, notwithſtanding their *mandamus*. Theſe laſt perſons alſo ſaid, that the ſix were warned by the ſerjeant to be at the election; and that they were warned, and had appeared at the next aſſembly that was held after the election: and Thankfull Biſhop, one of the ſix, had paid half duties to Mr. Mannouch, the mayor, for hops; and all, that are not freemen, pay whole duties.

Breads, one of the ſix, ſaid, he was warned to the election by the ſerjeant; and the mayor aſked him to vote for Mr. Southwell and Mr. Herbert; and had been at ſeveral aſſemblies ſince the laſt election; and the mayor declared, be it how it would, the ſitting members ſhould have it.

That, as to their not being qualified according to the ſtatute 13 *Car.* II. for regulating corporations, the petitioners produced the reſolution of the 12th of November 2°. *Will. et Mar.* "Reſolved, that Thomas Gribble, Thomas Tutty, and Samuel Jeke, ſenior, being diſcharged by the commiſſioners appointed by the act for regulating corporations, have a right to vote in electing barons, to ſerve in parliament for this port of Rye."

That then was read the 4th and 12th ſect. of the ſaid act, relating to the qualifying perſons concerned in the government of corporations, by receiving the ſacrament within a year next before their election.

The counſel for the ſitting members admitted, that theſe ſix perſons tendered their votes for the petitioners, and were refuſed by the mayor, becauſe they were not duly made freemen; which they inſiſted upon.

To prove this, they alledged, that in this port there are two courts, the Aſſembly and the Hundred-court: that the aſſembly-court conſiſted of the mayor, two jurats, and eight freemen at the leaſt; and at this court freemen were made, and by-laws made, and leaſes let; and at the Hundred-court, conſiſting of the mayor, jurats, and all the freemen, they chuſe the mayor and other officers, and alſo parliament-men.

That there are three ways of admitting freemen: 1. Eldeſt ſons of freemen at 21 years of age have a right.— 2. The mayor has a right to name one; and all others are to be propoſed by the mayor in the aſſembly, and approved by the majority of the freemen preſent. And thus much was admitted by the petitioners counſel.

But, for the ſitting members, the counſel inſiſted, that the freemen aſſiſting at a court of aſſembly, being in the nature of a common-council, ought to qualify themſelves according to the corporation act; and alſo further, that in caſe any one has been propoſed to the aſſembly to be made free, and refuſed, he cannot be propoſed again in the ſame mayoralty: and called

Meadows, who ſaid, he had known this port 26 or 27 years, and always looked upon it, that no perſon, who had not qualified by receiving of the ſacrament, could vote in the Aſſembly-court, but might in the Hundred-court; and that he and four others went fourteen or fifteen miles to receive the ſacrament, ſo to qualify themſelves.

Olive and Cadman ſaid, it was not uſual to come to the Aſſembly-court, without qualification: and Cadman ſaid, he knew one Tucker, being there, would not act, becauſe he had not qualified.

They alſo produced an entry in the Aſſembly-book; where, at a court held on the 6th of December 1690, it was propoſed, whether Mr. Tutty had a right to ſit and act, being expunged by the late act of parliament; and it was carried he had a right.

That as to the other point, they called Robert Meadow, John Palmer, and Allen Olive, who ha known this town 35 years, as alſo Cadman, free almoſt 8 years; who ſaid, that the cuſtom was, if a perſon had been propoſed at an Aſſembly-court, to be made free, and refuſed, he could not be propoſed again in the ſame mayoralty; but they made no entry of the refuſal: and Meadow ſaid, he, about 25 years ago, was propoſed, and refuſed; and was alſo refuſed to be put up again in that year, the mayor ſaying, it was contrary to cuſtom: and Gribble was alſo refuſed 4 years ago on the ſame account.

Theythen called William Eaſter, who had been chamberlain of the court; who ſaid, that four perſons, inſiſted to be added to the petitioners poll, (viz. John Young, Thankfull Biſhop, Walter Walters, and Thomas Hills,) were rejected ſeveral times in Francis Young's mayoralty, but were at laſt elected in the ſame mayoralty; as alſo to Chiſwell, Walmhurſt, and Swain, who polled for the petitioners; and Barwalk, one of the ſix, inſiſted to be added to the petitioner's poll, as choſen by perſons made free againſt the ſaid cuſtom.

They read the report of the 19th of December, in the 1ſt year of the Queen, as evidence of the opinion of that parliament.

They alſo called Odiarn, who ſaid, he took the poll at the election; and that the mayor refuſed the votes in queſtion; ſaying, if he admitted them, he muſt make a return contrary to the act of parliament; and that the report of the election in the laſt Houſe of Commons was read.

In reply—the petitioners admitted, that the four perſons were ſo put up, and rejected, and admitted, in the ſame mayoralty; but inſiſted, there was no cuſtom againſt it; and produced a book of cuſtoms of the corporation. And called

Mr. Tourney, who had been town-clerk in 1672, and mayor in 1681; who ſaid, he knew no ſuch cuſtom; nor upon examination of the books could he find any.

They alſo produced copies of three peremptory *mandamus's* for reſtoring Walters, Burwaſh, and Wilmhurſt, *4to Annæ*, whereto the mayor and jurats returned, they were never amoved.

They alſo produced a copy of a record of an action, 3°. *Annæ*, brought by Warner againſt the mayor and ſome of the jurats, for a falſe return to a *mandamus* for reſtoring him to his freedom, by returning, that he was never elected; upon which he had a verdict, and recovered coſts and damages.

Whereupon the committee reſolved,

1. That Edward Southwell, eſquire, is not duly elected a baron to ſerve in this parliament for this port.

2. That Philip Herbert, eſquire, is not duly elected a baron to ſerve in this parliament for this port.

3. That Charles Fagg, eſquire, is duly elected a baron to ſerve in this parliament for this port.

4. That Phillips Gibbon, eſquire, is duly elected a baron to ſerve in this parliament for this port.

The two firſt reſolutions being read a ſecond time, were diſagreed unto by the houſe.

Nov. 10, 1707. The houſe being moved, that ſeveral clauſes in the act of the 4th and 5th years of her Majeſty's reign; entitled, "An act for the "better ſecurity of her Majeſty's perſon and govern-"ment, and of the ſucceſſion to the crown of Eng-"land in the Proteſtant line" (relating to diſabling ſeveral officers to ſit in parliament) might be read.

The ſame were read accordingly.

Reſolved, that every perſon, who, by an act of the firſt ſeſſion of the laſt parliament, entitled, "An act "for the better ſecurity of her Majeſty's perſon and "government, and of the ſucceſſion to the crown of "England in the Proteſtant line," is diſabled, from and after the diſſolution, or determination, of the ſaid parliament, to ſit, or vote, as a member of the Houſe of Commons, in any parliament to be thereafter holden, is, by virtue of the ſaid act, incapable of ſitting, or voting, as a member of the Houſe of Commons, in this preſent parliament.

Ordered, that the commiſſioners of ſick and wounded do lay before the houſe, a liſt of the names of the commiſſioners of the ſick and wounded.

13th. A perſon attended from the ſaid commiſſioners; and delivered the ſaid liſts.

Ordered to lie upon the table, to be peruſed by the members of the houſe.

18th. The ſaid liſts were conſidered.

Ordered, that Mr. Speaker do iſſue his warrant to the clerk of the crown, to make out a new writ for electing a baron to ſerve in this parliament for this port, in the room of Philip Herbert, eſquire, he being a commiſſioner of the ſick and wounded, ſince the commencement of this parliament.

Nov. 25, 1708. A petition of Edward Southwell, and John Aſhburnham, eſquires, was read; ſhewing, that the right of electing barons, to ſerve in parliament for this port, is in the freemen duly choſen by that corporation, and no others: that, at the late election of barons to ſerve in parliament for the ſaid port, Thomas Grebel, eſquire, the mayor, admitted ſeveral perſons to poll, who were not duly elected freemen according to the cuſtom and conſtitution of the town, and contrary to ſeveral determinations in the Houſe of Commons: that, though the petitioners were duly elected, yet the mayor hath returned Phillips Gybbon, eſquire, and Sir John Norris, as members elected for the ſaid port, in manifeſt violation of the rights of the ſaid freemen, and the great prejudice of the petitioners: and praying &c.

Ordered to be heard at the bar of the houſe, on the 5th of March next.

Dec. 1, 1710. A petition of Edward Southwell, and John Ellis, eſquires, was read; ſhewing, that the right of electing barons to ſerve in parliament for this port, is in the freemen, duly choſen by the corporation, only: that, at the laſt election, Walter Walters, eſquire, the mayor, admitted ſeveral perſons to poll, who were not duly elected freemen according to the ſaid conſtitution, and contrary to ſeveral determinations of the Houſe of Commons; yet the petitioners were duly elected by the majority of legal freemen; but the mayor hath returned Sir John Norris, and Phillips Gybbon, eſquire, in manifeſt wrong to the ſaid legal freemen, and the petitioners: and praying &c.

Ordered to be referred to the committee of privileges and elections, to examine, and report the matter, with their opinion.

Feb. 15. Ordered, that the report be made on Saturday morning next.

17th. Mr. Freeman reported, according to order, the matter upon the ſaid petition— That the poll was thus: 29 for the ſitting members, 17 for the petitioners. That the right of election was agreed to be in the mayor, jurats, and freemen, inhabiting in the port, paying ſcot and lot.

That the petitioners counſel inſiſted, that the freemen are to be elected at the Aſſembly-court: that, according to the cuſtom of this port, when any perſons, propoſed to be made free, have been rejected at the Aſſembly-court, ſuch perſons cannot be admitted to freedom during the mayoralty, in which they were rejected; and that freemen ought to qualify to vote in the Aſſembly-court, by receiving the ſacrament, according to the corporation act: that under theſe heads, they objected to 16 of the ſitting members votes; 4 of whom, viz. Hills, Walters, Biſhop, and Young, had been propoſed to be made free, and rejected, in Mr. Young's mayoralty, in 1701, and after made free in the ſame mayoralty:

And called Cadman, Palmer, Mannoch, and Eaſton; who ſaid, they had known the port 30, 40, and 50 years, and always underſtood it to be a cuſtom, that perſons, who applied for their freedom at the Aſſembly-court, and were rejected, could not be made free during the ſame mayoralty; and that freemen muſt qualify themſelves by receiving the ſacrament, or they cannot vote at the Aſſembly-court; and they never knew it otherwiſe, till Mr. Young's mayoralty, in 1701: but that ſome people, who had not qualified themſelves, have ſometimes appeared and acted at the Aſſembly-court, altho' they were excepted to; and others have refuſed to come, or act, there, apprehending themſelves not qualified, becauſe they had not received the ſacrament. And the witneſſes ſaid, they apprehended the ſacrament muſt be received by the freemen within three months after their election: that all freemen, who will qualify themſelves, may come to the Aſſembly-court; and, when they are put upon the election, they never enquire, whether they have received the ſacrament or no: that the four perſons, objected to, were put up in Mr. Young's mayoralty, in 1702, and then objected to, and afterwards made free in the ſame mayoralty: that they look upon the Aſſembly-courts to be in the nature of common-councils: leaſes are granted, and all corporation acts done, there: that all freemen, without diſtinction, vote in electing the officers, and members of parliament:

That they read copies of the journals relating to elections for this town, in 1702 and 1706; whereby it appears, this cuſtom was inſiſted on, and was objected to; and the four perſons were then likewiſe objected to, for the ſame reaſon, as now.

That for the ſitting members it was inſiſted, it was not neceſſary to receive the ſacrament.

That they produced the reſolution for this purpoſe in the election for this town in 1690: and called

Thomas Gribble and Joſeph Tucker; who ſaid, they had known the port 20 years, and never, till lately, heard of any ſuch pretence, that freemen once rejected could not be made free in the ſame mayoralty: that there is no ſuch cuſtom among the laws and cuſtoms in their books: that the four men, now objected to, have been allowed to vote in their Aſſembly-courts, and for mayors and officers of the port, and for members of parliament: that one of them, viz. Walter Walters, brought a *mandamus*, in 1705, againſt Mr. Manouch, the then mayor, who refuſed him; and was thereupon reſtored: that all the freemen take the ſame oath, and they knew no diſtinct authority in any of the freemen.

Whereupon the committee reſolved,

1. That Thomas Hills, Walter Walters, Thankfull Biſhop, and John Young, having been propoſed to be made free, and rejected, at a court of aſſembly, and afterwards made free in the ſame mayoralty, are not legal freemen of this port.

That upon this reſolution, it was admitted, that John Dadd, Edward Wilmhurſt, and William Chiſwell, three other of the ſitting member voters, are not good votes.

That the petitioner's counſel excepted to four others, viz. Beards, Swain, Hounſell, and Warner, as being made freemen by a majority of freemen, who were diſſenters, and had not qualified themſelves by receiving the ſacrament: to which point was called, for the petitioners, Eaſton; who ſaid, the majority, by whom Warner was made free, was by diſſenters, who had not qualified themſelves: but could not ſpeak as to the other three.

Manouch, and others, ſaid, none ought to come to the Aſſembly-court, but thoſe who qualify themſelves by receiving the ſacrament; and thoſe, who will qualify, have right to ſit and act there.

For the ſitting-members, was called Gribble, who ſaid, he had known the town 40 years: that all freemen, if they will, may come to the Aſſembly-court, whether qualified or not: and he has known ſeveral diſſenters vote and act there, who never qualified themſelves; and the ſame appeared by the town books: whereupon the committee reſolved,

2. That it is not neceſſary, that the freemen of this port ſhould qualify themſelves according to the corporation act, before they are allowed to vote in the Aſſembly-court of the ſaid port.

That the petitioner's counſel then excepted to five others, viz. Serjeant, Brockman, Taylor, Barnes, and Lee: and called Mannoch, who ſaid, Serjeant was made free by a majority of diſſenters: and the rejected votes aforeſaid, and the other four, were admitted, when Walters was mayor, who in 1701 was made free, in the ſame mayoralty he was refuſed.

The committee reſolved,

3. That Sir John Norris, knight, is duly elected a baron, to ſerve in this parliament, for this port.

4. That Phillips Gybbon, eſquire, is duly elected a baron, to ſerve in this parliament, for this port.

The four ſeveral reſolutions, being read twice, were agreed to by the houſe.

March 3, 1713. A petition of Samuel Lynn and John Chamberlayn, eſquires, was read; ſhewing, that, at the laſt election of barons for this town and port, the petitioners, Sir John Norris, and Phillips Gibbon, eſquire, were candidates: that the petitioners were duly elected barons for the ſaid town: that Mr. Walter Walters, not a legal mayor, admitted, and procured, by threats and bribery, and undue practices, ſeveral perſons to vote for the ſaid Sir John Norris and Mr. Gybbon, who had no right; and denied ſeveral, who had an undoubted right, to vote for the petitioners: that notwithſtanding the petitioners had a right to be returned by a majority of legal voters, yet the ſaid Walter Walters unduly returned Sir John Norris, and Phillips Gybbon, eſquire, in wrong to the petitioners, and in violation of the rights of the ſaid town: and praying &c.

Ordered, to be referred to the committee of privileges and elections, to examine the matter, and report it, with their opinion.

4th. Ordered, that Mr. Lynn and Mr. Chamberlayn have leave to withdraw the ſaid petition.

20 March, 1717. Ordered a warrant for a new writ for a baron, to ſerve for this port, in the room of Sir John Norris, knight, made a commiſſioner of the admiralty.

May 16, 1726. Ordered a warrant for a new writ in the room of Phillips Gybbon, eſquire, made ſurveyor of the crown lands.

RYEGATE.

THIS borough is within the county of Surry; and returned members to parliament in the 26th of Edward I. I meet with no memoirs of the right of election, before the reformation: thoſe ſince, which are in the journals, are here as follow.

B. P. R. 213.

April 20th, 1640. Mr. Jones reports the caſe of this town.—Three returned——Mr. Thurland, Sir John Bludder, Mr. Robert Godwin: Mr. Thurland's election appeared clear, on the view of the indentures.——The caſe of the other two referred to the further conſideration of the committee.

Ordered, that Mr. Thurland is well elected, and returned; and may come and ſit in the houſe.

Oct. 25, 1680. A petition of Deane Goodwin, eſquire, was read.

Ordered, that it be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

Dec. 9th. Sir Richard Corbet reports from the ſaid committee the matter upon the ſaid petition, with two reſolves; viz.

1. That Ralph Freeman, eſquire, is not duly elected a burgeſs, to ſerve in this parliament, for this borough.

2. That Deane Goodwin, eſquire, is duly elected a burgeſs, to ſerve in this preſent parliament, for this borough.

Whereto (they being twice read) the houſe agreed.

Jan. 22, 1688. A petition of Thomas Vincent, eſquire, was read; complaining of an undue return made of burgeſſes, to ſerve in this convention, for this borough.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

March 1. Colonel Birch reports from the ſaid committee, the matter touching the ſaid election.—That upon conſideration, the committee had reſolved,

That Sir John Parſons, knight, is not duly elected a burgeſs to ſerve in this preſent parliament for this borough.

That Thomas Vincent, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for this borough.——Whereto (they being twice read) the houſe agreed: and ordered the return to be amended.

March 24, 1689. A petition of Thomas Vincent, eſquire, was read; ſhewing, that on the 26th of February, the election for burgeſſes was had at this borough, where the petitioner was duly elected one of the burgeſſes for the ſaid borough; notwithſtanding, John Parſons, by illegal practices, hath prevailed with Allen Dewdny, the bailiff of the borough, to return him with Sir John Parſons, his father, though unduly elected; whereby the petitioner is deprived of his right of ſitting in the houſe: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

October 6th. A petition of Thomas Vincent, eſquire, was read; ſhewing, that the petitioner was duly elected for this borough, by a majority of legal electors: notwithſtanding, the bailiff hath unduly returned Mr. Parſons, though he neither was duly elected, or therefore legally qualified; whereby the petitioner is deprived of his right: and praying &c.

Ordered to be referred as his former petition.

Dec. 3, 1695. A petition of Thomas Windſor and Roger James, eſquires, was read; ſhewing, that the petitioners were duly elected burgeſſes to ſerve in this preſent parliament for this borough: notwithſtanding which, Sir John Parſons and John Parſons, eſquire, have by undue means, and incompetent votes, obtained a majority; and thereby prevailed with the bailiff of the ſaid borough to return them as duly choſen: and praying &c.

Ordered, to be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Oct. 18, 1722. A petition of Humphrey Parſons, eſquire, alderman of London, and Richard Mead, eſquire, citizen of London, was read; ſhewing, that at the election of members to ſerve in parliament for this borough, the petitioners and the right honourable Sir Joſeph Jekyll, knight, maſter of the rolls, and James Cocks, eſquire, were candidates;

didates; and upon a poll then demanded, and had, the petitioners were duly elected by a conſiderable number of the fair and honeſt freeholders, in whom the right of electing members doth lie; yet notwithſtanding, one William Sheward, pretending to be a bailiff, and taking upon him to be returning-officer, did refuſe to return the petitioners, and did return the ſaid Sir Joſeph Jekyll and Mr. Cocks: that it hath always been the conſtant cuſtom of the ſaid borough, that the preſiding conſtable is to be choſen bailiff at the enſuing court-leet; but, at the laſt court-leet the ſaid Sir Joſeph Jekyll, lord of the ſaid manor of Ryegate, by his artful contrivance, did clandeſtinely in a private houſe, and not in open court, as it ought to have been done, procure the ſaid William Sheward, a perſon fit for their purpoſe, to be choſen bailiff of the ſaid borough, who was not then a conſtable, or freeholder; to the manifeſt detriment of the property of the freeholders, and to the great prejudice of the petitioners: and praying &c.

Ordered, that leave be given to withdraw the ſaid petition.

Jan. 13, 1724. Ordered a warrant for a new writ for electing a burgeſs to ſerve in parliament for this borough, in the room of Sir Joſeph Jekyll, knight, made lord commiſſioner of the great ſeal.

St. ALBANS.

THIS borough, ſituate in the county of Hertford, is a very ancient one; and was ſo at the time of the firſt writ for electing citizens and burgeſſes, in the 23 of Edward I. Whether it was ſummoned at that time, is uncertain: and my reader is left to determine thereupon, on conſidering the following memoirs. Mr. Prynne writes, the firſt return he meets with of the ſheriff of the county relating to this borough, is in the 28th of Edward I.——*Sed Balliv. nullum inde michi dederunt reſponſum.*

ynne's thRegiſt. . 900.

In the 35th of that King (which doctor Willis writes, was the firſt time it returned) Mr. Prynne has ſet down the names of its repreſentatives, and the like in the 1ſt and 5th years of Edward II. but the following year they were omitted by the ſheriff, as appears by the following petition of complaint.—*Ro. Parl. tent. apud Weſtmonaſterium in octabis Sancti Hillarii, anno regni Regis Ed. II. 8° num.* 233.

Willis 1749. 26. rynne t ſupra.

o. Parl. Ed. II. . 233.

Ad petitionem burgenſium villæ de Sancto Albano aggerentium regi, quod licet ipſi tenent villam prædictam de Rege in capite, et ipſi ſicut cæteri burgenſes regni ad parliamenta Regis cum ea ſummoniri contigerit, per duos comburgenſes ſuos venire debeant, prout totis retroactis temporibus venire conſueverunt, pro omnimodis ſervitiis regni faciendis; quæ quidem ſervitia iidem burgenſes, et anteceſſores ſui burgenſes villæ præd. tam tempore Domini Edwardi nuper Regis Angliæ patris Regis, et progenitorum ſuorum, quam tempore Regis nunc ſemper ante inſtans parliament. ut præmittitur, præſtiterunt, nomina quorum burgenſium ſic pro dicta villa ad parliamenta Regis venientium in rotulis Cancellariæ ſemper irrotulata fuerunt: nichilominus vicecomes comit. Hert. ad procurationem et favorem abbatis de Sancto Albano, et ejus conſilium, burgenſes prædictos præmunire, ſeu nomina eorum prout ad ipſum pertinuit returnare, ut ipſi ſervitium ſuum prædictum facere poſſent, penitus recuſavit, in contemptum Regis, et burgenſium prædictorum præjudicium et exhæredationis periculum manifeſtum; ſuper quo petunt remedium oportunum.

Reſponſio.—*Scrutentur rotuli, &c. de Cancellaria ſi temporibus progenitorum R. Burgenſes prædicti ſolebant venire, vel non, et tunc fiat eis ſuper hoc juſtitia vocatis evocandis, ſi neceſſe fuerit.*

This was the petition and anſwer: but Mr. Prynne apprehends the ſuggeſtion of returning members, before the 35th of Edward the firſt, to be falſe; and the return of the ſheriff of the county of Hertford to his writ, 28 Ed. I. ſeems to make it ſo appear, for they then had a writ, but made no return. Mr. Prynne alſo intimates, that this was the King's opinion, who directed the rolls to be ſearched: nor had they any relief upon the petition, nor made any returns until the 1ſt of Edward the ſecond; from which year, to the 5th of that King, they returned, and ceaſed afterwards, until King Edward the ſixth reſtored and incorporated it: and from that time, I apprehend, it has returned to this time. The memoirs relating to its elections, ſince its reſtoration, are theſe.

Prynne 4th Regiſt. p. 614.

Ib. 900.

Willis, 1749. 26.

May 21, 1660. Mr. Turner reports, from the committee of privileges and elections, the caſe upon the return for this borough.—That, upon the examination of the fact, it appeared, that according to the poll taken by the officers appointed thereunto by the mayor of the ſaid borough, William Foxwiſt, eſquire, had the greater number of voices, than colonel Alban Cox; and that although by the poll, taken by another perſon, who was not appointed by the mayor, colonel Cox had a greater number of votes than the ſaid Mr. Foxwiſt; the committee are notwithſtanding of opinion, the ſaid other officer not being ſo appointed by the mayor, that the ſaid Mr. Foxwiſt is duly elected, and ought to ſit: whereto the houſe agreed.

May 30, 1685. A petition of Sir Samuel Grimſton, baronet, touching the election for this borough, was read.

Ordered, that it be referred to the committee of privileges and elections, to examine, and report the matter, with their opinion.

Feb. 13, 1700. A petition of John Gape, eſquire, was read; ſhewing, that at the election of burgeſſes to ſerve in parliament for this borough, colonel George Churchill, the petitioner, and Joſhua and Thomas Lomax, eſquires, were candidates; where the ſaid Joſhua, by ſeveral illegal practices, procured ſeveral perſons to vote for him, as well ſuch as had a right, as ſuch as had no right; who, by the mayor's permiſſion, were admitted to poll, though objected to by the petitioner: and, upon a ſcrutiny, it appeared, that the petitioner had the majority of legal voters beyond the ſaid Joſhua Lomax, and ought to have been returned with colonel Churchill; but the mayor hath returned the ſaid Joſhua, in prejudice of the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

27. Ordered, that the grants of ſuch charities as belong to this borough, and the ſeveral books and writings concerning the diſtribution of the ſame; and alſo the ſeveral books relating to the freemen, within the ſaid borough; be forthwith left, by ſuch perſons as have the ſame, with the clerk of the committee of privileges and elections, to be inſpected by the perſons concerned, or their agents; who may take copies thereof, as they ſhall think fit.

March 8th. Ordered to be reported on Monday next.

10th. Sir Rowland Gwynn, according to order, reported from the committee, the matter as follows; viz.

That

That the firſt queſtion was the right of election.

The petitioner inſiſted, that the right of election was in the mayor, aldermen, freemen, and ſuch houſeholders only as pay ſcot and lot.

Mr. Lomax inſiſted, that it was in the mayor, aldermen, freemen, and all houſeholders, whether they paid ſcot and lot, or no.—To this point was called

Mr. Ayleworth, town-clerk; who ſaid, he had known this borough above 30 years, and the ſeveral elections within 20 years: that thoſe, who did not pay ſcot and lot, had been received upon the poll, in order to hinder tumults; but were always queried: but, by reaſon of the great majority on one ſide, it had never been conteſted; yet he owned, the freemen had a right to vote, without paying.

Tiſdale and Lee ſaid, they had known the borough 50 and 40 years; and Howard 60: the firſt and laſt ſaid, that all the houſeholders had voted, without exception: but Mr. Lee ſaid, they had been excepted to.

The counſel for the petitioner called no other witneſs; but inſiſted, by the law of the land, and in reaſon, that thoſe, who did not contribute to the charge of the borough, ſhould not vote in the electing members to parliament.

Whereupon the committee reſolved,

1. That the right of electing burgeſſes to ſerve in parliament for this borough, is in the mayor, aldermen, freemen, and ſuch houſeholders only, who pay ſcot and lot.

That this reſolution being agreed to by the committee, Mr. Lomax's counſel agreed, the petitioner had the majority; but inſiſted, that by bribes and treats, he had procured it, and was thereby rendered unqualified to ſit in the houſe: and called

Beeſon, Eaton, Tibbs and Chandler; whoſe evidence was, that Beeſon, Eaton, and Tibbs, were at Chandler's houſe the Monday before the election; and the petitioner's brother was there, and John Barnard, who aſked votes for the petitioner: that Mr. Thomas Gape gave Beeſon five ſhillings to vote for the petitioner: that Eaton was promiſed, in caſe he would do ſo, that my Lord ſhould give him what he would aſk in reaſon: that Tibbs had two ſixpences of Mr. Gape: that they ſtaid at Chandler's till next morning: that Mr. Gape and Mr. Barnard paid the reckoning, which was eight or nine ſhillings: however, they voted for Mr. Lomax. At the ſame time Chandler owned, he had, about a week before the election, drawn drink to the value of 40 ſhillings, at twice, for Mr. Lomax's brother, who was a candidate alſo: That he did not know he made intereſt for his brother; but ſaid, that Beeſon and Eaton, and Tibbs, and others, drank of it; of whom ſome voted for one party, and ſome for another.

Mary Bouton, and Lee, ſaid, Mr. Fothergill, the petitioner's nephew, told her, if her huſband would vote for the petitioner, he would deliver up a leaſe of an houſe her huſband's father had bought of one Pooley; but he voted for both the Lomax's.

Somerfield ſaid, that Mr. Marſon, a nephew of the petitioner, aſked him who he was for? and he telling him, he was for Mr. Lomax, Marſon demanded a guinea he owed him for a gun; but told him, if he would not vote for either, he would not be paid: that he accordingly did not vote; and he met Marſon afterwards, who told him, he was ſatisfied.

Mary Springate ſaid, Mr. Fothergill promiſed, if her huſband would vote for the petitioner, he ſhould have as great a ſhare of Gawen's charity, as any: that he did vote for the petitioner and Mr. Lomax; but ſhould not have done ſo for Mr. Gape, but on that condition: ſhe owned, he had not had any of the charity; nor did he pay ſcot and lot.

Packer ſaid, Mr. Fothergill ſpake to him to vote for the petitioner; and he had 10 ſhillings of the charity, which he thinks was for his vote: that he voted for the petitioner and Mr. Lomax: but owned, he neither paid ſcot and lot, or was free.

Harrop ſaid, that about a week before the election, ſhe went to the petitioner for ſome of the charity: that his ſon told her, there was ſome in the mayor's hands; and aſked her huſband's vote for the petitioner: to which ſhe replied, ſhe did not know but he might vote for him; he went, and told the petitioner, who ſent her 2s. and 6d. and ſent to her afterwards, not to ſpeak of it, for there was no more left: and one Townſend's wife ſaid the ſame: but it appeared, that Harrop was admitted to live in the pariſh by certificate; and Townſend did not pay ſcot and lot.

Beech ſaid, he went to Richard Martin, and told him, he would vote for the petitioner, if he could pick up 20 ſhillings; and Martin ſaid, his buſineſs ſhould be done: and that old Mr. Gape aſked his vote for his ſon, and ſaid, if he would give it, he ſhould have part of the charity; and ordered him 10 ſhillings, which Martin paid him; and after told him, Mr. Lomax could do him no kindneſs, but we can: but he owned, he did not pay ſcot and lot.

Butler ſaid, the earl of Marlborough was at the election; but did not obſerve, he meddled in it.

For the petitioner—that there was very irregular and indirect practices for Mr. Lomax: and called

Mr. Fothergill, a clergyman; who ſaid, that the mob were ready to pull off his gown in the ſtreets; and inſulted him when he went to ſpeak for the petitioner, whoſe friends proved upon the ſcrutiny, that there were 12 who voted for Mr. Lomax, having no right: that the mayor ſaid, theſe ought to be tried above: that the mob threatned the mayor, in caſe he returned Mr. Gape; and put up theſe verſes on his houſe.

"If you return Lomax, we'll be ſtill as a mouſe:
"If you return Gape, then down comes your houſe."

Upon the whole the committee reſolved,

2. That Joſhua Lomax, eſquire, is not duly elected a burgeſs to ſerve in this parliament for this borough.

3. That John Gape, eſquire, is not duly elected a burgeſs to ſerve in this parliament for this borough.

The ſaid three reſolutions being twice read, were agreed unto by the houſe: declared, that the ſaid election is a void election: and ordered a new writ for a new election in Mr. Lomax's room.

Jan. 13, 1701. A petition of Joſhua Lomax, eſquire, was read; ſhewing, that at the election of burgeſſes to ſerve in this preſent parliament for this borough, the petitioner, and John Gape, junior, eſquire, with others, were candidates; and many illegal practices were made uſe of on behalf of the ſaid Mr. Gape, at the ſaid election, to the petitioner's prejudice: and praying &c.

Ordered to be referred to the committee of privileges and elections, to examine, and report the matter, with their opinion.

14th. A petition of ſeveral houſeholders, of and within this borough, in behalf of themſelves, and other freemen, inhabiting within the ſaid borough, paying ſcot and lot, was read; ſhewing, that at the election of members to ſerve in this parliament, by the permiſſion of the mayor, aldermen, and town-clerk, ſeveral foreigners, who had no right, were admitted to poll, contrary to the cuſtom of the ſaid borough; whereby, and by other undue means, a majority of votes was procured for John Gape, junior, eſquire: but Joſhua Lomax, eſquire, had a majority of rightful voters; yet Mr. Gape is returned, in wrong to the petitioners: and praying &c.

Ordered, that it be referred to the conſideration of the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Nov. 2, 1705. A petition of Henry Killigrew, eſquire, was read; ſhewing, that at the late election of members to ſerve in this parliament for this borough, George Churchill, eſquire, John Gape, eſquire, and the petitioner, were candidates; and that the petitioner was duly choſen by a majority of legal voters, and ought to have been returned a burgeſs to ſerve for the ſaid borough; but William Stone, eſquire, the mayor, hath returned Mr. Gape, in wrong to the petitioner; and uſed ſeveral illegal practices for Mr. Gape; polling ſeveral unqualified perſons, and refuſing ſeveral to poll for the petitioner, that were qualified: and Mr. Gape, and Mr. Ayleward, the town-clerk, and other agents for Mr. Gape, did, by bribery, threats, and other unlawful means, procure many votes, to the prejudice of the petitioner, and the rights of the ſaid borough: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

22d. Ordered to be reported on Saturday morning next.

24. Mr. Compton reported from the ſaid committee, the matter upon the ſaid petition; viz. that upon the poll, the numbers were—for the petitioner 233, —for Mr. Gape 236.—That the right of election, in general, was agreed to be in the mayor, aldermen, and freemen, of the ſaid borough, and in the houſholders there, paying ſcot and lot:

But whether any perſon had a right to demand his freedom, and whether all perſons, admitted to their freedom, had a right to vote in the election of members to ſerve in parliament, were the points in queſtion, with reſpect to the right of election.

The petitioner's counſel inſiſted, that all ſuch as had ſerved ſeven years apprenticeſhip to any freeman within the borough, and the eldeſt ſons of freemen, born after their fathers were made free, had a right to demand their freedoms; and that freemen, made upon ſuch right, or ſuch, as were made free by redemption, viz. paying 5 *l.* according to the conſtitution, only had a right to vote in ſuch election.

That the ſitting-member's counſel inſiſted, that no perſons had a right to demand their freedom; but all perſons were made free at the diſcretion of the corporation; and every perſon, ſo made free, had a right to vote.

For the petitioner, to make out his right, and that this borough was a corporation by preſcription, were called

Mr. Grunwin, and others; one of whom had ſerved an apprenticeſhip 42 years ſince; another had been an alderman for 19 years; and another, aged 81, had lived always in the borough: and theſe ſaid, it was always reputed, that ſuch as had ſerved ſeven years apprenticeſhip to a freeman in the place, or were eldeſt ſons of ſuch, born after their fathers were made free, had a right to their freedom: that they never knew any honorary freemen made, till after King James's charter; but, if any tradeſman had a mind to ſettle in the town, and the mayor and aldermen thought ſuch tradeſmen neceſſary and convenient, it was uſual to admit ſuch, paying 5 *l.* to the uſe of the corporation: and to that purpoſe, they produced the conſtitution or by-laws of the corporation, which were read.

In anſwer to this, it was inſiſted, that this was a borough by preſcription, but firſt incorporated by King Edward the ſixth: and they produced a charter 7 Edw. VI. granted *hominibus et inhabitantibus villæ Sancti Albani*; by which, amongſt other things, it is granted, that the mayor and burgeſſes ſhall ſend two burgeſſes to parliament: and that charter ſays, that the mayor and burgeſſes, from time to time, *de inhabitantibus proprioribus burgi illius*, ſhall elect other burgeſſes, *ſecundum diſcretiones ſuas*.

They alſo offered the charter of King Charles the ſecond, which was admitted, confirming the former: and from both, inferred the right of freedom to be by charter: that the firſt being within time of memory, there could be no preſcriptive right to freedom; but that the mayor and burgeſſes might admit or refuſe to make free, whom they thought fit.

Mr. Richards, who had been town-clerk nine years ſince, ſaid, that honorary freemen had been before King James's charter; particularly, doctor Harris was an honorary freeman, and voted at an election in King Charles the ſecond's time; but it was owned, he ſerved in parliament for this borough.

The committee hereupon came to this reſolution:

1. That the right of electing burgeſſes, to ſerve in parliament for this borough, is in the mayor, aldermen, and ſuch freemen only, as have a right to freedom by birth or ſervice, or have it by redemption, and in the houſholders, paying ſcot and lot.

Then the counſel for the petitioner inſiſted to make a majority of votes ſo qualified: and that they ſhould prove ill practices by the ſitting-member's agents at this election.

They proved, that three, who were houſholders, paying ſcot and lot, offered to poll for the petitioner; and were denied, as not paying ſcot and lot.

As to the point of honorary freemen made by King James's charter, the numbers were near equal: but the queſtion was, whether 34, who offered at this election for the petitioner, had duly demanded their freedom; for the counſel on the other ſide admitted their qualification, and that they offered to vote for the petitioner: and the fact was admitted to be thus——About three years and an half ſince, and before the election next before the laſt, on a court day, when the mayor and aldermen were aſſembled, theſe 34 met together at the court-houſe, in order to be made free: that the door of the council-chamber, where the mayor and aldermen were, was kept ſhut: that the mayor going to the door, (but not out of the room) to ſpeak to his ſon, the aldermen cried out, "adjourn, adjourn;" and accordingly the ſerjeant adjourned the court, without calling in the ſaid 34 to be made free.

Mr. Grunwin, and others, the petitioner's witneſſes, ſaid, the day, when theſe 34 appeared to be made free, was appointed a fortnight before, for that purpoſe,

poſe, by Mr. Seabrook, then mayor; but the reaſon, they ſuppoſed, they were not then made free, was, becauſe they would not vote for Gape.

In anſwer, it was ſaid, by Mr. Crosfield and others, that the meeting was carried on in a riotous manner, by 150 or 200 people, as well ſuch as had, as ſuch as had not, right to their freedom: and for that admiral Churchill had given his opinion, that it was not convenient to make ſuch a great number free, juſt before an election, they were not then made free: And the counſel inſiſted, they had not demanded their freedom, whilſt the court was ſitting.

But it appeared by the petitioner's witneſſes, that ſome of them had ſpoke to two aldermen, that came out of the court, and deſired to be made free; which aldermen returned, whilſt the court was ſitting; and the court reſolved, that no freemen ſhould be made that day: Mr. Sebrook, the then mayor, after the court was adjourned, with one or two aldermen, made, as far as he was able, the ſaid 34 free; but it not being regularly done, an information was brought againſt him, and he was fined for the ſame.

That as to ill practices, they called John Howard, who ſaid, the mayor deſired his vote for Mr. Gape, which he gave him, on condition he would give him a letter to Mr. Aram to help him to a place in the Exciſe-office: at firſt the mayor refuſed; but afterwards ſaid, he would get him ſuch a letter, if he would ſo vote: that Mr. Aſhton, one of Mr. Gape's agents, gave him ten ſhillings, on the ſame condition: and Mr. Aylward, the town-clerk, promiſed him a guinea; which Mr. Gape paid him the day after the election. He owned, he deſired of Mr. Gape, that he might take the poll, and did take an account of the numbers: but Mr. Gape told him, he ſhould have no occaſion, for he had clerks enough. He alſo owned, he gave Mr. Aſhton a note for the ten ſhillings he had of him; though it was promiſed to be delivered up: and he voted for admiral Churchill and Mr. Gape.

Peacock ſaid, he had drawn drink for admiral Killigrew, to the amount of twenty ſhillings; and three weeks before the election he promiſed the Admiral his vote: and Mr. Stone ſent for him, and asked his vote for Mr. Gape; to which he objecting, becauſe of the 20*s.* owing to him on the Admiral's account, Stone ſaid, he would ſee it paid: and he did poll for Mr. Gape.

Budd ſaid, he compounded a debt of eighteen pounds to Mr. Gape, for about half: but it was after the election; and he had compounded other debts at the ſame rate.

In anſwer, the ſitting member's counſel charged the petitioner with ill practices, on his behalf: and called

Turner, who ſaid, he was ſent for by the Ducheſs of Marlborough, who aſked his vote for both Admirals: and he telling her, he was engaged to Mr. Gape, ſhe ſaid, ſhe had no prejudice to Mr. Gape, but the Queen deſired no ſuch men ſhould be choſen, for ſuch would unhinge the government; and the papiſts horſes ſtood ſaddled day and night, whipping and ſpurring.

Miller ſaid, the Lady Marlborough asked him, who he was for? and he told her, for Mr. Churchill and Mr. Gape: thereupon the Ducheſs asked him, if he would be for ſuch men, as were againſt the Queen's intereſt, and the good of the nation? that ſhe asked him to oblige her with one vote; and he ſaid, he thought he did, by giving her brother one. Hopkins ſaid, the Ducheſs asked him the ſame queſtion, to which he gave the like anſwer; to which ſhe replied, ſhe had nothing to ſay againſt Mr. Gape; but tackers would be injurious to the government, and were for the French intereſt: and ſhe read to him King Charles the II's ſpeech againſt tacking.

Beech ſaid, he was asked the like queſtion, and gave the like anſwer to the Ducheſs of Marlborough; who told him thereupon, he would not be willing to have his goods taken out of his ſhop and tore.

Mr. Hale ſaid, he was ſollicited by Mr. Diſſal, in the Ducheſs of Marlborough's name, for his vote; and he, Diſſal, had her letter to go to all the freemen: he anſwered, he was engaged for Mr. Gape; and when he ſaw the Earl of Eſſex, he would give him the reaſons for it: that the Earl came next day to his chamber, and asked him to vote for the two Admirals: to whom he anſwered, he was engaged for Mr. Gape; and my Lord ſaid, Mr. Gape was a tacker, and not fit for their repreſentative: being asked, if he had not deſired Mr. Tombes to acquaint the Earl of Eſſex, that he would diſpoſe of one of his votes, as the Earl pleaſed, he denied it: Upon which, Mr. Tombes, being called, ſaid, that Mr. Hale, by him, had deſired the Earl of Eſſex to get Mr. Ainger into the commiſſion of the peace, and ſent him at the ſame time a compliment of his vote; which, he believes, was the occaſion of the Earl's calling on Mr. Hale: whereupon Mr. Hale ſaid, he had obligations to the Earl; and owned the meſſage.

John Wilkinſon, William Gibſon, John Cole, and Dr. John Cootſworth, ſaid, the Ducheſs had ſent for them, and deſired their votes for the petitioner; and, when they ſaid, they were engaged to Mr. Gape, ſhe ſaid, ſhe was ſorry for it.

Dagget ſaid, he was told by John Cock, that it was a proper time to ſollicit for a place, and would go to the Ducheſs for him; but did not go: and the Ducheſs's gardener offered him a crown to take up Hopkins' ſon, and ſend him for a ſoldier.

Mr. Crosfield was asked, if he had not a place given ſince the election; and ſaid, he had great obligations, for many years, to the Duke of Marlborough's family, and had been promiſed a place for ſix or ſeven years, but could hear of none, till of late, which was convenient for him: that he was arreſted about a fortnight after the election; upon which the Ducheſs of Marlborough ſent him twenty guineas; but he had no promiſe before, nor was it for voting.

Upon the whole, the committee reſolved,

1. That John Gape is not duly elected a burgeſs, to ſerve in this preſent parliament, for this borough.

2. That Henry Killigrew is duly elected a burgeſs, to ſerve in this preſent parliament, for this borough.

The firſt reſolution was read; relating to the right of election, and amended.

Reſolved, that the houſe do agree with the committee in the reſolution thus amended.

That the right of electing burgeſſes, to ſerve in parliament, for this borough, is in the mayor, aldermen, and ſuch freemen only, as have a right to freedom by birth or ſervice; or have it by redemption, in order to trade or inhabit within the ſaid borough; and in the houſholders, paying ſcot and lot.

The other reſolutions, being twice read, were agreed to by the houſe, and ordered the return to be amended.

March 3d, 1713. A petition of John Gape, eſquire, was read; ſhewing, that at the election of burgeſſes for this borough, the petitioner, William Grimſton, and William Hale, eſquires, were candidates: that by bribery and other undue practices of Mr. Hale, and agents, ſeveral perſons before, and at the ſaid election, were prevailed upon to poll for Mr. Hale, who otherwiſe would have voted for the petitioner, by which undue means he has procured himſelf to be returned to ſerve for the ſaid borough; in violation of the privileges thereof and wrong of the petitioner, who had a majority of legal votes and ought to have been returned in the room of Mr. Hale: and praying &c.

Ordered, it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

April 21, 1714. Ordered, that the report be received on Tueſday next.

27th. Sir Gilbert Dolben reported the matter, as follows; viz.

That the petitioner's counſel alledged this borough to be a borough by preſcription, confirmed by ſeveral charters; and that the right of election is in the mayor, aldermen, and freemen, and ſuch houſholders only, as pay ſcot and lot.

That the ſitting-members counſel alledged, that honorary freemen have no right to vote.

The petitioner's counſel, to prove their right of election, produced the charter of the 12th of May, 7th Ed. VI. which incorporates the mayor and ten aldermen; and gives power to them, or the major part of them, to elect burgeſſes *de proprioribus inhabitantibus burgi*. And

The reſolution of the Houſe of Commons of the 10th of March, 1700, That the right of election for this borough is in the mayor, aldermen, and freemen, and ſuch houſholders only as pay ſcot and lot: and called

William Maſton, who ſaid, he had known the honorary freemen vote for 68 years without objection; he was mayor in 1705, and then they voted on each ſide without objection, and ſince that time they have been always admitted.

William Hunt ſaid, that, for thirty two years, they had voted without exception.

That the right of election is in the freemen at large, and the being honorary freemen, or not reſident, is no diſqualification.

That in all elections, ſince 1705, the honorary freemen have voted without exception.

That freemen ought not to be made without the mayor and a majority of the aldermen preſent; but ſeveral have been made by a minority, and not objected to in the town; but that ſome made free, in Mr. Seabrook's mayoralty, were ſet aſide by the court of Queen's bench as illegally made, becauſe only two aldermen were preſent.

Francis Halford ſaid, he has known the borough 40 years; that the right of election is in the freemen in general; and that, ſince 1705, the freemen at large have been polled on both ſides, and were ſo polled in the laſt election; and he never knew any honorary freemen refuſed.

That the ſitting-members counſel alledged, that before the year 1700, honorary freemen were admitted ſparingly; but that in September 1705, Mr. Stone, the then mayor, called two courts, and admitted fifty freemen; which being complained of in the next parliament, the Houſe of Commons ſet aſide the honorary freemen.

Edmond Ayleward, who has been twenty years town-clerk, and has known the corporation above thirty years, produced the town-book; by which it appears, that, on the 5th of September 1705, forty five freemen were admitted; but it is not diſtinguiſhed, nor could he ſay, how many were honorary freemen; but, he ſaid, ſeveral of them had a right.

That the ſitting-member did object againſt honorary freemen at the election; but, that ever ſince, they have been polled on all ſides, and never diſputed, till 1705.

Thomas Down ſaid, he ſuppoſed all thoſe admitted the 5th of September 1705, except one or two, were honorary freemen; becauſe the queſtion was put, whether honorary freemen ſhould be made.

That it appeared by the journal of the 24th of November, 4 *Annæ*, that the houſe then reſolved, That the right of election was in the mayor, aldermen, and ſuch freemen only, as have a right to freedom by birth or ſervice, or have it by redemption, in order to trade, or inhabit within the ſaid borough, and in the houſholders, paying ſcot and lot.

Joſhua Pember, ſaid, that at the election in the year 1707, all the honorary freemen were refuſed, except Mr. Killigrew, who was admitted, becauſe he had ſerved member of parliament; the mayor then declared he would conform himſelf to the laſt reſolution of the Houſe of Commons; and therefore he refuſed the honorary freedom.

In 1710, Mr. Turner was mayor; he likewiſe refuſed the honorary freemen; and declared, he would poll according to the reſolution of the Houſe of Commons, without the honorary freemen: but he owned, he polled them in a by-book, to ſee, if he ſhould want them for Mr. Gape, but there was a majority without them: that there was never at any one time any great number of honorary freemen made before 1705.

The committee reſolved,

1. That the right of election for this borough, is in the mayor, aldermen, and freemen, and ſuch houſholders only, who pay ſcot and lot.

That the poll was for Mr. Hale 308.
for the petitioner 294.

The petitioner excepted againſt 100 of Mr. Hale's voters, and called

John Swenſtone: who ſaid, that upon the 19th of Auguſt, at the annual feaſt of the ſcholars of Hertford, Mr. Hale aſked his vote; and ſaid, if his hat-crown full of guineas could not procure his election, he would fill it brim-full, and try what that would do; that he ſuppoſed bribery would be proved on both ſides, and if it was made a void election, he would try who would be tired firſt: the writ came down that night, but the precept for that borough was not then out.

Mr. Robert Romney ſaid, that upon the 19th of Auguſt laſt, he heard Mr. Hale ſay, that, if money would carry the election, he did not fear it.

John Dagget and William Stepney ſaid, they heard Peter Crompton own, that the Duke of Marlborough's ſteward gave him three guineas to vote for the ſitting-members.

William Farmer ſaid, that Reynolds told him that John Sparling gave him three guineas to vote for the ſitting-members:

And that Mr. Pembroke and Mr. Ironmonger lent him 15 l. to vote for the ſitting-members.

Edward Boden named forty-four perſons, who owned to him they had received bribes, and gave their votes for Mr. Hale, from Thomas Wild, Edward Wright, Joſhua Pembroke, George Coke, Stephen Humble, John Wethered, Thomas Hollis, Joſeph Eeles, Thomas Downs, Doctor Parker, Edward Seabrooke, John Rudd, or ſome, or one of them; all which perſons were agents for the ſitting-members: theſe bribes were generally from one guinea to four: he likewiſe named nine perſons who owned to him they were promiſed rewards to give their votes for Mr. Hale; and ſix others, who owned they voted for him, becauſe they were allowed to draw drink upon his account.

John Leonard ſaid, that Solomon Halford told him, he had ſix guineas for his vote for Mr. Hale: that Mr. Hale had promiſed him the ſame again, if it was a void election: the witneſs ſaid, he had four guineas to vote for Mr. Hale.

Ralph Hodſon owned, he had forty ſhillings, and James Fieldmot owned, he had 4 l. 17 s. to vote for Mr. Hale.

John Dagget ſaid, he ſaw alderman Coke give money to Cole, to be diſtributed to the people on Mr. Hale's account.

That Arrowſmith and Rogers told him they voted upon promiſes of rewards: that William Hill told the witneſs he voted for Mr. Hale, for fear of being arreſted.

Thomas Dockley ſaid, John Fitch gave him two guineas for his vote for the ſitting-members; and he did not give any note for them.

John Midwinter ſaid, that John Crofts owned, he had 2 l. 12 s. 6 d. and Ralph Hodſon owned, he had forty ſhillings, for voting for the ſitting-members.

William Hunt ſaid, Francis Saville told him he had five guineas for his vote for Mr. Hale.

That it appeared by the evidence of the overſeers of the poor, that fifteen others of the ſitting-members voters, viz. John Cordwell, Richard Crainer, John Eaton, Thomas Hawgood, Ralph Hodſon, Puddifat Rogers, John Townſend, Thomas Pryor, Robert Nicholls, William Martin, Joſeph Harrup, Edward Fen, Benjamin Kentiſh, and William Wilder, had received alms and pariſh-charity.

They objected againſt five others who voted for Mr. Hale, viz. John Coxhead, William Coxhead, William Davies, Robert Nicholls, and Matthew Stephens, as irregular freemen, made when Seabrooke was mayor, and but two aldermen preſent; whereas there ought to have been preſent ſix aldermen.

That the ſitting members counſel complained they were in a great meaſure deprived of their evidence, by Edward Boden's having charged their chief witneſſes with either giving or taking bribes, which they ſaid was a contrivance to prevent their teſtimony; and to diſcredit Boden, they called

John Sparling, who ſaid, that on Sunday ſevennight after the election, Edward Boden told him, that he had received of Mr. Hale 15 l. or 16 l. the day before: that Mr. Hale was ſhy to him, and as he fancied believed him a rogue; but he declared he knew nothing that would do the election any hurt; and further ſaid, the petitioner's agents had preſſed him to betray Mr. Hale; and that young Mr. Gape would give him fifty guineas for it, but he would be cut in pieces firſt.

Elizabeth Cook ſaid, that ſix weeks after the election, Boden, Winter, and Leonard were together at an ale-houſe, and ſent for her huſband, and he being buſy did not go; but ſhe went, and Boden offered her, that, if her huſband would ſay he had money of Mr. Hale, he (Boden) would pay his debts to the value of 5 l: ſhe told him that her huſband had nothing; and although ſhe ſaid ſo, Boden offered it again, and preſſed that her huſband would ſay he had money, though he had none.

Joſhua Fitch ſaid, that ſince the election, Edward Boden aſked him, if he had any bribe from Mr. Hale; he anſwered, he had none: after he had ſaid ſo, Boden offered to give him a great deal of joiners work in the hoſpital, if he would ſay he had a bribe; and, at another time, Boden offered to get him Sir Thomas Seabright's work, if he would ſay he had a bribe from Mr. Hale.

John Fitch ſaid, that the two guineas that Dockley had of him, was money lent to him upon his own requeſt only, as a friend, without any regard to the election, and he expects to be repaid: he produced Dockley's note, payable on demand; and ſaid, the money was lent upon the election-day, after Dockley had polled; and that Dockley deſired to borrow it.

Matthew Stephens ſaid, he is a witneſs to the note, and ſaw Dockley ſign it; the money was lent after he had polled, and nothing was ſaid of the election.

Thomas Chickley ſaid, that Joſeph Lynum, upon the election-day, told him, that, before he polled, young Gape, that day, gave him two guineas for his vote.

Thomas Wyldes ſaid, he offered him a ſingle vote for his father, if he would make him free; and thereupon young Mr. Gape gave him ten ſhillings to take up his freedom, which he did: that upon the election day, young Mr. Gape promiſed him five and twenty ſhillings more for his ſingle vote: he voted, and afterwards went for the money; and meeting the petitioner he gave him ten ſhillings, and ſaid, he had loſt the majority, and been at great charge.

That Richard Syms told him, that John Crumbleſtone, who made intereſt for the petitioner, gave him a guinea to vote for the petitioner.

Richard Gardener ſaid, Mr. Whip, a clergyman, who acted for the petitioner, gave him a guinea for his vote; it was promiſed before, and received after the poll.

Peacock ſaid, Mr. Whip offered him two guineas for his vote for the petitioner, and the petitioner himſelf offered him a guinea for his vote; but he voted for Mr. Hale.

Ann Nicholls ſaid, that Mr. Snell, who aſked voters for the petitioner, offered her a coat for her child, and a ſuit of cloaths worth 5 l. for her huſband for his vote for the petitioner: ſhe had the child's coat; but her huſband voting for Mr. Hale, the next day after the election the child's coat was taken away.

Thomas Cooper ſaid, he voted for Mr. Gape, becauſe young Mr. Gape promiſed him his freedom for it.

Thomas Bradwyn ſaid, he was in cuſtody and had his liberty given him, upon giving bond for being a true priſoner; and that, ten days before the election, the bond was given up to him for voting for the petitioner.

John Crainer ſaid, that he voted for the petitioner, becauſe Mr. Maſton, the petitioner's brother-in-law, gave him a bill for 5 l. owing upon an old reckoning of ſix years ſtanding, between him and the ſaid Mr. Maſton; and has ſince been paid 4 l. of the money.

The committee reſolved,

2. That William Hale, eſquire, is not duly elected a burgeſs, to ſerve in this preſent parliament, for this borough.

3. That John Gape, eſquire, is duly elected a burgeſs, to ſerve in this preſent parliament, for this borough.

The ſaid three ſeveral reſolutions, being twice read, were agreed unto by the houſe, and the return ordered to be amended.

March 26, 1715. A petition of Joſhua Lomax, eſquire, was read; ſhewing, that at the election for this borough, the petitioner, William Hale, and William Grimſtone, eſquires, were candidates: that by bribery, and other indirect practices of the ſaid Mr. Grimſtone, and agents, ſeveral perſons were prevailed upon to poll for the ſaid Mr. Grimſtone, who would have voted for the petitioner; by which means the ſaid Mr. Grimſtone was elected, notwithſtanding the petitioner had a majority of the ſaid Mr. Grimſtone, and ought to have been returned accordingly: and praying &c.

Ordered, the ſaid petition be referred to the committee of privileges and elections, to examine and report the matter thereof, with their opinion.

May 7, Ordered, leave be given to withdraw the ſaid petition.

Oct. 18, 1722. A petition of the right honorable William Lord Viſcount Grimſtone, and Joſhua Lomax, eſquire, was read; ſhewing, that at the election of members to ſerve in parliament for this borough, William Gore and William Clayton, eſquires, and the petitioners, were candidates: that the petitioners were duly elected by a great majority of qualified votes; but, by the arbitrary proceedings of William Carr, mayor, the returning-officer of the ſaid borough, and by bribery, and other illegal practices, by Mr. Gore and Mr. Clayton, have procured themſelves to be returned burgeſſes of the ſaid borough, in manifeſt wrong to the petitioners: and praying &c.

Ordered, it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion. Alſo

A petition of divers of the inhabitants of this borough, paying ſcot and lot, in behalf of themſelves, and the reſt of the inhabitants of the ſaid borough, paying ſcot and lot, was read; ſhewing, that the ſaid borough is an ancient borough by preſcription, and time out of mind hath ſent burgeſſes to parliament; and that all the aids granted to his Majeſty there, is a certain ſum of money aſſeſſed upon the inhabitants of the ſaid borough, excluſive from the reſt of the county of Hertford: that King Edward VI. incorporated the inhabitants of the ſaid borough, by the name of mayor and burgeſſes, and confirmed their ancient privileges to ſend members to parliament; and King Charles II. by his charter, incorporated them by the name of mayor and aldermen, and confirmed to them their ancient privilege of ſending members to parliament: that the mayor and aldermen did act in a very arbitrary manner, againſt the true meaning of the ſaid charters, and aſſume to themſelves an unlimited power of making what numbers of perſons they pleaſed freemen of the ſaid borough: that ſuch freemen are ſo much increaſed, there being ſome hundred of them foreigners, and do no ſervice to the ſaid borough nor contribute to the aid aſſeſſed upon the ſaid borough; yet vote at all elections of members of parliament; and the inhabitants have almoſt loſt their antient right of election, being out-voted by ſuch pretended freemen; which is the cauſe of great riots and diſorderly practices, and of great bribery, as it moſt notoriouſly appeared at the laſt election for members to ſerve in parliament for the ſaid borough; at which election, although the majority of the inhabitants paying ſcot and lot, voted for the right honourable William Lord Viſcount Grimſtone, and Joſhua Lomax, eſquire, yet they were out-voted by the freemen who voted for William Clayton and William Gore, eſquires; by which majority, the ſaid Mr. Clayton and Mr. Gore were declared duly elected burgeſſes for the ſaid borough, and accordingly returned as ſuch, in prejudice of the petitioners ancient rights and privileges: and praying &c.

Ordered, it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Nov. 26th. Ordered leave to withdraw the ſaid petitions.

St. EDMONDSBURY.

THIS borough is within the county of Suffolk; and had a precept ſent to it to return burgeſſes to parliament, as Mr. Prynne writes, 30. *Ed.* I. of which the ſheriff makes this return——*Feci retorn. hujus brevis ſeneſcallo libertatis Sancti Edmundi, qui habet retornum omnium brevium et executiones eorum, et idem ſeneſcallus nihil mihi inde reſpondit.* After this, no precepts were ſent, nor returns made, till King James the firſt, in the 4th year of his reign, renewed or granted them this right, as doctor Willis writes; from which time it has conſtantly returned: of which, I meet with the following memoirs.

Br. Parl. red. 212.

Willis, 1749. 53.

Feb. 9, 1625. Sir Benjamin Rudyard moveth, Mr. Emanuel Gifford, returned a member of this houſe, and now in priſon, upon execution, may be ſent for.

The keeper of the Gatehouſe brought to the bar; and brought to the bar by the ſerjeant, with his mace, and the bar down: demanded, why he keepeth Mr. Emanuel Gifford, returned a member of this houſe, ſaith, for two executions; one, of 100 *l.* at the ſuit of Mr. Layton, of the Jewel-houſe, for which he was taken in execution on Monday was fortnight; and upon another execution, of 200 *l.* laid upon him ſithence.

Ordered to be debated to-morrow, and the clerk of the crown to be here then, with the return of Mr. Gifford.

10th. for Mr. Gifford; Sir Thomas Jermyn moveth, that, becauſe the indentures of election are dated 30. Jan. where he was elected 7. Jan. moveth, the committee for privileges may examine the matter in fact, for the time of his election. — Reſolved. — And the town-clerk, Mr. Mallowes, to attend the committee.

15th. Sir John Finch reporteth, from the committee for privileges, the caſe of Mr. Gifford.—— That it appeared, that 6. Jan. one of the burgeſſes firſt elected, viz. Sir Thomas Jermyn; and 11. Jan. Mr. Gifford elected; but that the town-clerk had dated the indenture 30. Jan. as conceiving, it was to bear date the day of the next county: ſo as he was arreſted after his election, but before the return; his arreſt being 23. Jan.

The diſpute, and reſolution, concerning Mr. Gifford's caſe, to be deferred till to-morrow.

16th. Mr. Emanuel Gifford, his caſe thus: elected a burgeſs for St. Edmondsbury, in Suffolk, 11. Jan. taken in execution, 23. Jan. the indentures of return dated 30. Jan.

Sir Henry Poole: — the time of the election to be reſpected, not the date of the indentures of the return; for then may be in the power of a ſheriff, or other officer, to defeat our privilege.— To deliver him.

Mr. Whyſtler, *contra*——that the return being, in time, falſe, we cannot amend it: and how ſhall it be amended; ſithence Sir Thomas Jermyn, elected 6. Jan. and Mr. Gifford, 11. Jan.? is againſt theſe ſtraggling elections.

Mr. Weild, *pro:* Mr. Sollicitor doubtful.

Mr. Rolle:—— that the ſheriff is to amend the return, by the command of this houſe.——Moveth, to hear the party intereſted; being not fully ſatisfied of the matter in fact, for the time of the election.

Mr. Taylor, *pro:* and that the indentures are to be dated the 11th of * Feb. being the day of the election. That the ſheriff is to amend the return.

* Sic orig.

Mr. Saunders, *pro.*

Mr. Wentworth is for the privilege.—Doubteth, how the town-clerk can amend it; becauſe no party to the indenture, as the ſheriff, in other caſes, is.

Mr. Strode:—that the town is to amend this, as in Maynard's caſe.

Upon the firſt queſtion, the return of the indenture, in the date, to be amended, and dated 11. Jan.

Upon the ſecond queſtion, this to be amended by Mr. Mallowes, the town-clerk, who committed the error, for the one part; and by the ſheriff, for the other part.

The town-clerk to be here to-morrow morning, to amend the return; and the clerk of the crown, with the indenture.

February 17. The clerk of the crown, the town-clerk of Bury, and the ſheriff of Suffolk, called in; and at the bar, it being down, Mr. Speaker let them know the order of the houſe, for the amendment of the return in the date of the indentures of election: they were all called up to the table, where the town-clerk amended the date in one part, from 30. Jan. to 11. Jan. and the ſheriff did the like to the other part.

Upon queſtion after this amendment, Mr. Gifford to have privilege, to be delivered out of execution; and a warrant to the clerk of the crown for an *Habeas Corpus*, to bring him hither to-morrow morning, eight of the clock.

18th. Mr. Gifford brought in with the keeper of the Gatehouſe, the bar down: the writ of *Habeas Corpus* handed to the clerk, and the writ and return by him read; and then Mr. Speaker diſcharged Mr. Gifford, and wiſhed him to take his oath, and then to take his place in the houſe.

May 3, 1660. Mr. Turner reported, from the committee of privileges and elections, touching the double return for this borough, the opinion of the committee, that Mr. Thomas Chaplyn, and Mr. Thomas Clark, are returned by the proper officer, and ought to ſit, until the merits of the cauſe be determined: whereto the houſe agreed.

14th. Mr. Turner reported from the ſaid committee, touching the ſaid double return for this borough; that, upon examination of the fact, the committee are of opinion, that Mr. Chaplyn and Mr. Clark, who are returned by one indenture, ought not to ſit; and that Sir Henry Crofts and Sir John Duncombe, knights, mentioned in the other indenture, are duly elected, and ought to ſit: whereto the houſe agreed; and ordered that the indenture, ſigned by the inhabitants of this borough, whereby the ſaid Mr. Chaplyn and Mr. Clark are returned, be withdrawn, and taken off the file; and that the alderman of the ſaid borough, with the clerk of the crown, be ſent for, to attend for the amending the return.

March 26, 1679. A petition of Sir Thomas Cullum, baronet, and John Rotheram, eſquire, complaining of an undue return of Sir Thomas Harvey, knight, and Thomas Jermyn, eſquire, to ſerve in this preſent parliament, as burgeſſes for this borough, in injury of the petitioners, who were duly elected (as is certified by an indenture, ſigned and ſealed by the ſheriff of the ſaid county, and the major part of the inhabitants of the town) but were refuſed to be returned by the mayor of the ſaid town, was read.

Reſolved, it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Oct. 25, 1680. A petition of John Rotheram, eſquire, was read.

Ordered, to be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Dec. 24. Sir Richard Corbet reported from the ſaid committee, that they, having taken the matter of the ſaid election into conſideration, had agreed upon two reſolves:.

That Sir Thomas Harvey, knight, is duly elected a burgeſs, to ſerve in this parliament for this borough.

That Thomas Germin, eſquire, is duly elected a burgeſs, to ſerve in this parliament for this borough: whereto the houſe agreed.

March 25, 1690. A petition of Sir John Mordaunt, and John Wildman, eſquire, was read; ſhewing, that the petitioners were duly elected for this borough, by the majority of the burgeſſes and freemen of this borough; who demanded of the alderman (being the chief officer) to return the indenture: but he refuſed ſo to do, and withdrew with ſome few of the burgeſſes, and cauſed the ſaid precept to be raſed, and the freemen expunged; and privately made a pretended election of Sir Robert Davers, and Henry Goldwell, eſquire, and cauſed them to be returned: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Oct. 18. A petition of Sir John Morden, baronet, and John Wildman, eſquire, was read; ſhewing, that the petitioners were, on the 6th of March laſt, duly elected for this borough: but the mayor refuſing to return the petitioners, he, with ſome few burgeſſes, under the name of capital burgeſſes and common-council, withdrew themſelves from the aſſembly of burgeſſes and freemen, and raſed the precept; and then made a pretended return of the election of Sir Robert Davers, and Henry Goldwell, eſquire, to the prejudice of the petitioners: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Nov. 23, 1708. Ordered, a warrant for a new writ in the room of Sir Thomas Felton, baronet, made comptroller of the houſhold.

March 3, 1713. A petition of Jermyn Davers, and Gilbert Affleck, eſquires, was read; ſhewing, that this borough is an ancient borough, incorporate by the name of alderman and burgeſſes of the ſaid borough, and by that name known time out of mind; and all the freemen have a right to vote in the ſaid election: that the petitioners were duly elected by a majority of freemen; and by an indenture between John Moore, eſquire, ſheriff of the ſaid county, and ſeveral burgeſſes and freemen of the ſaid borough were declared duly elected; which indenture is ready to be returned, and was tendered to the alderman to be ſealed with the ſeal of the borough, which he refuſed: that by an indenture between the ſheriff and Richard Hovell, gentleman, alderman of the ſaid borough, and ſeveral other burgeſſes, the honourable Car Harvey, eſquire, and Aubrie Porter, eſquire, are certified to be duly elected and returned, upon a ſuppoſition, that all the freemen have not votes, whereas they have; and the ſaid alderman and ſome of the burgeſſes of the ſaid borough, ſhut themſelves up in a room, into which the petitioners could not be admitted, at reading the precept for the ſaid election; nor would they admit any of the burgeſſes and freemen, who were ready, and tendered their votes for the petitioners, to the great wrong of the petitioners and the electors: and praying &c.

Ordered, it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

A petition of the freemen and inhabitants of this borough; ſhewing, that the ſaid borough is an ancient borough, incorporated by the name of alderman and burgeſſes of the ſaid borough, and by that name has been known time out of mind; and that all freemen and inhabitants thereof, paying ſcot and lot, have votes in the election for the ſaid borough: that by a precept from John Moor, eſquire, ſheriff of the ſaid county, to Richard Hovell, alderman of the ſaid borough, for chuſing two perſons to ſerve in parliament, the ſaid alderman did give publick notice of the time and place of the ſaid election; and the petitioners, being freemen and inhabitants of the ſaid borough, did meet accordingly, and deſired the ſaid aldermen they might be preſent at the reading of the precept, and to vote for electing the ſaid burgeſſes, but was refuſed; the ſaid alderman, and a ſmall number of the burgeſſes, ſhut themſelves up in a room in the Guildhall, and refuſed to let them hear the precept read, or to vote; and did elect the honourable Car Harvey, and Aubrie Porter, eſquires, burgeſſes to ſerve in this preſent parliament; whereupon the petitioners went to an election, and choſe Jermyn Davers, and Gilbert Affleck, eſquires, burgeſſes to ſerve in parliament; and declared them ſo to be by indenture, between the ſheriff and petitioners, which is ready to be returned; and was tendered to the alderman to be ſealed with the ſeal of the ſaid borough, which he refuſed to do; to the great wrong of the petitioners: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

April 21, 1714. Ordered, the report to be received on Tueſday next.

27th. Sir Gilbert Dolben reported from the ſaid committee, the matter of the ſaid election as follows, viz.

That the queſtion was, touching the right of election: that the ſitting-members are elected by the ſelect number, the petitioners by the populace.

For the petitioners, it was alledged, that this borough is a borough, and corporation, by preſcription, by the name of alderman and burgeſſes; and that the right of election is in the alderman and burgeſſes reſident in the borough, paying ſcot and lot.

This was denied by the ſitting-members counſel; who alledged, the right of election is in the alderman, twelve capital burgeſſes, and twenty-four burgeſſes of the common-council, to whom the privilege was originally granted by charter, 12. *Jac.* I. before which time they alledged, that this borough never ſent members to parliament.

To prove this a borough by preſcription, and that the right of election is as the petitioners counſel alledged, they produced the following records;

Feb. 24. 1. R. II. A writ, directed *aldermanno villæ de Sancto Edmundo*, commanding him to make a levy upon the inhabitants, for repairing the Guildhall:

Sept. 13. 30th Edward I. A parliament writ, directed to the ſheriff of Norfolk and Suffolk, for electing members for thoſe counties, and for the cities and boroughs therein; to which is a ſchedule annexed of members for thoſe counties; and for Norwich, Ipſwich, and Dunwich: as to Yernemuth and Lenn, the return is, that the ſheriff had iſſued his precept to their bailiffs for election of burgeſſes; and that they had made him no anſwer: and the ſheriff ſays, *Et pro duobus burgenſibus eligend. de villa Sancti Edmundi, feci returnum bujus brevis ſeneſcallo libertatis Sancti Edmundi, qui babet returna omnium brevium et executiones eorum*; *et idem ſeneſcallus nibil inde mibi reſpondit.*

May 15. 14th Edw. III. Another parliament writ, indorſed thus; *Prec' Norwyc', Jernem', Lennæ, Gyppewyc', Donewyc', p' et Edm':*

That no return is annexed to this writ.

April 5. 34th Edw. I. Another parliament writ, indorſed thus; *Prec' omnibus ballivis Norff', Herteſmere Blyton, Norwic', Jernem' p' Lenne, S. Edm' S. Etb', Don', Gipp', Orford:*

A return is annexed of members for the counties of Norfolk and Suffolk, Norwich, Yarmouth, Ipſwich, Dunwich, and Orford.

Nov. 21. 21ſt Ed. 3. Another parliament writ, indorſed thus: *Prec', Etb', S. Edm', Norwich, Gippewic', Don', Jerne, Lennæ:*

A return is annexed for the counties of Norfolk and Suffolk, Norwich, Yarmouth, Lynn, Ipſwich, and Dunwich:

That there are no returns to theſe two writs for this borough.

5th Edw. III. An agreement, made before the King and council, for determining differences between the abbot and convent of *Saint Edmund, ex parte una, et Richardum de Drayton, et alios homines de villa de Sancto Edmundo, ex parte altera*; reciting that the abbot had recovered againſt thoſe men 140,000 *l.* damages, in three actions of treſpaſs before the juſtices in Eyre.

The abbot and convent, *ad requiſitionem Regis*, for peace-ſake releaſed to them, their heirs, executors, ſucceſſors, and aſſigns, 122,333 *l.* 6 *s.* 8 *d.* and upon payment of 2,000 marks in 20 years, by half-yearly payments of 100 marks *per ann.* 4,000 marks of the remaining 17,666 *l.* 13 *s.* 4 *d.* are releaſed in the ſame manner:

If they do not ſeek relief againſt the judgment, nor ſue the jury; 10,000 *l.* more are releaſed in the ſame manner:

If they be of good and peaceable behaviour towards the abbot and convent, *nec communitatem de* *ſe in eadem villa clament, cen manuteneant*, the reſidue is releaſed in the ſame manner: and,

Upon this, *Dicti homines dictæ villæ de Sancto Edmundo recognoverunt et conceſſerunt pro ſe, her' et ſucc. ſuis, quod ipſi communitatem in dicta villa de Sancto Edmundo de ſe non habent, nec habere debent; nec clamant, nec clamare poterunt in futuro.*

That the petitioners counſel argued, that theſe actions againſt the men of the town; and this releaſe being to them and their ſucceſſors; and their diſclaimer being for them and ſucceſſors; were an evidence of their being a community, and corporation: and that thereby and by other records produced, it appeared, they were an ancient community; had an ancient Guild, and a preſcriptive right to ſend members to parliament: and that ſuch community and privileges were ſuppreſſed by this agreement and power of the abbot; ſo that the corporation durſt not afterwards claim a right to ſend members to parliament:

That they further argued as an evidence of ſuch preſcription, that the head of this town is ſtiled alderman; and that every town in England, whoſe head, or chief officer ſo ſtiled, was founded by the Saxons.

That they produced the journal of the 3d and 14th of May 1660; whereby it appeared, that upon the 3d of May the houſe reſolved, that the members, returned by the proper officer, ought to ſit till the merits of the cauſe were determined upon the double return. And upon the 14th of May the houſe determined, the members choſe by the ſelect number were duly elected and ought to ſit; and ordered the return of the other two, ſigned by the inhabitants of the borough, to be taken off the file.

That the ſitting-members counſel denied the preſcription; and inſiſted, that this is a corporation originally created by charter: and, upon the evidence and arguments offered by the petitioners, they obſerved, that it doth not appear by any of the records produced, that ever this borough ſent members to parliament in thoſe times; that if they then had ſuch right, they would have then made return to the precepts, which it appears they never did: that it appears, by the agreement in Edward III's time, between the abbot and town of St. Edmund, that this town hath claimed a privilege as a community, and were forejudged of them in Eyre.

That it appears by the Journal May 14, 1660, that the determination of the Houſe of Commons was for the ſelect number.

They alſo produced a charter 4 Jac. I. which incorporates this borough by the name of alderman and burgeſſes; and conſtitutes the corporation to conſiſt of the alderman, twelve capital burgeſſes, and twenty four burgeſſes of the common-council; and grants ſeveral franchiſes.

Another charter 6 Jac. I. which grants farther franchiſes; in neither of which charters is there any mention made of ſending members to parliament.

12 Jac. I. A charter granting ſeveral franchiſes; and amongſt others, a power to the alderman, capital burgeſſes, and burgeſſes of the common-council, to elect two members of parliament: and they called Mr. Craske, who ſaid, he had known the liberty of St. Edmund's-bury 30 years, had been ſteward of it; they have the *Retorna brevia'* for that liberty, but not the *factio brevium:* their executions are by the ſheriff's warrant.

That he never heard, that the bailiff of this borough ever returned members to parliament; nor never knew any precept directed to him.

That the corporation of the borough hath diſtinct privileges from thoſe of the liberties; and hold courts, and have a leet; and their writs are directed, *Aldermano, et capitalibus burgenſibus, et burgenſibus de communi concilio burgi Sancti Edmundi in com' Suffolciæ.*

That it appeared by the town-book, and was admitted, that all the returns ſince 1660, have been by the ſelect number.

That the petitioners in reply, obſerved, that the charter 4 Jac. I. recites, that the town of Bury St. Edmund was *burgus, ſive villa antiqua*; and had privileges and franchiſes, as well by divers charters, as preſcriptions and cuſtoms *ab antiquo uſitat'*; which they argued this charter did only revive and confirm; and that the charges of the burgeſſes being, by the charter of the 12 Jac. I. laid upon all the inhabitants, therefore they ought to chooſe; and alſo that *villa*, and not *burgus*, was the appellation uſed in the Saxon time.

The committee reſolved,

That the right of election of burgeſſes to ſerve in parliament for this borough, is in the alderman, twelve capital burgeſſes, and twenty-four burgeſſes of the common-council, of the ſaid borough.

That the petitioner's counſel admitted the ſitting-members to be duly elected, upon the foot of this reſolution.

The committee reſolved,

That the honourable Carr Harvey, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament, for this borough.

That Aubrie Porter, eſquire, is duly elected a burgeſs, to ſerve in this preſent parliament, for this borough.

The ſaid two reſolutions being twice read, were agreed unto by the houſe.

Oct. 25, 1722. A petition of Carr Hervey, eſquire, commonly called Lord Hervey, was read; ſhewing, that at the election of members to ſerve in parliament for this borough, the petitioner, James Reynolds, ſerjeant at law, and Jermyn Davers, eſquires, were candidates: the petitioner had a majority of legal votes, and ought to have been returned: that, by bribery, and many other illegal practices made uſe of, for procuring the ſaid Mr. Davers to be elected; and the ſaid Mr. Davers was not qualified, and objected to by the petitioner; notwithſtanding which, the ſaid Mr. Davers is returned, in prejudice of the petitioner: and praying &c.

Ordered, it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

March 17, 1724. Ordered, a warrant for a new writ, for electing a burgeſs for this borough, in the room of James Reynolds, ſerjeant at law, made a juſtice of the court of King's-bench.

St. GERMANS.

THIS is a borough within the county of Cornwall. It never was repreſented in parliament, untill 1562; when its right of ſending members to parliament was queſtioned. The proceedings therein, and the other memoirs relating to its elections, are theſe following; viz. Willis. vol. II. 140, 153.

Jan. 22d, 1562. For that burgeſſes be returned of divers boroughs, not lately returned in the Chancery; viz. the boroughs of Tregony, St. Jermynes, and D'Ewes journal 80.

and Maws, in Cornwall, &c. Mr. Speaker declared to the houſe, that the Lord Steward agreed, they ſhould reſort into the houſe, and with convenient ſpeed to ſhew letters patent, why they be returned into this parliament.—— But I find nothing further done until

Jan. 6, 1640. When it was reſolved upon the queſtion, that Mr. Valentine's election, for one of the burgeſſes of Cornwall, is good; and that he ſhall ſit here as a member; and that his election ſhall not be queſtioned, during this parliament.

Dec. 24, 1718. Ordered a warrant for a new writ, for electing a burgeſs for this borough, in the room of John Knight, eſquire, made ſecretary for the Leeward Iſlands.

St. IVES.

THIS borough is ſituated within the county of Cornwall: when it was made a borough, doth not appear; nor did it ſend burgeſſes to parliament, until the laſt year of Queen Mary, from which time it hath continued ſo to do. The memoirs relating to its elections, in the Journals, are theſe.

May 5th, 1660. Mr. Turner reported from the committee of privileges and elections, touching the ſeveral returns for this borough, that John St. Aubyn and James Praed, eſquires, are returned by the proper officer; and the opinion of the committee, that they ought to ſit, till the merits of the cauſe be determined: whereto the houſe agreed.

July 16th. Sir Edward Turner reported, from the ſame committee, the caſe upon the ſeveral indentures returned for this borough; that, upon the examination of the fact, the queſtion appeared to be, whether the right of election of members, to ſerve in parliament, belongs to the portreeve and twelve burgeſſes, or to the freemen at large; and that the committee were of opinion, that the freemen at large have right to elect; and that Mr. Noſworthy, who is returned in one of the indentures, is duly elected, together with Mr. St. Aubyn, concerning the validity of whoſe election there is no queſtion, and ought to ſit in the houſe: whereto the houſe agreed.

May 16, 1661. Serjeant Charleton reported, from the ſame committee, touching the ſeveral returns for this borough, that James Praed, eſquire, and Edward Noſworthy, are returned in ſeveral indentures, by the mayor; and John Baſſet, eſquire, by the burgeſſes in another indenture; and the opinion of the committee, that Mr. Praed and Mr. Noſworthy do ſit in the houſe, till the merits of the cauſe, touching the election, be determined: whereto the houſe agreed.

Dec. 18. Serjeant Charleton reported, from the ſame committee, touching the election for this borough, that upon the petition of the town, they had proceeded to examine the buſineſs touching the election of Mr. Noſworthy, as one of the burgeſſes for this borough; and that due notice was given to the ſaid Mr. Noſworthy: and that the committee was well poſſeſſed of the petition from the ſaid town: that Mr. Noſworthy was elected by 19 of the capital burgeſſes, and returned by the mayor; and that Mr. Baſſet, ſince deceaſed, was elected by a far greater number of burgeſſes at large: that in Mr. Noſworthy's own caſe, upon the election in the laſt aſſembly, judgment was given againſt the election of the mayor and twelve capital burgeſſes: that all the inhabitants had right of election; and that the queſtion being now the ſame that it was then, the committee was of opinion, that the burgeſſes at large had right of election: that Mr. Baſſet had the majority of voices; and that Mr. Noſworthy his election was void: whereto the houſe agreed: and reſolved, that the indenture, whereby Mr. Noſworthy was returned, be taken off the file, and cancelled.

Oct. 31, 1665. Ordered, that the claim of Sir William Godolphin, touching the election for this borough, be continued; and matter between him and Mr. Noſworthy be adjourned, and taken into conſideration next ſeſſions of parliament.

April 1, 1690. A petition of John Hawles, eſquire, was read; ſhewing, that he was elected by the majority of aldermen and capital burgeſſes, and aſſiſtants, of this borough, who only had right to elect there: notwithſtanding which, one John Hickes, pretending to be mayor of the ſaid town, though not legally ſo, hath returned James Praed and William Harris, eſquires, as elected by the commonalty, whereas they have not a right to elect; or, if they had, the petitioner had a majority of all their voices, who pay ſcot and lot; and therefore ought to have been returned: and praying &c.

Ordered, that it be referred to the conſideration of the committee of privileges and elections, to examine the matter, and report it, with their opinion.

Oct. 11th. Mr. Hawles preſented a petition, the ſame in ſubſtance, as before; which was read; and

Ordered, to be referred to the conſideration of the committee of privileges and elections, to examine the matter, and report it, with their opinion.

Oct. 31, 1691. Mr. Hawles's petition (the ſame in ſubſtance) was again read.

Ordered, that it be referred to the conſideration of the committee of privileges and elections, to examine the matter, and report it, with their opinion.

January 1ſt, Ordered, that Mr. Hawles have leave to withdraw his petition.

Dec. 14th, 1698. A petition of ſeveral perſons, inhabitants within this borough, in behalf of themſelves, and divers others, inhabiting within the ſaid borough, was read; ſhewing, that the right of election of members, to ſerve in parliament for this borough, is in the inhabitants not receiving alms; and the petitioners, as ſuch, demanded to be polled, at the laſt election, for Sir Henry Hobart; but the mayor, in an arbitrary manner, refuſed to let them be polled; declaring, that, by the late King James's charter, the right of election was in the mayor, capital burgeſſes, and aſſiſtants only; and that he would ſuffer no other perſons to be polled, who, with himſelf, are but ten in number: and thereupon did make an illegal return of Sir Charles Wyndham, and James Praed, eſquire, in great violation of the petitioner's right: and praying &c.

Ordered, that it be referred to the conſideration of the committee of privileges and elections, to examine the matter, and report it, with their opinion.

Nov. 16, 1699. A petition of ſeveral perſons, inhabitants within this borough, was read; ſhewing, that burgeſſes, to ſerve in parliament, were, time out of mind, choſen for the ſaid borough by ſuch of its inhabitants, as were of full age, and did not receive alms; and at the laſt election of burgeſſes, the petitioner, and divers other qualified voters, appeared and demanded to be polled for Sir Henry Hobart, baronet; but the mayor of the ſaid borough arbitrarily refuſed to let them be polled; and declared, that by virtue of the late

King James's charter, the right of election was ſolely in the mayor, capital burgeſſes, and aſſiſtants; and that none ſhould be polled, but thoſe that voted under that charter: and thereupon he hath illegally returned Sir Charles Wyndham to be one of their burgeſſes, in manifeſt wrong to the antient rights of the petitioners: and praying &c.

Ordered, that it be referred to the conſideration of the committee of privileges and elections, to examine the matter, and report it, with their opinion.

29th. The houſe being informed, that the petition of the inhabitants of this borough, this ſeſſion, touching the election for the ſaid borough, is different from that which was preſented the laſt ſeſſion:

Ordered, that it be an inſtruction to the committee of privileges and elections, that they do examine, whether the petition of this ſeſſion be the ſame in ſubſtance with that which was preſented laſt ſeſſion: and that they do report the ſame, with their opinion therein, to the houſe; and that the committee do the ſame, before they proceed on the matter of the ſaid election.

Dec. 13th. Ordered to be reported on the morrow morning.

14. Sir Rowland Gwynn reported, from the ſaid committee, the matter to them referred, upon the petitions touching the election for this borough, and the reſolution of the committee; viz. that the petition of the ſeveral inhabitants within this borough, preſented to the Houſe of Commons, this ſeſſion of parliament, touching the election for the ſaid borough, is not the ſame in ſubſtance, with the petition preſented to the Houſe of Commons, the laſt ſeſſion of parliament, relating to the ſaid election: whereto (on its being twice read) the houſe agreed.

Ordered, that the committee of privileges and elections do not proceed any further upon the petition touching the ſaid election.

Feb. 14, 1700. A petition of John Pitt, eſquire, was read; ſhewing, that, at the election of burgeſſes to ſerve in parliament for this borough, James Praed, Benjamin Overton, and the petitioner, were candidates: and the right of election being in the inhabitants not receiving alms; and above 200 of ſuch as had a right to vote, demanded to be polled for Mr. Praed and the petitioner; but John Hawkins, mayor of the ſaid borough, refuſed to poll them; declaring, that the right of election was, by King James's charter, veſted in him as mayor, and in the capital burgeſſes and aſſiſtants, only, who are not above ſixteen; and thereupon hath returned Mr. Overton, in violation of the rights of the ſaid borough, and in wrong to the petitioner, who had the majority of legal votes, with Mr. Praed, and ought to have been returned: and praying &c.

A motion was made, to hear it at the bar; but diſagreed to.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

A petition of ſeveral inhabitants of the ſaid borough, on behalf of themſelves, and divers others, inhabitants of the ſaid borough, was read; ſhewing, that, time out of mind, the ſaid borough hath conſtantly ſent members to ſerve in parliament, who were choſen by ſuch of the inhabitants, as did not receive alms; and at the laſt election, the petitioners, and divers others duly qualified, demanded to poll for John Pitt, eſquire; but the mayor refuſed to let them; and declared, that, by virtue of the late King James's charter, the right of election was in the mayor, capital burgeſſes, and aſſiſtants, only; and that he would ſuffer none elſe to poll: and thereupon he hath illegally returned James Praed and Benjamin Overton, eſquires, in great violation of the petitioner's right: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Jan. 3, 1701, A petition of John Pitt, eſquire, was read; ſhewing, that at the election of burgeſſes, to ſerve in this preſent parliament, for this borough, Sir John Hawles, James Praed, eſquire, and the petitioner, were candidates; and above 200 of the inhabitants, not receiving alms, in whom the right of election hath been time out of mind, appeared for the petitioner and Mr. Praed; and demanded of John Hickes, the mayor, to poll for them: but he, contrary to the determination of the Houſe of Commons in 1660 and 1661, of which he was acquainted, refuſed them; declaring, the right of election was, by the late King James II's charter, in the mayor, capital burgeſſes, and aſſiſtants, only, who are not above 16 perſons: and thereupon the ſaid Hickes hath returned Sir John Hawles, as duly elected, in prejudice of the petitioner, and in violation of the rights of the ſaid borough: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Oct. 24, 1702. A petition of John Pitt, eſquire, was read; ſhewing, that at the election of burgeſſes, to ſerve in this parliament, for this borough, the petitioner, James Praed, and Richard Chandler were candidates: that the right of election is in the inhabitants not receiving alms: and about 170 of ſuch perſons demanded of John Hickes, the mayor, to be polled for the petitioner and Mr. Praed; but the ſaid mayor, contrary to the determination of this houſe in 1660, and 1661, did arbitrarily refuſe to let the ſaid inhabitants poll; declaring, that the right of election was, by the late King James II's charter, veſted in the mayor, capital burgeſſes, and aſſiſtants, who are but 16 in number: and thereupon illegally hath returned the ſaid Richard Chandler, though Mr. Praed and the petitioner had the majority of legal votes: and praying &c.

See before.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Ordered, that it be an inſtruction to the ſaid committee, that they do appoint to hear the matter of the ſaid petition on the 24th day of November next.

Dec. 4. Ordered to be reported on Tueſday next.

8th. Mr. Bromley reported, from the ſaid committee, the matter upon the ſaid petition, as followeth; viz.

That the petitioner's counſel inſiſted, that this borough was a corporation and borough by preſcription.

The only thing in queſtion was the right of election; which, the petitioner's counſel ſaid, was in the burgeſſes or inhabitants at large; but the ſitting-members counſel ſaid, it was in the capital burgeſſes only.

The petitioner's counſel called ſeveral witneſſes, and delivered in ſeveral returns to parliament for this borough. Mr. Henry Maurice, Mr. Richard Trinkey, and others, ſaid, they had been acquainted with the borough 14, 23, 40, and 60 years; and that they had known ſeveral elections; and that the burgeſſes at large had voted; and they never knew them denied. Then were read two indentures of return, of the 16th of April, 1660: by one of which, John St. Aubyn, eſquire, by the other, James Praed, eſquire, is returned burgeſs, to ſerve in parliament, for the ſaid borough. The firſt indenture is expreſſed to be made between the ſheriff, of the one part, and the mayor, burgeſſes, and commonalty, on the other part; which was ſigned by a certain number of capital burgeſſes and common-council-men, and about an hundred others called gentlemen and freemen; and is ſaid to be under their hands and ſeals. The other indenture is expreſſed to be made between the ſheriff, and the burgeſſes and commonalty; and that the burgeſſes and commonalty, of their own unanimous aſſent, and conſent, had choſen Mr. Praed; and it was under the hands and ſeals of the burgeſſes and commonalty; and ſigned by above 150.

A return, 27th *Martii*, 13 Car. II. between the ſheriff, of the one part, and the mayor and burgeſſes, of the other part; expreſſing, that the mayor and burgeſſes had unanimouſly elected James Praed, eſquire: it is under the common ſeal, and ſigned by 34.——Return, 10 *Martii*, 13 Car. II. to which the mayor and burgeſſes are parties; expreſſing, that the mayor and burgeſſes had unanimouſly elected Daniel Oneale, eſquire: it is under the common ſeal, and ſigned by 48. —— Return, 19 *Jan.* 16 Car. II. Another return of Edward Noſworthy, in the ſame form, ſigned by 58.——Return, 10 *Martii*, 2 *Gul. et Mar.* Another return, by John Hicks (then mayor, alſo made the return now in queſtion) between the ſheriff of the one part, and the mayor, burgeſſes, and commonalty, of the other part; expreſſing, that they had unanimouſly choſen Mr. Praed: it is under the common ſeal, and ſigned by 166.

See before.

They read two reſolutions of the houſe; one, 16 July, 1660; expreſſing, that the freemen at large had a right to elect members to ſerve in parliament for this borough; and that Mr. Noſworthy was duly elected. Another,

Dec. 18, 1661. That the burgeſſes at large had right of election; and that Mr. Baſſet had the majority of voices and Mr. Noſworthy's election was void; and that the indenture, whereby Mr. Noſworthy was returned, ſhould be taken off the file, and cancelled.

They then called ſome witneſſes, as to the proceedings at the election.

Buſvargus ſaid, he was preſent at the laſt election; and the burgeſſes at large appeared: and the mayor (Mr. Hickes) recommended Mr. Chandler, as another perſon did Mr. Praed; and his (the witneſs's) maſter, recommended the petitioner; and told the mayor, he hoped, he would not exclude the burgeſſes, as he did the laſt time; and the mayor ſaid, he would proceed by King James's charter: that the mayor called over the aldermen, and then went out of the hall, the burgeſſes at large declaring, they were for Mr. Pitt, and Mr. Praed; and one Mr. Veale took their poll, and had polled about twenty, before the mayor went away.

He, and another, alſo ſaid, that after the poll was thus taken, an indenture was ſigned by a great number of the burgeſſes, or inhabitants; and that the mayor refuſed to return according to it:—Alſo that it was not Mr. Hickes's turn to be mayor, but Mr. Pollard's; and that Mr. Hickes deſired Mr. Pollard not to take it amiſs, for he was made mayor by the Duke of Bolton's order.

In anſwer, it was inſiſted, that the ancient returns were only by the mayor or portreeve, and burgeſſes; which could be conſtrued only of the freemen of the corporation; but thoſe, who voted for the petitioner, were only inhabitants.

To this it was replied, that the inhabitants of a borough, by preſcription, were burgeſſes.

The ſitting-member's counſel read the following returns. — 14 Eliz. Warden and burgeſſes elected: the return ſigned by the warden and 11 others. 26 Eliz. the ſame: return ſigned by 8 or 9.——39 Eliz. the ſame: return ſigned by 7. — 1 Jac. I. Warden or portreeve, and burgeſſes elected: return ſigned by the portreeve, and about 6.—21 Jac. I. Portreeve and burgeſſes elected. — 3 Car. I. the ſame: return ſigned by 12.

Mr. Newman produced an ancient book of the corporation; whereby it appeared, the corporation conſiſted of a portreeve, 12 capital burgeſſes, and 24 others; and ſaid, he had ſearched in that book, and found, that thoſe who ſigned the returns formerly, were of the capital burgeſſes.

They then alledged, that by the charter of King James II. the election of burgeſſes was placed in the mayor and capital burgeſſes: which they made uſe of, to excuſe the mayor's making a return otherwiſe than the laſt determination of parliament.

Then the committee reſolved,

That the right of election of burgeſſes, to ſerve in parliament, for this borough, is not in the inhabitants of the ſaid borough, not receiving alms.

That Richard Chandler, eſquire, is duly elected a burgeſs, to ſerve in this parliament, for this borough.

The firſt reſolution being read a ſecond time, it was propoſed to amend it, by leaving out the firſt word "not;" which was agreed to.

Another amendment was propoſed, by leaving out the words "not receiving alms," and inſerting inſtead thereof "paying ſcot and lot:" to which the houſe agreed.

That the right of election of burgeſſes, to ſerve in parliament, for this borough, is in the inhabitants of the ſaid borough, paying ſcot and lot.

The ſecond reſolution, being twice read, was diſagreed to by the houſe.

Reſolved, that John Pitt, eſquire, is duly elected a burgeſs, to ſerve in this parliament, for this borough.

Reſolved, that Mr. John Hicks, mayor of this borough, is guilty of making a falſe return of a member to ſerve in parliament, for this borough, contrary to the laſt determination in parliament.

Ordered, that the ſaid Mr. John Hicks be, for his ſaid offence, taken into cuſtody of the ſerjeant at arms attending this houſe; and that the return be amended.

Nov. 25, 1708. A petition of Chriſtopher Harris, of this borough, merchant, and James Tregeare, of the ſame place, gentleman, in behalf of themſelves, and others, the electors and burgeſſes of the ſaid borough, was read; ſhewing, that at the election of burgeſſes, for this parliament, for this borough, John Hopkins, John Borlace, John South, and John Prade, eſquires, were candidates: that the ſaid Mr. Prade, and his agents, particularly Thomas Spriggs, junior, and Thomas Stephens, junior, did, by corrupt and illegal practices, procure himſelf 30 votes, and upwards; and thereby gained a majority upon the poll: and praying &c.

Ordered to be heard at the bar on the 8th day of January next.

Dec. 23. Ordered, leave to withdraw the ſaid petition.

Dec. 5, 1710. A petition of John Borlace, eſquire, was read; ſhewing, that at the election of burgeſſes, to ſerve in this parliament for this borough, the petitioner, and John Praed, eſquire, were duly choſen, and ought to have been returned; but Richard Pollard, the mayor, behaved himſelf very partially for John Hopkins, eſquire, and polled ſeveral for him, who had no right; and refuſed others that had a right, and offered to poll for the petitioner: by reaſon whereof, and other undue practices of the mayor, and Mr. Hopkins and his agents, Mr. Hopkins is returned, in prejudice of the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

A petition of ſeveral inhabitants of this borough, on behalf of themſelves, and other inhabitants of the ſaid borough, was read; ſhewing, that at the late election of burgeſſes, to ſerve in this parliament, Richard Pollard, mayor of the ſaid borough, arbitrarily refuſed the petitioners legal votes for John Borlace, eſquire, and admitted ſeveral undue votes for John Hopkins, eſquire, and hath wrongfully returned him; though Mr. Borlace was duly elected, and ought to have been returned with Mr. Praed: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

March 5, 1713. A petition of John Elford, eſquire, was read; ſhewing, that the petitioner was a candidate at the election of burgeſſes for this borough; and had the majority: but John Hopkins, eſquire, by bribery, &c. procured himſelf to be returned, in wrong to the petitioner: and praying &c.

A petition of John Hichins, ſenior, of this borough, merchant, and Paul Tremearne, of the ſame place, yeoman, on behalf of themſelves, and others, the unbribed burgeſſes of the ſaid borough, was read; ſhewing, that at the election of members for this borough, Sir William Pendarvis, knight, John Hopkins, eſquire, the Lord Harry Pawlet, and * Jonathan Elford, eſquire, were candidates: that Sir William Pendarvis, and his agents, by bribery, &c. did procure ſeveral to vote for him; by which he gained a majority, and was returned, in wrong of the petitioner, who ought of right to have been returned: and praying &c. Alſo

* Sic orig.

A petition of the right honourable Lord Harry Pawlet, was read; ſhewing, that at the election of members for this borough, the petitioner was a candidate, and had a majority: but Sir William Pendarvis, another candidate, by bribery, &c. procured himſelf to be returned, in wrong of the petitioner: and praying &c.

Ordered, that they be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Oct. 19, 1721. Ordered a warrant for a new writ for electing a burgeſs for this borough, in the room of Sir John Hobart, baronet, made a commiſſioner of trade and plantations.

Oct. 19, 1722. A petition of James Tregeare, and Henry Waller, eſquires, was read; ſhewing, that at the election of members to ſerve in parliament for this borough, Sir John Hobart, baronet, Henry Knollys, eſquire, and the petitioners, were candidates: that the mayor of the ſaid borough admitted many perſons to poll for the ſaid Sir John Hobart and Mr. Knollys, who had no right to vote; and refuſed ſeveral perſons to poll who had a right, and offered to vote for the petitioners: and by many corrupt and illegal practices, the ſaid Sir John Hobart and Mr. Knollys, procured themſelves to be returned, in prejudice to the petitioners: and praying &c.

Ordered, it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

St. MAWS.

THIS is a borough within the county of Cornwall. It never returned members to parliament, until the 5th of Queen Elizabeth, when objection was made to its right ſo to do; of which, and the ſubſequent memoirs relating to its elections, the journals of the Houſe of Commons afford theſe following.

Willis, vol. II. 168.

Jan. 22, 1562. Members being returned for this and other boroughs, not returned before in the chancery, Mr. Speaker declared to the houſe, that the Lord Steward agreed, they ſhould reſort into the houſe, and with convenient ſpeed to ſhew letters patent, why they be returned to this parliament.—— but nothing more done. (See St. Germains.)

D'Ewes Journal, 80.

May 5th, 1660. Mr. Turner reports from the committee for privileges and elections, touching the ſeveral returns for this borough, That William * Tredingham, and Arthur Spry, eſquires, are returned by the proper officer, by two ſeveral indentures: and the opinion of the committee, that they ought to ſit, till the merits of the cauſe be determined: whereto the houſe agreed.

* Query Tredenham.

May 16, 1661. Serjeant Charleton reported from the ſaid committee, upon the ſeveral returns for this borough, that Arthur Spry, eſquire, and Sir William Tredenham, are returned in ſeveral indentures, by the mayor; and Sir Richard Vivian in another indenture, by the burgeſſes: and the opinion of the committee, that Mr. Spry and Sir William Tredenham ought to ſit, till the merits of the cauſe, touching the ſaid elections, be determined: whereto the houſe agreed.

Dec. 3, 1695. A petition of Hugh Boſcawen, eſquire, and others, for themſelves, and others of the freeholders and burgeſſes of this borough, was read; ſhewing, that the freemen and inhabitants of this borough, have voices in electing burgeſſes to ſerve in parliament, and ought to have notice given them by the portreeve, of the day and hour, when he intends to proceed on every election; but that one Bennet Hendy, the preſent portreeve, without giving notice of the hour, did on the 9th of November laſt, ſoon after it was day, proceed to an election, without any notice at all to many of the petitioners, who have a right to vote; and by reaſon of ſuch and many other his practices, and by the inſtigation of Sir Joſeph Tredenham, who hath, by ſome unheard-of covenants in his leaſes to his tenants, who have a right to vote; deprived them (or may, if he ſo pleaſe) of their voices, contrary to the uſage of parliaments, the portreeve hath returned John Tredenham, and Seymour Tredenham, as burgeſſes, to ſerve in this preſent parliament, in prejudice of the petitioners, and the rights and privileges of the ſaid borough; for which reaſon they conceive the ſaid election void: and praying &c.

Ordered to be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Dec. 12, 1698. A petition of Sir John Hawles, knight, and Hugh Forteſcue, eſquire, was read; ſhewing, that the right of electing burgeſſes, for to ſerve in parliament for this borough, was always in the freeholders and inhabitants thereof; by the majority of whom, the petitioners were duly choſen on the 1ſt of Auguſt laſt: andyet the portreve returned, that Sir Joſeph Tredenham, and John Tredenham, eſquire, were choſen burgeſſes for the ſaid borough: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Nov. 24, 1699. A petition of Sir John Hawles, knight, was read; ſhewing, that at the laſt election of burgeſſes, to ſerve in this preſent parliament for this borough, the petitioner and Hugh Forteſcue, eſquire, were duly choſen, by the greater number of freeholders and inhabitants of the ſaid borough, who have the right of election: notwithſtanding which, the portreve of the ſaid borough hath returned, that Sir Joſeph Tredenham, and John Tredenham, eſquire, were choſen burgeſſes: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Feb. 5. Ordered, that the ſaid committee be diſcharged from proceeding further this ſeſſion, upon the petition, touching the election for this borough, at the deſire of the parties concerned.

Feb. 17, 1700. A petition of Sir James Bateman, knight, and Nicholas Carew, eſquire, was read; ſhewing, that the petitioners were duly choſen burgeſſes, to ſerve in this parliament, by the freeholders and inhabitants of the ſaid borough, whoſe right it was always to elect; but the portreve hath returned Sir Joſeph Tredenham, and John Tredenham, eſquire, as choſen for the ſaid borough: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Jan. 3, 1701. A petition of James Vernon, ſenior, and James Vernon, junior, eſquires, was read; ſhewing, that the petitioners, Sir Joſeph Tredenham, and John Tredenham, eſquire, were candidates at the election of burgeſſes, to ſerve in parliament for this borough: that ſeveral qualified voters did actually vote for the petitioners, and others tendered their votes, but were diſallowed by the portreve of the ſaid borough; and unqualified perſons were admitted to vote for Sir Joſeph Tredenham, and John Tredenham; and ſeveral illegal practices were uſed by the portreve, and others, who have returned the ſaid Sir Joſeph Tredenham, and Mr. Tredenham, in violation of the rights and privileges of the ſaid borough, and in wrong to the petitioners: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Oct. 19, 1722. A petition of Francis Scobell, and Benedict Ithell, eſquires, was read; ſhewing, that at the late election of members to ſerve in parliament for this borough, the petitioners, Sidney Godolphin, and Samuel Travers, eſquires, were candidates; at which time, John Jane, one of the freemen of the ſaid borough, being poſſeſſed of the precept, illegally delivered to him by Edward Hoblyn, eſquire, ſheriff of the ſaid county, did preſume to execute the office of mayor or portreve; and after the precept was read, proceeded to election, in a very irregular manner, to take a poll; when the ſaid John Jane diſallowed ſeveral legal votes, that voted for the petitioners, and admitted a great many as good votes, who voted for Mr. Godolphin and Mr. Travers, who had not the leaſt right ſo to do: that Mr. William Richards, mayor or portreve of the ſaid borough, attended the ſaid election; and having demanded of the ſaid John Jane the precept, which was denied him, proceeded to take a poll, on which there was a great majority of legal votes for the petitioners; in purſuance whereof, he juſtly declared the petitioners duly elected; and drew up and executed an indenture accordingly, and affixed the borough-ſeal to it, and tendered the ſame to the ſheriff; which he refuſed to accept of, as not being annexed to his precept: By theſe and many other unwarrantable practices of the ſaid Mr. Hoblyn and John Jane, and others their accomplices, an undue return has been made of Mr. Godolphin and Mr. Travers, to the great prejudice of the petitioners: and praying &c.

Ordered, it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

A petition of William Richards, mayor or portreve of this borough, was read; ſhewing, that Edward Hoblyn, eſquire, ſheriff of the ſaid county, did arbitrarily deliver his precept to John Jane, one of the freemen of the ſaid borough; who, by virtue of the unwarrantable poſſeſſion thereof, took upon him the execution of the ſame; but, before the precept was read, the petitioner, as being the lawful mayor or portreve, demanded it of the ſaid John Jane; but he abſolutely refuſed to deliver it; and after the precept was read, Francis Scobell, Benedict Ithell, Sidney Godolphin, and Samuel Travers, eſquires, were candidates; the ſaid John Jane preſumed to act as mayor, proceeded to an election, and taking of a poll in a very partial and irregular manner; diſallowing ſeveral legal freemen, who voted for the ſaid Mr. Scobell and Mr. Ithell, and admitting a great many perſons to vote for the ſaid Mr. Godolphin and Mr. Travers, who had not the leaſt right ſo to do: after which, the ſaid John Jane, without ſo much as caſting up the poll, or making any ſcrutiny, though demanded, did return the ſaid Mr. Godolphin and Mr. Travers, as duly elected for the ſaid borough: all which actings of the ſaid John Jane, particularly his making a falſe return, has been a manifeſt prejudice to the petitioner, and a great injury to the ſaid borough: and praying &c.

Ordered, it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Jan. 13, 1723. A petition of Francis Scobell and Benedict Ithell, eſquires, was read; ſhewing, that at the election for members, to ſerve in this preſent parliament for this borough, the petitioners, and Sidney Godolphin, and Samuel Travers, eſquires, were candidates; that John Jane, one of the freemen of the ſaid borough, without any right, but being poſſeſſed of the precept, illegally delivered him by Edward Hoblyn, eſquire, ſheriff of the ſaid county, did preſume to execute the office of mayor or portreve, of the ſaid borough; and, after the precept was read, on which there was no indorſement, proceeded to election; and, in a very partial and arbitrary manner, took a poll; when he diſallowed ſeveral legal voters for the petitioners, and admitted many bad votes againſt them, particularly fourteen, who only pretended to be made freemen long after the teſte of the writ, and then illegally; and the ſaid John Jane declared Mr. Godolphin and Mr. Travers duly elected, and hath returned them: that Mr. William Richards, the mayor or portreve of the ſaid borough, attended the ſaid election; and, after demanding the precept of John Jane, which was denied him, proceeded to take a poll, on which there was a great majority of legal voters for the petitioners; and he juſtly declared them duly elected; and executed an indenture, to which the town-ſeal of the borough was affixed, and ſigned by a great majority of the legal voters; which indenture, Mr. Richards tendered to the ſaid ſheriff, which he refuſed to accept, as not being affixed to his precept: and by theſe, and many other unwarrantable practices of the ſaid Edward Hoblyn and John Jane, and others, they have falſely returned Mr. Godolphin and Mr. Travers, in violation of the rights of the ſaid borough: and praying &c.

Ordered, it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

A petition of William Richards, mayor or portreve of this borough, was read; ſhewing, that Edward Hoblyn, eſquire, ſheriff of the ſaid county, did arbitrarily deliver his precept for electing members, to ſerve in parliament for the ſaid borough, to one John Jane, a freeman only of the ſaid borough; who thereby took upon him the execution thereof, and refuſed to deliver it to the petitioner, who is the lawful mayor, and the proper officer, to whom it belonged; and Jane proceeded to an election on the 9th of April 1722; and admitted ſeveral to vote for Sidney Godolphin, and Samuel Travers, eſquires, who had no right to vote; and refuſed ſeveral, who had a right to vote, for Francis Scobell, and Benedict Ithell, eſquires; particularly Abraham Morrell, one of the moſt antient and legal voters in the borough, who had before refuſed 50 *l.* for his vote, offered by one Richard Jack, who acted as chief agent for Nicholas Vincent, eſquire; and the ſaid Jane hath unjuſtly returned Mr. Godolphin and Mr. Travers, without ſo much as caſting up the poll; after which, the petitioner tendered to the ſheriff an indenture, to which was affixed the town-ſeal, and was ſigned by a great majority of the legal voters, whereby Mr. Scobell and Mr. Ithell were returned, as duly elected; but they refuſed to receive the ſame, as not being annexed to his precept: that John Jane acted as mayor, under pretence of being choſen ſuch, on the 30th of March laſt, at a court held by the ſaid Mr. Jack, as lord of the ſaid borough, without any colour; which was encouraged by the preſence of Mr. Vincent; and theſe fourteen new freemen were pretended to be made, long after the teſte of the writ, who were allowed to vote by this new pretended mayor, although they, nor the court, had any legal conſtitution; and the mayor or portreve of the ſaid borough, is always choſen at Michaelmas-court, unleſs on the death of a mayor; and that, previous to this pretended court, the petitioner refuſed a conſiderable ſum of money for his vote and intereſt, offered by Stephen Harris, who owned himſelf an agent for Mr. Vincent, they having no intereſt in the ſaid borough: all which proceedings are a manifeſt breach of the undoubted rights of the ſaid borough: and praying &c.

Ordered, it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

St. MICHAEL or MICHELL.

THIS is an ancient borough, ſituate in the county of Cornwall: when it was ſo made, doth not appear. It was firſt ſummoned to ſend members to parliament in the reign of King Edward the ſixth; and has continued ſo to do, as Dr. Willis writes, to this time. The memoirs relating to its elections, and members in that reſpect, in the journals, are theſe. Willis's Notitia, vol. II. p. 155.

May 21, 1628. Mr. Hackwyl reported from the committee for elections, returns, and privileges, the caſe for this borough. —— Two indentures firſt brought to the clerk of the crown, whereby two, viz. Mr. Spark and Mr. Buller, certified to the houſe.——After another indenture brought to the clerk of the crown, whereby Mr. Coſworth choſen, and returned. The queſtion between Mr. Buller and Mr. Coſworth. It appeared, upon proof, that Mr. Coſworth was elected on the 28th.

Upon queſtion, Mr. Francis Buller not duly elected for Michell in Cornewayle.

Upon queſtion, Mr. Coſworth duly elected.

Upon queſtion, the clerk of the crown to bring to the houſe the indenture, whereby Mr. Coſworth returned; and he to ſerve; and the clerk of the crown to take off the file, that, which was for Mr. Francis Buller.

April 24, 1640. Two reports.——The firſt, to reſtore two members, that were—Mr. Courtney and Mr. Chadwell, that ſerve as burgeſſes for the town of Michell.——Mr. Coſworth and Mr. Baſſet choſen by 24. —— Exceptions againſt the manner of Mr. Chadwell's election. —— Mr. Courtney and Mr. Chadwell choſen by the major part of thoſe that had the power of election.——One, 13; and the other, 11:——which were all that had right of election.

Whether the burghers had the right of election, or the burghers and the inhabitants.—They had the major part of the burghers; and all the inhabitants did condeſcend to their election.

For the time:—If this had been a great town, and that all the inhabitants had had voice, this might have taken to be a ſurprize.——Agreed, that this was a right lawful election.

They excepted againſt the [* *] for a year. The return made by a portreve, once ſworn,—— good.

In their opinion, the election of Mr. Courtney and Mr. Chadwell, a good election; and fit members to be.—Upon queſtion,

Reſolved, that Mr. Courtney and Mr. Chadwell are duly elected, and well returned; and are fit members to ſit in the houſe.— And the ſerjeant ordered to call them in.

May 5, 1660. Mr. Turner reported from the committee of privileges and elections, touching the ſeveral returns for this borough, that Thomas Carew and Heneage Finch, are returned by the proper officer, by ſeveral indentures; and the opinion of the committee, that they ought to ſit, till the merits of the election be determined: whereto the houſe agreed.

July 18. Sir Edward Turner reported from the ſaid committee, the caſe upon the election for this borough; That, upon the examination of the fact, it appeared to the committee, that the queſtion was, whether the right of election belongs to the commonalty at large, or to the 24 claimed by cuſtom, conſiſting of 2 elizors, nominated by the lord of the manor; and 22 of the freemen, choſen by the ſaid elizors; which 24, the committee were of opinion, had the right of election; and that *Carew, eſquire, who is returned by indenture as one of the burgeſſes for the ſaid borough, had a greater number of voices, than Mr. Humphrey Borlace, the petitioner, and that therefore the ſaid Mr. *Carew is duly choſen, and ought to ſit in the houſe.

Reſolved, that the houſe do agree with the committee, that Mr. *Carew, having the plurality of voices, is duly elected, and do ſit in the houſe.

May 16, 1661. Serjeant Charlton reported from the ſaid committee, touching the double return for this borough; that Sir Edward Moſely, and Matthew Wren, eſquire, are returned in two ſeveral indentures, by John Woodhouſe, deputy portreeve; Sir Peter Courtney, and Humphrey Burlace, eſquire, and the ſaid Mr. Wren, in another indenture, by Mr. Nancharraw, who pretended to be a puty portreve, whoſe deputation was revoked; and the opinion of the committee, that Edward Moſely, and Matthew Wren, only ought to ſit, until the merits of the cauſe be determined:

Whereto the houſe agreed.

Oct. 25, 1680. A petition of Humphrey Borlace, eſquire, was read. Alſo

A petition of the portreve and burgeſſes of this borough was read.

Ordered, that the ſaid petitions be referred to the committee of privileges and elections, to examine the matter, and report it, with their opinion.

In the convention, which met the 22d of January, 1688, the Lord Fanſhaw was returned a burgeſs for this borough; and Humphrey Courtney, eſquire, within fourteen days preferred a petition to the houſe againſt his election, which was, by virtue of an order of the houſe of the 28th of January, received by the chairman of the committee of privileges and elections.

May 11, 1689. The houſe finding that ſeveral of the members, returned by the clerk of the crown, had not yet taken the oaths appointed by the act of parliament; and, particularly, that Charles Lord Fanſhaw, burgeſs for this borough, although reſident in, or about the city of London, hath abſented himſelf from the ſervice of the houſe, ever ſince the oaths were appointed to be taken; and others were detained in the country by ſickneſs:

Ordered, that Charles, Lord Viſcount Fanſhaw, who ſerves in this preſent parliament for this borough, be ſummoned to attend this houſe on Monday next.

13th. The houſe being informed that the Lord Fanſhaw attended at the door, according to the order of Saturday laſt.

Reſolved, that he be called in; and tendered the oaths and declaration directed to be taken, made, repeated, and ſubſcribed, by the members of the houſe.

He was called in, and came up to table: and Mr. Speaker acquainted him, that the houſe had taken notice, that he had been about the town a conſiderable time, but yet did not attend the ſervice of the houſe; and that he had direction to tender him the oaths and declaration.

Whereupon the Lord Fanſhaw ſaid, that it was true that he had been about town a great while indeed, but had been in the country, if his health would have permitted him; but he had been in ſtrict courſe of phyſic, and was in the ſame condition ſtill of phyſic and diet: but however, that, ſince he was abſent, there was an act paſſed for taking the oaths; and he was not qualified to ſit in the houſe, in regard he was not ſatisfied to take the oaths, and therefore he could not appear. — And then withdrew.

Reſolved, that the Lord Fanſhaw be diſcharged from being a member of the houſe. — But there being a petition in, touching the election, the granting a new writ was reſpited.

June 20. Colonel Birch reported from the committee of privileges and elections, to whom the matter touching the election of burgeſſes, to ſerve in this preſent parliament, for this borough, was referred, that the caſe coming to be heard upon the petition of Humphrey Courtney, eſquire, againſt Charles Fanſhaw, eſquire, Viſcount Fanſhaw in the kingdom of Ireland, touching the election of a burgeſs for this borough; a proclamation was made, according to cuſtom, for the ſaid petitioner to attend, and proſecute the petition: but the petitioner, nor none for him, appeared: and that thereupon the committee had reſolved;

That the ſaid petition, for want of proſecution, be diſmiſſed: Whereto the houſe agreed.

Ordered, a warrant for a new writ, for electing a burgeſs for this borough, in the room of Charles Lord Viſcount Fanſhaw, who was, on the 13th of May laſt, diſcharged from being a member of this houſe.

October 23d. A petition of Humphrey Courtney, eſquire, was read; ſhewing, that the petitioner is duly elected to ſerve in parliament for this borough, in the room of Charles Fanſhaw, eſquire, by the inhabitants of the borough, paying ſcot and lot, in whom the right of election is; and that, by contrivance between Peter Champion, an attorney, and ſteward of the manor of Michell, and one Francis Gully; a return was made to William Bond, eſquire, ſheriff of Cornwall, by the ſaid Francis Gully in his own name, as portreve, and in the name of all the burgeſſes of this borough, that they had elected William Coryton, eſquire, a burgeſs for the ſame borough: whereas the ſaid Gully was not portreve, but barely nominated to ſerve a turn; nor was the ſaid William Coryton elected, but the petitioner; Mr. William Coryton not having four qualified voices; whereof the ſheriff was well ſatisfied, and ſigned the petitioner's indenture: but Mr. Coryton's return is made by the under-ſheriff, contrary to the high-ſheriff's order: and praying, that the undue practices may be examined at the bar of the houſe; and that the undue return may be diſcharged, and the petitioner admitted according to the election and return of the burgeſſes of the ſaid borough.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Dec. 4th. Ordered, that the report be made on Saturday morning next at ten of the clock.

9th. Ordered, that the report be made on Thurſday next.

12th. Mr. Grey reported, from the ſaid committee, the matter upon the ſaid petition. — That, as to the right of election, the committee reſolved,

1. That the right of election of burgeſſes, to ſerve in parliament, for this borough, is in the lords of the ſaid borough, who are liable to be

choſen portreves of the ſame; and in the houſeholders of the ſaid borough, not receiving alms.

That, for the petitioner, an indenture of return, with 27 names, was produced: but it was not inſiſted, that above nineteen were preſent at the election: and of thoſe that voted for the petitioner,

Huddy, being called, ſaid, Jeffry, Start, Philp, Swayn, and Staples, paid ſcot and lot: and that Poole, James junior, Nin, Lewis, Soper, Euſtace, Cruſt, Foxwell, George, Bennet, Nautaroe, and Lawrence, were houſe-keepers within the borough; but Philp and Lawrence, and their mothers, lived together; but he thought their mothers lived with them. As to Humphrey Euſtace, he could not ſay, whether he was an houſe-keeper, or no; but has not received alms for five or ſix years; and was not inſiſted on.—Trendle waved, as a ſervant.—Woodhouſe did not appear at the election.

For Mr. Coryton, they produced an indenture of return of 23 names: and called Vincent, who ſaid, Philp lived with his mother; and believes, ſhe keeps houſe: that Staples is a ſervant to his aunt; and it is her eſtate: that Lawrence lives with his mother; and ſhe relieves him: that Euſtace had pariſh pay 3 or 4 years ſince; and is now a beggar.

Hellings ſaid, that Nancaro and Bennet told him, if they could have 40 s. they would not vote for the petitioner, but give their vote for Mr. Coryton: but Mr. Borlace threatened to put them in priſon, if they voted for Mr. Coryton; and would forgive the debt, if they voted for the petitioner; though he did not hear Mr. Borlace ſay ſo: that Francis Gully was portreve, and one of the lords of the borough: That Vincent paid ſcot and lot; as did Pharo, Riccard, Robert Hellings, Free ſenior, and Richard Hellings: that Paul, James ſenior, Harvey, Samuel Delbridge, Godfrey, Groſſe, Swain, Willes, Richard Delbridge, and Pool, are houſekeepers within the borough: that Thomas Riccard, and Free junior, live with their fathers; as doth Robert Hellings, but hath a ſhop: that Wilton and Hickes live with Mr. Vincent: that Moreton is not above 19 years of age: Robert Paul lives with Mr. Vincent: and Richard Swayn is poor; and had a cow provided for him by the pariſh.

Upon this the committee reſolved,

2. That William Coryton, eſquire, is not duly elected a burgeſs, to ſerve in this parliament, for this borough.

The ſaid two ſeveral reſolutions were read twice, and agreed to by the houſe: and the return ordered to be amended.

March 25, 1690. A petition of Humphrey Courtney, eſquire, was read; ſhewing, that he was elected to ſerve for this borough; but that nevertheleſs the portreve hath returned Anthony Row, eſquire, in prejudice of the petitioner: and for that the ſaid Mr. Row is an utter ſtranger to the ſaid borough, and not known by any of the electors; but procured his votes by bribery; and having diſperſed divers ſcandalous libels, reflecting upon ſeveral members of the laſt Houſe of Commons, for their votes therein: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report it, with their opinion.

Oct. 6th. A petition of Humphrey Courtney, eſquire, was read; ſhewing, that the petitioner was duly elected for this borough; yet Anthony Row, eſquire, by many undue practices, and bribery, hath procured himſelf to be returned by the portreve, in prejudice of the petitioner; and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report it, with their opinion.

Nov. 12th. Mr. Grey reported, from the committee, the ſtate of the caſe on the ſaid petition.—That the right of election was agreed to be in the lords of this borough, who are liable to be choſen portreves of the ſame, and in the houſeholders of the ſaid borough, not receiving alms.

The poll was—for Mr. Row 31.
for Mr. Courtney 20.

Peter Staply ſaid, ſeven of thoſe, who voted for Mr. Row, were not houſekeepers; one only of which was proved to be ſo by Mr. Row. It was further aſſerted, that John Atwell, who managed the election for Mr. Row, had offered 6 l. to each voter, who would vote for Mr. Row.

Riccard ſaid, he was preſent the evening after the election, when 12 who voted for Mr. Row, had 5 l. each, viz. 3 l. 18 s. and 6 d. in ſilver; and one guinea, which was ſaid to be for their wives.

Soper ſaid, he had the ſame; and ſaw Euſtace's wife, and Mancaro's daughter, have the ſame: that this money was paid the morning after the election.

Atwell, being examined, ſaid, what money he paid was for meat and drink, and tobacco; and many he had paid, were not ſatisfied; but promiſed no money before the election.

The committee reſolved, that Anthony Row, and his agents, are guilty of bribery, in his endeavouring to be elected a burgeſs, to ſerve in this parliament, for this borough.

That Anthony Row, eſquire, is not duly elected a burgeſs, to ſerve in this preſent parliament, for this borough.

That Humphrey Courtney, eſquire, is duly elected a burgeſs, to ſerve in this preſent parliament, for this borough.

The ſaid reſolutions, being read twice, were agreed to by the houſe. And the return was ordered to be amended.

Dec. 2, 1695. A petition of Humphrey Courtney, eſquire, and Thomas Vivian, eſquire, was read; ſhewing, that the petitioners were duly elected burgeſſes, to ſerve in this parliament, for this borough: that the return of the petitioners, by the portreve of the ſaid borough, was delivered to the ſheriff of the county, who affixed the ſame to the writ, with the other returns of the ſaid county, and ſent the ſame up by expreſs to the clerk of the crown: that, before the ſaid writ and return were filed with the clerk of the crown, two other indentures were, in town, annexed to the ſaid writ, pretended to be made by the portreve and burgeſſes of the ſaid borough; by which fictitious indentures, Anthony Row and Thomas Dodſon, eſquires, are mentioned to be elected burgeſſes: by which ill practices, the petitioners are excluded from their places in the houſe: and praying, that the ſaid fictitious indentures may be taken off the file, and that the parties procuring the ſame may be cenſured &c.

Whereupon, Mr. Sherrard and Mr. Hoblyn were called in and examined, touching the annexing the return of Mr. Rowe and Mr. Dodſon.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion. And that they do examine when the returns for this county came into the hands of the clerk of the crown, and by what means the ſame were delayed.

7th. A petition of Anthony Row, eſquire, was read; ſhewing, that, at the election of members to ſerve in parliament for this borough, the petitioner, Thomas Dodſon, Thomas Vivian, and Humphrey Courtney, eſquires, were candidates; and the petitioner had the majority of legal votes, and was returned, with the ſaid Mr. Dodſon, by the proper officer; but Mr. Vivian and Mr. Courtney procured themſelves alſo to be returned by another perſon, who pretended a right ſo to do: that the ſaid double return is not yet determined by the committee of privileges and elections; and the time limited by the houſe, for petitioning as to the merits of elections, being near expired, the petitioner prays, that the houſe will appoint a time for hearing the merits of the ſaid election.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report it, with their opinion.

12th. Ordered, that the report, as to the ſaid double return, be made on Saturday next.

14th. Mr. Sollicitor-General reported, from the committee of privileges and elections, the matter upon the ſaid double return. —That the committee had inſpected the record of the return, and conſidered the petition of Mr. Courtney and Mr. Vivian: and that by the record it appeared,

That by one indenture, dated Oct. 30, 1695, between the ſheriff of Cornwall and the deputy-portreve and burgeſſes of this borough, and ſigned by Joſias Free, as deputy-portreve, and ſeveral of the burgeſſes, Thomas Vivian, eſquire, and Humphrey Courtney, eſquire, by a like indenture are returned.—By another indenture, of the ſame date, mentioned to be made between the ſheriff and portreve, and ſigned by Timothy Gully, portreve, and ſeveral of the burgeſſes, Anthony Row, eſquire, and by a like indenture, Thomas Dodſon, eſquire, are returned.

Mr. Chute, the clerk of the crown, ſaid, that the returns for the county of Cornwall were brought to him on the 22d of November, about ſix at night: that Mr. Sherwood delivered the returns to him; and at the ſame time the four indentures were annexed to the writ: that Mr. Row, and a perſon that came an expreſs with the returns, were preſent at the delivery; but by what means they were delayed, before they came to him, he could not tell.

Mr. Hoblyn, a member of the houſe, ſaid, he was at the election; and the ſheriff was alſo there, and received the indentures, by which Mr. Vivian and Mr. Courtney are returned; and ſealed the counterparts: and that the ſheriff told him, Mr. Row had been with him to return his indentures, and ſo maketh a double return; but the ſheriff told Mr. Hoblyn, he had refuſed Mr. Row, ſaying, he was obliged to return the ſaid indentures annext to the precept.

Mr. Manley and Mr. Vincent, two members, ſaid to the ſame effect.

Then the counſel being called in, it was inſiſted for the ſitting-members, that the indentures, by which Mr. Row and Mr. Dodſon are returned, were not duly affixt to the precept: and called Mr. Hoblyn, who proved the counterparts of the indentures, by which Mr. Courtney and Mr. Vivian were returned, to be executed by the ſheriff: and ſaid, that Tobias Scollard, being ſent with the returns for Cornwall by expreſs, came to London on Wedneſday night: that he looked upon them; and that the indentures, whereby Mr. Row and Mr. Dodſon were returned, were not ſent up with the indentures brought by Mr. Scollard, nor affixed to the writ, till Friday, after eleven of the clock.

Mr. Hoblyn ſaid, the pretended portreve, Mr. Gully, who had returned Mr. Dodſon and Mr. Row, had left his country, was out-lawed, and lived in White-Fryars.

In anſwer to this, Mr. Row's and Mr. Dodſon's counſel produced a letter from Mr. Courtney to Mr. Gully, dated 22 October, 1695; wherein he owned him to be portreve, and deſired him to ſign a deputation to Mr. Free: and the draught of the deputation, incloſed in a letter, was alſo produced to the committee.——They alſo called Mr. Gilbert Eyre; who ſaid, he was preſent, when the ſheriff was deſired by Mr. Row to return his and Mr. Dodſon's indentures; and that he then told Mr. Row, he could not do it, becauſe by act of parliament he was to return the indentures annexed to the precept; but at laſt it was agreed, he ſhould carry the indentures to Mr. Hooker; and he ſhould do, as counſel adviſed.

Mr. Hooker ſaid, Scollard came to his houſe, whilſt he was at dinner, on the 21ſt of November; and about half an hour after three came again, and deſired money to pay the fees of filing the returns: —ſaid, Mr. Row came to him to annex his indentures to the writ; and ſaid, he would get it under counſel's hand, that it might be done; but counſel did not think fit to do it, Mr. Row not being able to give them an account of the conſtitution of the place: that he delivered the returns to Mr. Sherwood, and ordered him to act, as he ſhould be adviſed; and they went to the clerk of the crown, and not meeting with him, they brought back the indentures to him: that he having received a letter from the high-ſheriff with the returns; by which it was left to him to act as he thought fit; and he, thinking it beſt for the ſheriff to annex the other two indentures, did give order for the annexing them: and accordingly they were annexed the Friday, the day the parliament met, in the afternoon: that Mr. Tregeagle, the high-ſheriff's, letter was read, wherein he wrote, that Mr. Row had his indentures, or would have ſent them; and that whatever Mr. Hooker thought fit, he would comply with.

Mr. Sherwood ſaid, Mr. Hooker did deliver him the returns, with directions to have advice about them: that he went to the clerk of the crown, to adviſe with him, but miſſed him: that he adviſed with ſeveral lawyers, who were of different opinions in the matter: that Mr. Hooker after ordered the returns to be opened, and Mr. Row's and Mr. Dodſon's indentures to be affixed in their proper place.

Then the committee reſolved,

That the indentures, by which Anthony Row, eſquire, and Thomas Dodſon, eſquire, are returned to ſerve in this parliament for this borough, are not duly affixed to the writ for electing members to ſerve in parliament for the county of Cornwall.

Which, being twice read, was agreed to by the houſe.

Ordered, that the clerk of the crown do attend, upon Monday morning next, to take off the ſaid return, ſo unduly affixed.

A motion was made, and the queſtion put, that it be an inſtruction to the committee of privileges, that they do appoint a ſhort day to hear the merits of the return and election for this borough, but it was diſagreed to.

16th. The clerk of the crown attended, and took off the return of Anthony Row and Thomas Dodſon, eſquires, for this borough.

Oct. 22, 1696. A petition of Anthony Row, eſquire, was read; ſhewing, that at the laſt election of burgeſſes, to ſerve in this parliament for this borough, the petitioner, Thomas Dodſon, eſquire, Thomas Vivian, eſquire, and Humphrey Courtney, eſquire, who is ſince dead, were candidates; and the petitioner had the majority of legal votes, and ought to have been returned one of the burgeſſes; but that Mr. Courtney took upon him to be portreve; and, by his deputy, returned Mr. Vivian and himſelf, in wrong of the petitioner, who was duly elected: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Nov. 26. Ordered to be reported on Saturday next.

28th. Ordered to be reported on Monday next.

30th. Colonel Wharton reported, according to order, from the committee of privileges and elections, the ſtate of the caſe upon the ſaid petition.—That the committee taking notice there was no counſel for the borough, or for Mr. Vivian, one of the burgeſſes returned for the ſaid borough, they put the petitioner to prove notice.

Thereupon, for Mr. Row, was called Edward Parſons; who ſaid, that, on the 10th of November inſtant, he read a copy of the order of the committee for hearing the merits of the ſaid election on the 23d of November, being the day the ſame was heard before the committee, before twenty-five of the inhabitants of the ſaid borough; but could not ſay, that Mr. Fry, the deputy-portreve, or Mr. Vivian, had notice: but

Willis ſaid, Mr. Fry was preſent at reading of the ſaid copy of the order; but could not ſay, Mr. Vivian had any particular notice.

Mr. Row did not controvert Mr. Vivian's election: ſo the queſtion was only upon the return of Mr. Courtney, deceaſed.

That, for Mr. Row, was produced Mr. Gully; who delivered in a poll, which, he ſaid, was taken at the election, and written by Mr. Campion: upon which were, for Mr. Row 25, for Mr. Dodſon 14, for Mr. Courtney 14.——To prove the right, was read the reſolution,

1 *Gul. et Mar.* That the right of election of burgeſſes, to ſerve in parliament, for this borough, was in the lords of the ſaid borough, who are liable to be choſen portreves of the ſame, and in the houſholders, not receiving alms.

Mr. Gully ſaid, there was not one voter for Mr. Row, who received alms; and but one, who was no houſekeeper.

There being no defence on behalf of Mr. Courtney, the committee reſolved,

That Humphrey Courtney, eſquire, deceaſed, was not duly elected a burgeſs, to ſerve in this preſent parliament, for this borough.

That Anthony Row, eſquire, is duly elected a burgeſs, to ſerve in this parliament, for this borough.

Reſolved, that the merits of the ſaid election be re-committed.

12th Jan. Ordered, that the report be made on Saturday morning next.

16th. Ordered, that the report be made on Tueſday next.

19th. Ordered, that the report be made on this day ſeven-night.

26th. Ordered, that the report be made on Friday next.

29th. Ordered, that the report be made on Thurſday next.

Feb. 4th. Colonel Wharton reported the matter upon the recommitment.——That the counſel for Mr. Row inſiſted, that Humphrey Courtney, eſquire, deceaſed, was not duly elected: and, to prove the right of election, read the reſolution December 12, 1689; (ſee before) and called, Mr. Ruſſel; who ſaid, he took a poll for Mr. Row, with the conſent of the portreve and ſteward; and all named there, except Gully, did vote, while the portreve and ſteward were preſent; and as to Gully, he was in an houſe from whence they adjourned to poll in the ſtreet, and did declare before the adjournment; but could not be poſitive, whether he came into the ſtreet to be polled.——The numbers were for Mr. Row 25, for Mr. Courtney 14.

Rickards ſaid, that Hellens, who voted for Mr. Courtney, was no houſholder; nor did pay to church and poor: that Covert was an apprentice; and his indenture did not expire till two months after the election. Being aſked, if he knew of any beef diſtributed by Mr. Row? he ſaid, none, but about Chriſtmas. He alſo ſaid, that being aſked by one Tonkin (who appeared againſt Mr. Row) if Mr. Row had paid him? he told him, he had not: then Tonkin offered to pay his charges, if he would take his horſe and ride back again: and alſo, that ſeven of Mr. Row's voters paid to church and poor.

For the borough, was called Thomas Tredenham, who ſaid, he had been Collector; and that there were not above three or four voters for Mr. Row, who paid to church and poor: that ſeveral bullocks had been given by Mr. Row about Chriſtmas in ſeveral years; and, a little before this election, Mr. Atwood diſtributed beef on Mr. Row's account: that the election was ſome time before Chriſtmas was twelve months; but thoſe who voted againſt Mr. Row, as well as thoſe who voted for him, had beef; nor had he heard of the diſſolution, when the beef was diſtributed.

Buckingham ſaid, that beef had been diſtributed by Mr. Row, about ſix weeks before the laſt election: that Nicholls, who voted for Mr. Row, ſaid, that if Mr. Courtney would give him as much, as Mr. Row had promiſed him, which, he ſaid, was ten pounds, he would vote for Mr. Courtney; and that ſeveral, who voted for Mr. Row, did not pay to church and poor: yet owned, ſeven of them were houſekeepers; one had alms; and another an under-tenant. He alſo ſaid, as to Mr. Courtney's voters, Harvey, Pool, Wynn, Seovern and Bennet, they did not pay to church and poor; but were houſekeepers: that he was at the poll in the ſtreet, and did not ſee Gully there, though he looked for him.

Mr. Edward Hoblin ſaid, he had examined the wine-licence-office for four years; and during that time, the licences for ſelling wine for this whole town was in Mr. Row's name: and that Mr. Row ſaid, his name was uſed, that Vincent might have it the cheaper.

Lilly and Wills ſaid, that Lilly was Gully's keeper at the election; and that he did go into the ſtreet at the time of the poll.

That they produced a diſcharge to the warden of the Fleet, as to Gully, by Robert Rhodes. And, Wills ſaid, that John Gully did pay to church and poor, though not in Michell: and that two others, John Julian, and Samuel Deſbrige, did pay to church and poor in St. Tillidore's pariſh; as did alſo John Parker.

That the committee reſolved,

That Humphrey Courtney, eſquire, deceaſed, was duly elected a burgeſs, to ſerve in this parliament for this borough: whereto the houſe agreed.

Dec. 12, 1698. A petition of ſeveral inhabitants of this borough, in behalf of themſelves, and others, the inhabitants of the ſaid borough, was read; ſhewing, that, at the election of members, to ſerve in parliament for this borough, Sir John Hawles, Sir Richard Blackham, Anthony Row, and John Povey, eſquires, were candidates; and Sir Richard Blackham was duly elected to ſerve; but, by reaſon of divers illegal practices at the ſaid election, Frederick Vincent, deputy-portreve of the ſaid borough, hath returned Sir John Hawles, and Mr. Povey, as burgeſſes, in great violation of the petitioners right: and praying &c. Alſo

A petition of Anthony Row, eſquire, was read; ſhewing, that at the laſt election of members, to ſerve in parliament for this borough, the petitioner had a great majority of legal voters for him: but the portreve of the ſaid borough hath unduly returned Sir John Hawles, and John Povey, eſquire, to the prejudice of the petitioner's right: and praying &c.

A petition of Sir Richard Blackham, baronet, was read; ſhewing, that the petitioner was duly elected to ſerve as a member, in this preſent parliament, for this borough; but, by reaſon of divers illegal practices at the ſaid election, the portreve hath, contrary to right, returned Sir John Hawles, and John Povey, eſquire, as burgeſſes for the ſaid borough, in great violation of the petitioner's right: and praying &c.

Ordered, that they be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Nov. 27, 1699. A petition of Anthony Row, eſquire, was read; ſhewing, that the portreve of this borough hath unduly returned Sir John Hawles, as a burgeſs, to ſerve in this preſent parliament for the ſaid borough, in manifeſt wrong of the petitioner, who had a great majority of legal votes: and praying &c.

A petition of Sir Richard Blackham, baronet, was read; ſhewing, that the petitioner was duly choſen a burgeſs, to ſerve in this preſent parliament, for this borough: but by reaſon of divers illegal practices, Frederick Vincent, the portreve, contrary to the cuſtom of the ſaid borough, hath returned Sir John Hawles and John Povey, as choſen burgeſſes, in wrong of the petitioner: and praying &c.

Ordered, that the ſaid petitions be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

March 1. The houſe being informed, that the petition of Anthony Row, eſquire, touching this borough, preſented to the houſe this ſeſſion, is different from the petition preſented by him the laſt ſeſſion;

Ordered, that it be referred to the committee of privileges and elections, to examine, whether the petition of the ſaid Mr. Row this ſeſſion, be the ſame in ſubſtance, with his petition preſented the laſt ſeſſion; and report the ſame to the houſe: and that the committee do the ſame, before they proceed upon the merits of the election.

5th. Ordered to be reported on the morrow morning.

6th. Sir Rowland Gwyn reported the matter, with the reſolution of the committee; viz.

That the petition of Anthony Row, eſquire, preſented to the Houſe of Commons this ſeſſion of parliament, touching the election for this borough, is not the ſame in ſubſtance with the petition from the ſaid Anthony Row, preſented to the Houſe of Commons the laſt ſeſſion of parliament: whereto the houſe agreed.

Ordered, that the committee of privileges and elections be diſcharged from proceeding on the ſaid petition.

Feb. 13, 1700. A petition of Sir Richard Vivian, baronet, was read; ſhewing, that at the election of burgeſſes, to ſerve in this parliament for this borough, the petitioner, with others, was a candidate; and ought to have been returned one of the burgeſſes, having a majority of legal voters for him: but by bribery, and ſeveral other ill practices, uſed by John Greeby, portreve, and others, for and on the behalf of Anthony Row, eſquire, the ſaid John Greeby hath returned the ſaid Mr. Row unduly, in prejudice to the petitioner: and the ſaid Mr. Row having formerly been diſmiſſed the houſe, for bribery in the ſaid borough, the ſaid ill practice has ever ſince been continued there on his behalf: and praying &c.

Ordered, that the merits of the ſaid election be heard at the bar on this day five weeks.

17th. A petition of the inhabitants of this borough, was read; ſhewing, that at the election of burgeſſes, to ſerve in this preſent parliament for this borough, Sir Richard Vivian, Anthony Row, eſquire, and others, were candidates: that the right of election is in the lords of the ſaid borough, and the inhabitants paying ſcot and lot, not above 14 in number, 12 whereof voted for Sir Richard; yet John Greeby, who acted as portreve, and who, for ſeveral years paſt, hath made intereſt for Mr. Row, by bribery, and other undue practices, procured and took the votes of ſeveral of the inhabitants, who did not pay ſcot and lot, and lately received alms; and, by the majority of ſuch, hath returned Mr. Row, as duly elected, contrary to the rights of the petitioners: and praying &c.

Ordered to be heard at the bar on the 20th of March.

March 20. The houſe proceeded in hearing the matter of the ſaid petitions: and the counſel were called in and heard; and ſeveral witneſſes were examined on both ſides; and then the counſel withdrew: and Mr. Row was heard in his place, and withdrew.

Reſolved, that the right of election of members, to ſerve in parliament for this borough, is in the portreve, and lords of the manor, who are capable of being portreves, and the inhabitants of the ſaid borough, paying ſcot and lot.

Reſolved, that Anthony Row, eſquire, is not duly elected a burgeſs, to ſerve in this preſent parliament, for this borough.

Reſolved, that Sir Richard Vivian, baronet, is duly elected a burgeſs, to ſerve in this preſent parliament, for this borough.

Ordered the return to be amended.

Jan. 3, 1701. A petition of the honourable Philip Bertie, and Francis Painter, eſquires, was read;

ſhewing, that at the election of burgeſſes, to ſerve in this parliament, for this borough, the petitioners, Sir Richard Vivian, and William Courtney, were candidates; and the majority of the qualified voters were for the petitioners: that Sir Richard Vivian, being portreve of the ſaid borough, was not capable of being a candidate; but he made Frederick Vincent his deputy, who refuſed to poll ſeveral perſons that had a right, and hath returned Sir Richard Vivian, and Mr. Courtney, in wrong to the petitioners: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Oct. 24, 1702. A petition of William Courtney, eſquire, was read; ſhewing, that the petitioner was duly elected a burgeſs, to ſerve in this parliament, for this borough; but Sir Richard Vivian, the portreve, who ſet up Renatus Bellott, eſquire, for a candidate, did, in his favour, reject ſeveral qualified voters for the petitioner, and admitted ſeveral unqualified votes (and ſome obtained by bribery) for the ſaid Mr. Bellott, whom he hath returned with Francis Baſſet, eſquire, in wrong of the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Nov. 2, 1705. A petition of Cheſter Nance, eſquire, was read; ſhewing, that at the laſt election of burgeſſes, to ſerve in this parliament, for this borough, Sir William Hodges, Hugh Forteſcue, eſquire, and the petitioner, were candidates; and the petitioner had a majority of legal votes from Sir William Hodges, and ought to have been returned; but, by the partiality of the portreve, many were admitted to poll againſt the petitioner, who had no right; and others, that demanded to poll for him, and had a right, were refuſed their poll; and by other illegal practices of Sir William Hodges, and his agents, he hath procured himſelf to be returned, inſtead of the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report it, with their opinion.

13th. The houſe being informed, that there being a doubt, whether the petition of Cheſter Nance, eſquire, formerly preſented to the houſe, complaining of an undue election and return for this borough, and which hath been referred to the committee of privileges and elections, and appointed to be heard on the 11th of January next, was regularly ſigned; and to prevent any objection touching it, another petition was written by the ſaid Mr. Nance, with his own hand, and ſigned by him; and the ſame was preſented to the houſe, and read, to the ſame purpoſe.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Ordered, that it be an inſtruction to the ſaid committee, that they do hear the matter of the ſaid petition, at the ſame time the former is appointed by them.

Jan. 12. Ordered, that Mr. Nance have leave to withdraw the ſaid petition.

SALISBURY.

Brady, 47. THIS city, ſituate within the county of Wilts, was made ſo by letters-patent, dated 11 Hen. III. and given to the then biſhop and his canons; and to his, and their ſucceſſors, *tanquam proprium dominicum*, which were afterwards confirmed by charter 34. Ed. I. [An abſtract of which ſee in Appendix.] 4th Reg. 1106. It returned citizens to parliament 26 Ed. I. who were elected by deputies in the county-court, in the 1ſt and 2d years of the reign of King Henry the Vth. [See Appendix for the county.] See Wiltſhire, in Wiltſhire. Since which time, they have been elected by the mayor and citizens, as will appear from the following collections.

Jan. 13, 1640. Ordered, the report of the caſe, concerning the election for this town, be reported on Monday next.—But not called for.

Feb. 10. Ordered, that, on Monday next, the report be made concerning the election for this city.

15th. Ordered, that the report of the cauſe, concerning the election for this city, be made to-morrow.

March 3. Upon Mr. Maynard's report, from the committee of privileges, of the caſe of the election for this city;

Reſolved, upon the queſtion, that the election of Mr. Serjeant Hide, and Mr. Oldſworth, to ſerve for this city, is a good election.

March 26, 1681. A petition of the citizens and inhabitants of this city, touching the election for the ſame, was read.

Ordered, that the ſaid petition be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

Jan. 22, 1688. A petition of Samuel Eyres, and David Thomas, doctor in phyſick, complaining of an undue election and return of citizens, to ſerve in this convention for this city, was read.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

April 1, 1689. Colonel Birch reported, from the ſaid committee, the matter upon the ſaid petition.—That the petitioners did not appear: but the petitioners ſetting forth in their petition, that they were choſen by the majority of the citizens, the committee proceeded *ex parte*: and the queſtion appeared to be, whether the right of election of citizens, to ſerve in parliament, was in the ſelect number, or in the citizens in general.

That, for the ſitting-members, the counſel inſiſted, that this city was a corporation of time immemorial; conſiſting of a mayor, 24 aldermen, and 48 common-council-men; who always had the right of election of citizens, to ſerve in parliament.

To this purpoſe they read a charter of the 6th of King Charles the firſt; reciting, that they had divers ancient preſcriptions, time out of memory—a charter 9 *Jac.* I. reciting them to be an ancient corporation, of a mayor, 24 aldermen, and 48 aſſiſtants — alſo ſeveral indentures of return of citizens to parliament, 1 *Mariæ*, 14 *Eliz.* 1 *Jac.* I. 16 *Car.* I. 13 *Car.* II: all under the common ſeal.—Alſo an ancient book, marked (B); by which it appeared, that an election had been 31 *Hen.* VI. of two citizens, by the mayor, 24 and 48.—That 33 and 39 *Hen.* VI. the like by the ſame number; and the ſame 1 *Ed.* VI. and 30 *Hen.* VIII.

They then read the reſolution of the houſe, That Serjeant Hide, and Mr. Oldſworth, were duly elected; and by a book, marked (C); it appeared, they were elected by the corporation.

Cook, a witneſs, ſaid, he was 64 years of age; and that he never knew any citizens ſent to parliament, but they were elected by the mayor, 24 aldermen, and the common-council-men: he remembered the election in 1640; and ſays, ſerjeant Hide, and Mr.

Oldſworth, were ſo elected, and the inhabitants choſe two others; but thoſe of the corporation ſat. He ſaid, he was acquainted with the election in King Charles the firſt's time; and with all the elections in King Charles the ſecond's, and King James the ſecond's time.

Mr. Strong, the town-clerk, ſaid, he had known this city near 30 years: and the elections of citizens for parliament have been always by the mayor and corporation; and the inhabitants never pretended a right. Thereupon the committee reſolved,

That the right of election of citizens, to ſerve in parliament for this city, is in the ſelect number.

That Thomas Hobby, and Giles Eyre, eſquires, being choſen by the ſelect number, are duly elected citizens to ſerve in this parliament for this city: Whereto the houſe agreed.

March 24th. A petition of William Wyndham, eſquire, was read; ſhewing, that at the election of citizens for this city, on the 27th of Feb. laſt, the petitioner, Thomas Hobby, eſquire, and Thomas Pitt, eſquire, were candidates; and the petitioner had the majority of thoſe perſons, who had a right to vote at the ſaid election; and the petitioner ought to have been returned a citizen for the ſaid city accordingly, together with the ſaid Thomas Hobby, to ſerve in this preſent parliament for the ſaid city: but the mayor, in wrong to the petitioner, and contrary to juſtice and right, returned the ſaid Thomas Pitt, eſquire, with the ſaid Thomas Hobby; whereas the petitioner had a greater number of qualified voters: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Oct. 6, 1690. A petition of William Wyndham, eſquire, was read; ſhewing, that the petitioner, on the 27th of February laſt, was duly elected one of the citizens for this city, by the majority of legal votes; and ought to have been returned; but the mayor, in wrong to the petitioner, hath returned Thomas Pitt, eſquire: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Feb. 14, 1700. A petition of Charles Fox, eſquire, was read; ſhewing, that at the election of citizens, to ſerve in parliament for this city, the petitioner, Robert Eyre, and Sir Thomas Mompeſſon, were candidates; and the petitioner had a majority of Sir Thomas Mompeſſon, by one; but George Flower, mayor of the ſaid city, contrary to juſtice, did firſt vote for the ſaid Sir Thomas Mompeſſon, which made the numbers even between him and the petitioner; and afterwards pretending another vote, declared Sir Thomas duly elected, in prejudice to the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Nov. 23, 1708. Ordered, a warrant for a new writ for electing a citizen for this city, in the room of Robert Eyre, eſquire, made Sollicitor-general.

March 3, 1713. A petition of Robert Pitt, eſquire, was read; ſhewing, that at the election for this city, Charles Fox, eſquire, the petitioner, and Richard Jones, eſquire, were candidates; the former of whom was unanimouſly elected: that John King, mayor, deferred the election till the ninth day after the receipt of the precept; and admitted ſeveral, who were not qualified to vote; and denied a ſcrutiny to the petitioner, although demanded; by which illegal practices, a falſe return was procured: that the Duke of Beaufort, not only applied himſelf to the corporation in the Council-houſe, but in perſon, from houſe to houſe, in favour of the ſaid Mr. Jones; by which, the privileges of the Commons are invaded, and the petitioner greatly injured: and praying &c.

Ordered to be heard at the bar of the houſe on Monday fortnight.

13th. Mr. Speaker acquaints the houſe, that he had received a letter, ſigned by Mr. Robert Pitt, the petitioner, and Mr. Richard Jones, the ſitting-member for this city; ſignifying, that the day appointed for the hearing of the matter, touching the election for this city, is inconvenient for the ſeveral perſons, who are witneſſes both for the petitioner and ſitting-member, to attend; and deſiring that another day might be appointed.

Ordered, that the merits of the ſaid election be heard at the bar, the 3d day of April next.

April 3, 1714. The houſe proceeded in the hearing, and the counſel called in, and the petition was read; and ſeveral witneſſes were examined on both ſides; and the counſel were heard, and they withdrew.

Reſolved, that Richard Jones, eſquire, is duly elected a citizen, to ſerve in this preſent parliament for this city.

March 30, 1715. A petition of Robert Pitt, eſquire, was read; ſhewing, that at the election for this city, the petitioner was a candidate; but through the arbitrary proceedings of Walter Barry, mayor, in admitting perſons to vote, and by the corrupt practices of their own and agents, Francis Swanton, and Edmund Lambert, eſquires, procured themſelves to be returned, although one of them not qualified to ſit; in prejudice of the petitioner: and praying &c. As alſo

A petition of ſeveral juſtices of the peace, aldermen, and aſſiſtants of this city, was read; ſhewing, that the petitioners are grieved and oppreſſed, by the illegal and arbitrary proceedings of the ſaid combination; as their anticipating and determining at their previous meetings, all acts, and things determinable by the whole corporation in the Council-houſe; their agreeing by vote, or ballot, on the choice of members for the ſaid city; and their admitting ſuch perſons only upon vacancies into the corporation, as will engage themſelves to act in the meaſures of their combination; whereby they are diveſted of the benefit and privileges of their charter, the government and quiet of the town interrupted, and the freedom of elections notoriouſly invaded: and praying &c.

Ordered, that the ſaid petitions be heard at the bar of the houſe, on the 15th day of May next.

May 5. Ordered, that they be heard on this day fortnight.

19th. Ordered, that they be heard on Tueſday next.

24th. Ordered, that they be heard on Thurſday next.

26th. The houſe proceeded to the hearing the matter of the ſaid election; and the counſel were called in, and the ſeveral petitions read: and a witneſs being produced, to prove a copy of a deed, by which the ſitting-member, Mr. Swanton, conveyed the inheritance of a meadow to the corporation;

The counſel for the ſitting-members objected againſt reading ſuch copy, as evidence: and the counſel were heard thereupon, and after being withdrawn, and called in;

Mr. Speaker, acquainted them, the houſe expected they ſhould give ſome evidence of the execution of the ſaid deed: and they examined witneſſes touching the ſame; and alſo to prove the copy of the ſaid deed: and then the ſaid copy was read. After which the petitioners counſel inſiſted, that Mr. Swanton was not qualified according to the act of the 9th year of her late Majeſty, entitled, An act for the ſecuring the freedom of parliaments by the farther qualifying the members to ſit in the Houſe of Commons.

And the particular of the ſaid Mr. Swanton's qualification delivered to the clerk of the houſe, purſuant to the order of the 23d of March laſt, was read.

And the petitioners counſel produced the will of Edward Pyle, eſquire; and called a witneſs to the value of one of the farms mentioned in the ſaid particular, in relation to the taxes payable for the ſaid farm.

And an objection being made to this ſort of evidence;

Reſolved, that the counſel for the petitioners be admitted to give in evidence in relation to the value of the farm of Grately, in the county of Southampton, what the ſaid farm pays to the public taxes, in proportion with other farms in the ſaid pariſh.

And the petitioners examined witneſſes accordingly, and ſummed up their evidence.

Ordered, that the matter of the ſaid petition be heard on Tueſday next.

27th. The houſe being informed, that both the petitioners and ſitting-members for this city are willing, that the farther hearing of the merits of the election, of the ſaid city, at the bar of this houſe, be diſcharged.

Ordered, that the farther hearing of the merits of the ſaid election be diſcharged.

SALOP or SHROPSHIRE.

THIS county is ſituate on the borders of England, towards North-Wales. I apprehend, it has been ſummoned to ſend knights to the parliament, ever ſince the 23d of Edw. I; but Mr. Prynne's liſt begins in the 26th year of that reign. It was joined with Staffordſhire, under one ſheriff. [See the return made 8 Ed. II. in the Appendix.] I find no memoirs relating to its elections, until very lately. What I have met with, here follows.

B. P. R. p. 126.

Feb. 20, 1719. Ordered, a warrant for a new writ for electing a knight of the ſhire for this county, in the room of Sir Robert Corbet, baronet, made one of the clerks comptrollers of the houſhold.

SALTASH.

Brady, 45.

THIS borough, ſituate in the county of Cornwall, was made ſo by one of its ancient lords, Reginald de Valle Torta, in the time of King John. It was confirmed in its privileges by King Richard II; but did not ſend burgeſſes to parliament, until Edward VI's time; from which time, till the preſent, it hath continued ſo to do. As to its election, I find no parliamentary determination thereof; the petitions concerning its elections not appearing, till ſince the time of the reſtoration; and none have ever been heard. The memoirs of them in the journals are theſe.

March 19, 1678. A petition of Richard Carew, and William Jennens, eſquires, complaining of the undue return of Bernard Greenville, and Nicholas Courtney, eſquires, to ſerve in this preſent parliament, as burgeſſes for this borough, in injury of the petitioners, who were duly elected, and ought to have been returned, was read.

Reſolved, that it be referred to the committee of privileges and elections to examine, and report the matter, with their opinion.

Nov. 3, 1680. A petition of Bernard Greenville and Nicholas Courtney, eſquires, touching the election for this borough, was read.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

March 26, 1715. A petition of Trevor Hill and Martin Bladen, eſquires, was read; ſhewing, that the petitioners, William Shippen and Shilſton Calmady, eſquires, were candidates for this borough: that the petitioners were duly elected by a majority of legal votes, and ought to have been returned for the ſaid borough; but, by the irregularities and partialities of the mayor and recorder of the ſaid borough, in ſolliciting votes for Mr. Shippen and Mr. Calmady, procured them to be returned for the ſaid borough; in wrong to the petitioners, and in prejudice to the ſaid borough: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

March 7, 1716. A petition of Trevor Hill and Martin Bladen, eſquires, in ſubſtance the ſame with the former, was read.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

SANDWICH.

THIS town is ſituate within the county of Kent, and is one of the original cinque-ports. It was firſt (as Mr. Jeake apprehends) priviledged by the name of the barons of the town and port of Sandwich; and afterwards incorporated by the name of the mayor, jurats, and commonalty of the town and port of Sandwich. By its preſent charter granted in 1685 (which ſee in Appendix) it has a mayor, recorder, 12 jurats, and 24 common-council-men. As to its firſt returns of barons to parliament, ſee Dover.

4 Inſt. 222. Jeake's Chart. 111.

Willis, 1749. 72.

March 22, 1620. Sir George Moor reported, for this borough: The borough ſtandeth of a mayor, jurats, and commons. By an order by Lord Cobham, Warden, confirmed after by the lords of the council, the mayor and jurats only to make the elections. Now the commons thereupon debarred from giving their voices in the election, with threatening of impriſonment.——That the committee of opinion, that the choice of Sir Edward Sands full by all; Sir Robert Hatton choſe by the mayor and jurats, not by the commons.—He never knew it till he received the town ſeal, and was required to come and take his oath.—That the commons intended to chuſe Mr. Borrowes, but did it not.—That the committee held the election of Sir Robert Hatton void, and no choice of Boroughes.—A new writ, by their opinion.

Upon queſtion, reſolved, the election of Sir Robert Hatton for this borough, not due.

Sir D. Diggs:—That Mr. Boroughes the proſecutor of this againſt Sir Robert Hatton now queſtioned; therefore to have the writ forborn, till he cleared.

Sir William Heale, and Mr. Brook, *contra*.—To give them free choice, without taking notice of Mr. Borroughes.

March 24, 1689. A petition of John Mitchell, eſquire, was read; ſhewing, that on the 28th of Feb. laſt, Mr. Serjeant Thurbarn and the petitioner were duly elected barons for this town and port, by the majority of duly qualified voters; yet, that Mr. Brent (who procured many of his votes by bribery, threats, and other undue practices) hath procured himſelf to be returned, to the injury of the petitioner: and praying &c.

Ordered, to be referred to the committee of privileges and elections, to examine the matter, and report it, with their opinion.

Oct. 6, 1690. A petition of John Mitchell, eſquire, was read; ſhewing, that the petitioner and Mr. Thurbarn were, on the 28th of Frebruary laſt, choſen for this port, by the majority of legal voices: yet the officer hath returned Mr. Brent, in prejudice of the petitioner: and praying &c.

Ordered, to be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

25th. Ordered to be reported on Tueſday next.

29th. Ordered to be reported on Friday next.

31ſt. Mr. Grey reported the matter, from the committee, as it appeared to them.——The right of election was agreed to be in the freemen, inhabiting within the ſaid port: and the numbers on the poll were, for Serjeant Thurbarne 225, for Mr. Brent 124, for the petitioner 114. Mr. Serjeant Thurbarn's election was not queſtioned; but, the petitioner inſiſted, that, of thoſe who were for Mr. Brent, four were made free after the teſte of the writ; tho' 3 of them were entitled by birth: that Priſby was no inhabitant within the port: that five others were ſervants: that 30 and odd, were almſmen, or received a charitable donation.

It appearing to the committee, that freemen in general had always voted at elections of parliament-men for this port, the committee reſolved,

1. That the freemen of this port, inhabiting within the ſaid port, although they receive alms, have a right to vote in electing barons to ſerve in parliament.

That Edward Brent, eſquire, is duly elected a baron, to ſerve in this parliament for this port.

The firſt reſolution, being twice read, was diſagreed to; and the ſecond agreed unto, by the houſe.

Nov. 25, 1695. A petition of John Thurbarn, ſerjeant at law, was read; ſhewing, that the petitioner was duly elected one of the barons of the cinque-ports, to ſerve in this preſent parliament, for this port; and, as ſuch, ought to have been returned; but Edward Brent and John Taylor, eſquires, have prevailed with the mayor of the ſaid port, to return them as members for the ſaid port; though they, or either of them, were not duly choſen: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Jan. 31ſt. Mr. Granville reported, from the ſaid committee, the matter upon the ſaid petition.——The committee had examined the merits of the election; and that the poll was, for Mr. Taylor 219, for Mr. Brent 169, for the petitioner 147.

For the petitioner it was inſiſted on, that many of Mr. Brent's votes had been gained by ill practices; which not being allowed, would give the petitioner a majority.

Ralph Goodchild ſaid, a great while before the writ came down, and he believes a month before the election, at the deſire of ſome of Mr. Taylor's friends, he went to Mr. Taylor's houſe, with an account of what men they thought would engage for him: and that Mr. Taylor ſaid to him, and, as he believes, Mr. Paramour, Mr. Mandy, and Mr. Gregg, were by, that he heard ſome got places of profit by being parliament-men; and that, if the town choſe him, and he got any, he would give the half to the corporation, and 20 l. a year to the poor; and give the corporation a treat on the day he was choſen yearly: that Mr. Taylor bid him ſpeak of it; and he did accordingly make uſe of it to perſuade ſeveral to vote for Mr. Taylor: that he voted ſo; and deſigned to do ſo, before the ſaid promiſe: and ſaid, he believes, he ſaw bills of charges of 300 l. on Mr. Taylor's account; and that Mr. Cricket was Mr. Taylor's agent.

Twiſden ſaid, that Mr. Taylor, the day before the election, declared, Mandy being preſent, if he got a place of 1,000 l. or 500 l. a year, as he hoped he ſhould, or whatever it was, he would give one half to the town: and Mr. Cricket ſaid, he would give his bond, that Mr. Taylor ſhould expend 40 l. or 50 l. yearly upon the town, and give 20 l. yearly to the poor: and Turner, ſitting by, ſaid, he would drink the petitioner's health, but durſt not vote for him; for, if he did, they would never employ him again.

John Chapman ſaid, Cricket declared, that Mr. Taylor had promiſed, and he (Cricket) would give his bond, as before teſtified: and that, on account of his voting for Mr. Brent, Cricket had received forty ſhillings of Rickſey, and paid it in part of 7 l. owing from him to the ſerjeant; but owned, Cricket was bound with him for it: But it did not appear, Mr. Brent had employed Cricket.

Cricket and Moor, ſaid, the mayor went to ſeveral to vote for Mr. Brent: and Moor owned, that he himſelf had ſpoke to ſeveral to vote for the ſerjeant.

Clarke, Jenkinſon, and Stone, ſaid, that a letter was read as from Sir Cloudeſly Shovell; by which they pretended, that all the ſeamen, who would not vote for Mr. Brent, ſhould be preſſed: Rickſey and others were preſent; and ſome ſeamen were ſcared out of town by it.

Rickſey produced a letter, which, he ſaid, he read, and was the ſame mentioned before; and, it being read, was only a recommendation of Mr. Brent, without any threatning or promiſes.

John Vatchelor ſaid, Broderly, who voted, and made intereſt, for Mr. Brent, offered him two half crowns to vote for Mr. Brent; and Rickſey and Fiſher were by; and was threatned to be ruined, becauſe he would not vote againſt the ſerjeant.

N. Vatchelor, his brother, ſaid, he had heard his brother John declare, that Broderly had offered him no money.

Hutton ſaid, he had a debt of 3 l. odd money owing to him from Curſer; and, he dying, it became dubious: and that he was offered to have it paid, if he would vote for Mr. Taylor.

For the ſitting-members was called John Cricket; who ſaid, he was at Mr. Taylor's, when the freemen deſired him to be a candidate, and brought him a liſt of 180 who would vote for him: that they told him they thought it would be a great charge, the town being uſed to drink; and Mr. Taylor ſaid, if, he thought it would coſt him 150 l. he would not be a candidate: that Mr. Taylor wrote him, not to treat any; but no letter, to treat: that he was Chapman's godfather, and was bound with him to the ſerjeant for the 7 l; and borrowed 40 s. of Rickſey to pay the ſerjeant; and gave Rickſey a note for it, and had Chapman's counterbond as to the 7 l. that he might ſay Mr. Taylor had made ſuch a promiſe, and that he would be as good as his word; but offered no bond.

Mandy denied, that he was at Mr. Taylor's with Goodchild; but ſaid, ſome perſons gave out, Mr. Taylor was for a general exciſe; and others, that he was a courtier: that he declared himſelf of the exciſe: and as to the other, ſays Mr. Taylor, do you think, I would leave an employment I was in, for an office at court? to which one, whoſe name was Wright, replied, “But what is that to us?” “Yes, ſays Mr. Taylor, it ſhall be to you, for I will give all to you:” that Ramſgate, a member of this port, had been made a flouriſhing town by Mr. Taylor's means; and they were in hopes, if this borough choſe him a member of parliament, he would transfer his kindneſs to them, and engage ſome families to come and live there; it wanting inhabitants.

Mr. Paramour ſaid, he acted for Mr. Taylor: that colonel Pargrave and he went to wait upon Mr. Taylor, being come to live near: and Mr. Taylor ſaid, he would willingly be acquainted with the mayor and jurats of this town; and would expend five or ten pounds upon the freemen: that it was anſwered, it would coſt him more; it being ſaid, he would be invited by the freemen to be a candidate: that, after Mr. Taylor had paid ſome bills, he ſaid, he did not think it would be ſuitable with his character to expend money to be a parliament-man; and that as to 200l. or 300l. expected by ſome to be paid by Mr. Taylor, they would find he gave no orders for it.

Mr. Barber, the younger, ſaid, Sir Cloudeſly Shovell's letter was read to Clerk and others, to undeceive them; it being reported, that it contained other matters than it did: and knew none preſſed.—That the mayor ſaid, after the precept came, he acquainted his brethren; and ſent a crier to ſummon the freemen; and a little before the poll cloſed, the ſerjeant declared he had loſt it irrecoverably: that he voted for the ſerjeant and Mr. Brent: and that Chapman was an ill man and a pilfering fellow.

The town-clerk ſaid, the ſerjeant excepted to the five laſt votes; and ſaid, the hoſpital-men might be polled as well as theſe.

The committee then reſolved,

1. That Edward Brent, eſquire, is duly elected a baron to ſerve in this parliament, for this port.

2. That John Taylor, eſquire, is duly elected a baron to ſerve in this parliament, for this port.

Whereto (upon the ſecond reading) the houſe agreed.

February 14, 1700. A petition of John Mitchell, eſquire, was read; ſhewing, that Sir Henry Furneſe, John Taylor, eſquire, and the petitioner, were (at the laſt election of members to ſerve in parliament for this port) candidates: that Sir Henry Furneſe, being one of the preſent ſheriffs of London and Middleſex, and concerned in managing ſeveral aids granted to his Majeſty by parliament, is uncapable of ſerving in parliament: that ſeveral unqualified perſons were admitted to vote for Sir Henry and Mr. Taylor; and others were gained by bribery and many other undue practices; by means whereof they are returned as duly elected, in prejudice to the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

And the houſe taking notice, upon the ſaid petition relating to the election for this port, that Sir Henry Furneſe, a member of this houſe, is concerned in managing ſeveral aids and duties granted to his Majeſty; thereupon a clauſe in the act, made in the 5th and 6th years of King William and Queen Mary, for granting their Majeſties certain duties upon ſalt, and upon beer, ale, and other liquors, &c.

Reſolved, that the houſe will on Monday morning next, conſider what members are concerned in the ſaid clauſe.

17th. Ordered to be conſidered on Wedneſday.

19th. The houſe proceeded (according to order) to conſider, what members are concerned in the clauſe of the act, made in the 5th and 6th years of the reign of his Majeſty and the late Queen, diſabling perſons to be members of parliament: and the clauſe was read.

And Sir Henry Furneſe, a member of this houſe, being charged to be one of the truſtees for circulating Exchequer-bills, and that he acted under that truſt, ſince he was a member; to which the ſaid Sir Henry Furneſe being heard in his place, acknowledged that he was one of the ſaid truſtees; and that he acted under that truſt, ſince he was a member; but conceived himſelf not to be within the ſaid clauſe, as being concerned only for the ſubſcription money: and then he withdrew.

Reſolved, that Sir Henry Furneſe, knight, a member of the Houſe of Commons, having, ſince his being elected a member of this preſent parliament, been concerned, and acted, as a truſtee for the circulating Exchequer-bills, is guilty of a breach of the act, made in the 5th and 6th years of his Majeſty and the late Queen; entitled, An act for granting to their Majeſties certain duties upon ſalt, and upon beer, ale, and other liquors, &c.

Reſolved, that the ſaid Sir Henry Furneſe be, for the breach of the ſaid act, expelled this houſe.

Feb. 18, 1707. Ordered, a warrant for a new writ for electing a baron for this port, in the room of Joſias Burchet, eſquire, made ſecretary to the marines, and ſecretary to the Prince of Denmark, lord warden of the Cinque-ports.

May 31, 1725. Ordered, a warrant for a new writ for the electing a baron for this port, in the room of Sir George Oxenden, baronet, made a commiſſioner of the admiralty.

OLD SARUM.

THIS borough is ſituate in the county of Wilts. Doctor Willis writes it is reduced to[1] one houſe: and that it was formerly a city, which is now tranſlated to New Sarum or Saliſbury, about a mile diſtant. It returned members to parliament in the 23d of Edw. I. and then intermitted until the 34th of Edward III. but ſince when it has conſtantly returned. But Mr. Prynne writes in the *Brevia Parliamentaria Rediviva* that it returned the 7 Edw. II. By the return for the county of Wilts, 1 Hen. V. it appears, that its repreſentatives were, with thoſe of other boroughs, elected at the county-court. The more

modern

See Wiltſhire.

[1] Willis 1749. 63.

modern memoirs do not appear, till King Charles I's time; of which, and thoſe ſubſequent, I have met with theſe.

Jan. 29, 1640. Ordered, that a warrant iſſue under Mr. Speaker's hand, directed to the clerk of the crown, for a new writ for electing another burgeſs to ſerve in parliament for this borough, in the room of Mr. Herbert, who was ſolicitor when he was returned a burgeſs for this place, and is now made attorney-general to his Majeſty; and, in that reſpect, is to ſit as an aſſiſtant in the Lord's houſe.

April 27th, 1660. Mr. Turner reported from the committee of privileges and elections, touching the double return for this borough, that Seymour Bowman and John Norden, eſquires, are returned by the bailiffs and burgeſſes; and Algernon Cecil, eſquire, ſingly by the burgeſſes, without the bailiffs: and the opinion of the committee, that Seymour Bowman and John Norden ought to ſit in the houſe, until the merits of the cauſe touching the ſaid double return be determined: whereto the houſe agreed. (Never determined.)

Nov. 3, 1669. A petition of Sir William Salkield was read; complaining of an undue return for this borough.

Ordered, that it be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

17th. Sir Job Charleton reported from the ſaid committee the ſtate of the caſe in the election for this borough, between Sir Eliab Harvey and Sir William Salkield; that * * * *

Reſolved, &c. That the houſe doth agree with the committee, that Sir Eliab Harvey was duly elected for this borough, and ought to ſit.

Jan. 22d, 1688. A petition of Sir Thomas Mompeſſon and Sir Eliab Harvey, knights, complaining of illegal practices committed in the election of members to ſerve in this preſent convention for this borough, and of an undue return made thereupon, in injury of the petitioners; was read.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Feb. 25. Ordered, that Mr. Speaker do grant his warrant for ſummoning ſuch witneſſes, as there ſhall be occaſion for at the hearing of the cauſe, touching the return and election for this borough, at the bar of the houſe, this day fortnight.

March 9th. Ordered, that the cauſe touching the election and return of burgeſſes to ſerve in this parliament for this borough, which was appointed to be heard at the bar of the houſe on Monday, be heard on Wedneſday next.

12th. Ordered to be heard at the bar on Thurſday next.

14th. The cauſe, touching the election and return of burgeſſes to ſerve for this borough, came on to be heard at the bar; and the counſel on both ſides were heard thereupon: and being withdrawn, the queſtion was put, that there hath been a due election for this borough; which was diſagreed to.

Reſolved, that the right of electing, and returning members to ſerve in parliament for this borough, is in the freeholders, being burgage-holders of the ſaid borough.

Ordered, that Mr. Speaker do iſſue a warrant for a new writ for electing of burgeſſes to ſerve in this parliament for this borough; the former election having been reſolved by this houſe not to be duly made.

Nov. 2, 1705. A petition of John Lord Viſcount Grandiſon was read; ſhewing, that at the election of burgeſſes, to ſerve in this preſent parliament, for this borough, the petitioner, Robert Pitt, and Charles Mompeſſon, eſquires, were candidates; and the petitioner was duly elected, and ought to have been returned with Mr. Pitt: but Mr. Mompeſſon being permitted to vote for himſelf, and by other indirect means having procured himſelf an equal number of votes with the petitioner, the bailiff of the ſaid borough hath returned the petitioner and Mr. Mompeſſon with Mr. Pitt, in wrong to the petitioner: and praying &c. Alſo

A petition of Charles Mompeſſon, eſquire, was read; ſhewing, that at the laſt election of burgeſſes, to ſerve in this preſent parliament, for this borough, the Lord Grandiſon, Robert Pitt, eſquire, and the petitioner, were candidates; and the petitioner and Mr. Pitt were duly elected; but Mr. Swanton, the pretended bailiff, by polling ſeveral undue voters for the Lord Grandiſon, and refuſing to poll many legal voters that offered to vote for the petitioner, and by other undue means, made the poll equal for the ſaid Lord Grandiſon and the petitioner; and hath made a double return of them with Mr. Pitt, to the prejudice of the petitioner: and praying &c.

Ordered, that the ſaid petitions be referred to the committee of privileges and elections to examine, and report the matter, with their opinion.

Ordered, that it be an inſtruction to the ſaid committee, that they do hear the matter of the election, and return, for this borough, at the ſame time.

Dec. 7. Ordered to be reported on Tueſday next.

11th. Mr. Compton reported the matter, as it appeared to the committee, thus; viz. that the committee had inſpected the record of the double return for this borough, and alſo the ſaid petitions of the Lord Grandiſon and Mr. Mompeſſon.

That Mr. Mompeſſon's firſt counſel, excepted to the return, it being by the bailiff of the manor, and not by the burgeſſes: and the counſel for the Lord Grandiſon agreed, that the return muſt be by the burgators; but that the precept ought to be delivered to the bailiff, who is the computer of the votes.

That the committee found the returned to be by the burgators, and that all three were returned in one indenture; but the precept is directed, *Ballivo burgi Veteris Sarum, in com. præd.* and indorſed, *Executio iſtius præcepti patet in quadam indentura, huic annex.* and ſubſcribed, William Swanton, bailiff of Old Sarum.

For Mr. Mompeſſon, to prove that the bailiff of the manor had nothing to do with the return, the counſel produced a reſolution of the houſe, 1 *Gul. et Mariæ*, viz.

"Reſolved, that the right of electing and return-
"ing members, to ſerve in parliament, for the bo-
"rough of Old Sarum, in the county of Wilts, is in
"the freeholders, being burgage-holders of the ſaid
"borough."

That to prove the precept ought to be directed to the bailiff of the manor, the counſel for Lord Grandiſon produced a return 31 Car. II. with the precept annexed, directed, *Ballivo de Veteri Sarum in com. præd.* and indorſed, *Executio iſtius præcepti patet in quadam indentura, huic præcept. annex.* and ſubſcribed, *John Lawrence, ball. burg. de Veter. Sarum, in com. Wilts.*

That, as to the election, Mr. Pitt had an undoubted majority; and his election was not drawn in queſtion.

Between Lord Grandiſon, and Mr. Mompeſſon, the numbers were equal, viz. five for each; except that Mr. Mompeſſon voted for himſelf, to make one of the five.

Mr. Mompeſſon inſiſted, that two, viz. Mr. Elliot, and Mr. Brooks, were qualified to vote, and offered to vote for Mr. Mompeſſon, and were refuſed; and that two others, Mr. Carter, and Mr. Swanton, who voted for Lord Grandiſon, had no right.

As to Mr. Elliot's right, John Powell was called, who ſaid, he had known this borough 30 years: Edward Elliot could alſo ſpeak to the ſame time; as could Robert Pain: and they ſaid, Mr. Elliot was always looked upon as a burgator of this borough, and had always voted at the ſeveral elections.—They alſo produced ſeveral returns; viz. 2° *Gul. et Mar.* 7 & 10 *Gul.* & 1° *Annæ*, all ſigned by Mr. Elliot: and N. Elliot was party to the indenture of 31 *Car.* II.

Hill ſaid, he was a witneſs, and proved a conveyance to Mr. Brook, from Sir Eliab Harvey, 1695, of an acre of land in this borough, for his life.

That, as to Mr. Carter, and Mr. Swanton, Edward Elliot ſaid, he aſked Mr. Carter about ſix weeks ago, how he came to have a vote at the laſt election, becauſe he told the ſaid Mr. Carter, he heard he took poſſeſſion on the election-day, and therefore he thought he had no right; and Mr. Carter ſaid, he thought ſo too.

Mr. Carter ſaid, he was no truſtee, but had a leaſe from Lord Grandiſon for three lives, made to him in April laſt. He owned, he had received no rent; but had given his note for the purchaſe-money, being 225 l. that the rent was 12 l. *per ann.* out of which, 12 d. *per annum* is reſerved to Lord Grandiſon.

Mr. Payne ſaid, that Lord Grandiſon polled at the county election for lands within this borough: and as to Mr. Swanton, it was ſaid, he voted for the Old Caſtle, and was to give 1000 l. for it; but Mr. Pitt's ſervants ploughed and ſowed it; he believed, he voted at three elections.

For Lord Grandiſon:—Mr. Philips ſaid, he had known the borough 40 years; and knew the bounds: that Mr. Elliot's three acres, for which he voted, were not within the borough: that Mr. Furnell had lands nearer the borough than Mr. Elliot's: yet owned, Mr. Elliot had voted ſeveral times, though once or twice ſet down with a *query*, but after was allowed: that Mr. Furnell never offered to vote, till this election: that both Mr. Elliot and Mr. Brook offered to vote for Mr. Mompeſſon; and Mr. Furnell did the ſame for Lord Grandiſon.

That, as to John Brooks, Mr. Phillips ſaid, he bought his eſtate of Sir Eliab Harvey; and Sir Eliab, or his ſon, for that, and the land Mr. Harvey now hath, never had but one vote.

That, as to Mr. Swanton, they produced a deed of lands in the borough: but the witneſs would not ſay, that he received the profits.

The committee then reſolved,

That Charles Mompeſſon, eſquire, is duly elected, and returned, a burgeſs, to ſerve in this preſent parliament, for this borough: which was agreed to by the houſe: and the Lord Grandiſon's name ordered to be eraſed out of the indenture.

March 26, 1715. A petition of Richard Jones, and Charles Tooker, eſquires, was read; ſhewing, that at the election of this borough, the twenty-eighth day of January laſt, the petitioners, Thomas Pitt the elder, eſquire, and Robert Pitt, eſquire, were candidates; and that by the illegal practices of the ſaid Thomas Pitt and Robert Pitt; and Robert Paine, under-ſheriff of the ſaid county, who took upon himſelf bailiff of the ſaid borough, and admitting ſeveral perſons to vote for the ſaid Thomas Pitt and Robert Pitt, who had no right; and refuſing others, who had a right to vote for the petitioners; the ſaid Thomas Pitt and Robert Pitt were returned, in prejudice of the petitioners: and praying &c.

A petition of Francis Swanton, Thomas Lambert, eſquires, and Nicholas Elliot, gentleman, was read; ſhewing, that the petitioners have a right to vote in all elections for this borough: and, at the ſaid election, on the twenty-eighth of January laſt, Robert Paine, gentleman, under-ſheriff of the ſaid county, taking upon himſelf bailiff of the ſaid borough, in partiality to Thomas Pitt, and Robert Pitt, eſquires, together with Richard Jones, and Charles Tooker, were candidates; who refuſed to admit the votes of the petitioners for the ſaid Richard Jones, and Charles Tooker, in manifeſt prejudice of the petitioners: and praying &c.

Sic orig.

Ordered, that the ſaid petitions be referred to the committee of privileges and elections, and that they report the matter thereof, with their opinion.

April 9th. Ordered, that leave be given to withdraw the ſaid petitions.

SCARBOROUGH.

THIS borough is ſituate within the county of York; and ſent burgeſſes to parliament in the 26th of Edward the firſt: and has ſo continued to do until this time. Its ancient method of election was by the bailiffs and commonalty; as appears by the indenture 7 *Ric.* II. — *Quod nos ballivi et communitas burgenſium villæ dictæ Scardeburgh, aſſignavimus, et loco noſtro poſuimus, dilectos nobis Johannem de Stockwich, et Ricardum Cholman comburgenſes noſtros conjunctim et diviſim, pro nobis et burgo noſtro, ad inſtans parliamentum domini regis &c.* The more modern memoirs, relating to its elections, in the journals, are theſe.

4thRegiſt. IIII.

June 11, 1660. The humble petition of Luke Robinſon, was read: and the petitioner heard in his place.

Ordered, that the ſaid Luke Robinſon * be diſcharged from being a member of this houſe.

21ſt. Mr. Turner reported, from the committee of privileges, the caſe upon the return for this borough. — That, upon the examination of the fact, it appeared, that Mr. William Thompſon had a greater number of votes, than Mr. Ledgard, who is returned, together with Mr. Luke Robinſon, by indenture, as members to ſerve in this preſent parliament: and that the committee are of opinion, that the ſaid Mr. Thompſon is duly elected, and ought to ſit: whereto the houſe agreed.

Ordered, a warrant for a new writ to elect a member, to ſerve in this preſent parliament, in the room of Luke Robinſon, eſquire, diſcharged from being a member of this houſe.

Reſolved, that, in regard of the miſdemeanour of the bailiffs of this borough, in returning of Mr. Ledgard, to ſerve as a member of the preſent parliament for this borough, though he had a leſſer number of voters, and neglecting to return Mr. Thompſon, though he had a greater number of voices at the ſaid election, both the ſaid bailiffs be forthwith ſent for in cuſtody of the ſerjeant at arms, attending the houſe.

Jeake, 124.

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* One of King Charles the firſt's judges.

May 26, 1685. A petition of ſeveral freemen and inhabitants of this borough, touching the election for the ſaid town, being tendered to the houſe: and the parties being called in to own the ſame; and they doing it, the petition was read.

Ordered, that it be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

March 26, 1695. Upon conſidering the report, from the committee, relating to the orphans bill, (See Yarmouth in Hants.)

Reſolved, that Mr. Hungerford, a member of this houſe, having received 20 guineas for his pains and ſervice, as chairman of the committee of this houſe, to whom the orphans bill was committed, is guilty of an high crime and miſdemeanour.

Reſolved, that Mr. Hungerford, a member of this houſe, being guilty of a high crime and miſdemeanour, by receiving 20 guineas for his pains and ſervice, as chairman of the committee of this houſe, to whom the orphans bill was committed, be expelled this houſe.

28th. Ordered, a warrant for a new writ for electing a member, in the room of Mr. Hungerford, expelled this houſe.

Nov. 9, 1705. A petition of William Malling, and others, on behalf of themſelves, and other freemen and inhabitants of this borough, was read; ſhewing, that, at the laſt election of members to ſerve in parliament, Robert Squire, William Thompſon, and John Hungerford, eſquires, were candidates: that Mr. Hungerford was choſen by a majority of qualified voters, and ought to have been returned; but the bailiffs of the ſaid borough returned Mr. Squire, and Mr. Thompſon, and rejected the petitioner's votes, upon pretence that Mr. Thompſon had one vote more than Mr. Hungerford, by the ſelect number: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

A petition of John Hungerford, eſquire, was read; ſhewing, that on the 14th of May laſt the election of burgeſſes, to ſerve in parliament for this borough, came on, the candidates being Robert Squire, William Thompſon, and the petitioner: that the bailiffs of this borough returned the ſaid Mr. Squire, and Mr. Thompſon, as duly elected, although the petitioner ought to have been returned, having more qualified votes than Mr. Thompſon: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

June 21, 1712. Ordered a warrant for a new writ, for electing a burgeſs, to ſerve for this borough, in the room of John Hungerford, eſquire, made a Commiſſioner of Alienation.

March 21, 1717. Ordered, a warrant for a new writ, for electing a burgeſs, to ſerve for this borough, in the room of William Thompſon, eſquire, made Warden of the Mint.

May 31, 1725. Ordered a warrant for a new writ, for electing a burgeſs, for this borough, in the room of Sir William Strickland, baronet, made a Commiſſioner of the Treaſury.

SEAFORD.

Jeake, 124. THIS is an ancient borough; and was originally a member of the port of Haſtings, in the county of Suſſex, having returned members to parliament in the 26th and 30th of Edward the firſt; 16th and 19th of Edward the ſecond; the 18th, 20th, and 21ſt of Richard the ſecond; and in the firſt of Henry the fourth; and then ceaſed. Prynne's 4th Reg. p. 1114. King Henry the eighth, by his charter, in the 30th year of his reign, added it to the Cinque-ports; [See Appendix:] but it was not thereby reſtored to the privilege of ſending repreſentatives to parliament, until 1640: of which, and the ſubſequent memoirs of its elections, I have met with the following.

Feb. 4, 1640. Reſolved, upon the queſtion, that Seaford, a town in the county of Suſſex, that, to three ſeveral parliaments, in former times, ſent burgeſſes to parliament, (as appeared by the records produced at the committee for privileges) ſhall be reſtored to that its ancient privilege of ſending burgeſſes to parliament; and that a warrant iſſue, under Mr. Speaker's hand, to the clerk of the crown in Chancery, for a writ, for the electing and returning of two burgeſſes, to ſerve in this parliament, for the town of Seaford aforeſaid.

March 26, 1670. A petition of Robert Morley, eſquire, touching the election for this borough, was read.

Reſolved, &c. that it be committed to the committee of elections: and they are to take it into conſideration the ſecond Tueſday after their receſs.

Nov. 3. Another petition of the ſaid Mr. Morley, to the ſame effect, was tendered and opened to the houſe.

Ordered, that it be referred to the committee of privileges and elections, to examine the whole matter in difference, concerning the election for this port; and to report it, with their opinion.

Dec. 19. Ordered, that the report be made on Friday three weeks next.

Jan. 13. Ordered to be made on this day ſevennight.

Feb. 3. Ordered, that the report, touching the election for this town, be heard on Monday next; and that the petition, tendered on behalf of the town, be then read.

6th. Ordered to be made on Friday next.

10th. Sir Job Charleton reported, from the committee, the ſtate of the caſe and evidence, touching the election for this town, and the queſtion thereupon ariſing; whether the right of the election were in the bailiff, jurors, and freemen, only; or, in the populacy? and that the committee were of opinion, that the bailiff, jurors, and freemen, had not only voices in election, but that the election was in the populacy; and that Mr. Morley was duly elected: whereto the houſe agreed.

Ordered, a warrant for a new writ for this town.

March 9th. A petition of John Amhurſt, of Gray's-Inn, in the county of Middleſex, eſquire, was read; complaining of undue practices in one John Mullet, bailiff of this town, in the election of a member, to ſerve in parliament, for that town; refuſing to certify the election of the petitioner, who was duly elected by the majority; and returning a certificate for Sir Nicholas Pelham, who had no right of election.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

11th. Ordered, that the ſaid committee do hear the cauſe, concerning the ſaid election, on Tueſday next come fortnight.

April 3, 1671. Serjeant Charleton reported from the ſaid committee, the ſtate of the caſe, and the evidence on both ſides, in the matter touching the election of this town, between Sir Nicholas Pelham, and Mr. Amhurſt: and the only point in queſtion, before the committee being, which of them had the majority of voices, the committee, upon examination of the matter, were of opinion, that Sir Nicholas Pelham had the majority of voices, and that he was duly elected: whereto the houſe agreed.

March 19, 1678. A petition of Edward Selwyn, eſquire, was read; complaining of an undue return of Herbert Staples, eſquire, to ſerve in this preſent parliament, for this port, in injury of the petitioner, who was duly elected, and ought to have been returned.

Reſolved, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Feb. 21, 1716. Ordered a warrant for a new writ, for electing a com-baron, to ſerve for this port, in the room of Sir William Aſhburnham, baronet, made a Commiſſioner of Alienation.

May 30, 1720. Ordered a warrant for a new writ, for electing a baron, to ſerve for this port, in the room of Henry Pelham, eſquire, made Treaſurer of the Chamber.

April 3, 1721. Ordered a warrant for a new writ, for electing a baron, to ſerve for this port, in the room of Henry Pelham, eſquire, made a Commiſſioner of the Treaſury.

Jan. 31, 1723. Ordered a warrant for a new writ, for electing a baron, to ſerve for this port, in the room of Sir Philip York, knight, made Attorney-general.

SHAFTESBURY.

4thRegiſt. 1114. THIS borough is ſituate within the county of Dorſet; and has been repreſented in parliament, ever ſince the 26th of Edward the firſt. Who were the electors, appears by a return made in the 7th of Richard the ſecond. The return itſelf here follows.

7 Ric. II. *A Sire Johan Montacu, ſeneſchall de noſtre treſpuſont et treſhaut et treſdout Seignr. noſtre Seignr. le Roi que dieux ſave et a toutz autres treſvalianz Seignrs. que ceſte venerrount ou oirount ſi pleſer a vous ſoit ſauer, que la majre, conſtables, ballyves et touz le burgeys oue conſent de touz les commes de le aunciens burwe de Sheſteſby, que eſt apportenant ala anciene crowne d' Engliterre. Nous touz par une aſſent auoims eſſut oideins et confirmes deus ſuffiſant burgeys de la dit burwey, ceſt aſſouoir Walter Henly, et Thomas Seward, eſtre a Sariſbury ala commune parlement de noſtre treſdoute Seignr. le Roi, et illes reſpondre par la dite ville ceque pertient a parlement, en teſtomaunce de ceſte choſe nous tous auant diſtes, auoious mys noſtre comme ſeal, eſcript a Shafteſby le Sabbody procheine apres le feſte invention de ſeint Croys.*

To this is added, in another ſchedule, the following petition.

A noſtre treſexcellent et treſgracious Seignr. noſtre Seignr. ley Roi, et les treſnobles Seigniour et ſages comes de ceſt preſent parlement, pleignont les maior, baillifs, et les comes de Shafteſbury de la ou per verteu del briefs le Roi del ſomons de meſme ceſty parlement ils retornerent deux de lez ſuffiſantz et nentzables de dite ville ſibein. pur noſtre Seignr. le Roi come pur la come de dite ville, ceſt aſſauoir * *Wauter Henle, et Thomas Seward, Monſieur John Stretch, Viſcount de Dors q'ore eſt de ſon autorite demeſme et encoutre leur, retorne, et a cauſa q'il ſuppoſa q' le dit Thomas Seward, et moeneret en le dite parliament pur le profit et avantagé noſtre dit. Seignr. le Roi, retourna un Thomas Camel, a graunt damage noſtre Seignr. le Roi, et encontre la volunte des maire, ?t comes ſuſdites, et la ou lauandit Thomas Seward ad reſcieu pur ſes coſtages de dite ville come pleynment puiſſe apparer par un le teſtimonial enſeale de ſoutz leur come ſeale, ſi pleaſe a noſtre treſexcellent et treſgracious Seignr. le Roi, les nobles Seignrs. et ſages comes ſuſdites, ent ordenir remedie en our de charite* againſt the return of one Thomas Camel, by the ſheriff of the county. What were the proceedings thereon, doth not appear.

2 Hen. V. In the 2d of Henry the fifth, I find they were choſen at the county-court, by a deputation of four of its burgeſſes, with the aſſent of the reſt, as appears by the indenture of return, by the ſheriff of Dorſet; viz. *Inter Walterum Hungerford, militem, Dorcheſt. et Robertum Fovent, Thomam Cammel, Johannem Pyton, et Johannem Whiting, burgenſes burgi Shafton, qui in forma prædicta elegerunt Walterum Ryerd, et Thomam Hat, duos burgenſes burgi prædict. &c.* After this, I meet with no other memoirs, till ſince the reſtoration: and then in the journals are the following.

March 19, 1678. A petition of Sir Matthew Andrews, knight, complaining of an undue return of Mr. Whitacre, to ſerve in this preſent parliament, as a burgeſs for this borough, in injury of the petitioner, who was duly elected, and ought to have been returned, was read.

Reſolved, that the ſaid petition be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

June 1, 1685. A petition of the burgeſſes and inhabitants of this borough, was read.

A motion was made, and the queſtion put, to refer the ſaid petition to the committee of privileges and elections: but it paſſed in the negative.

2d. A petition of Sir Matthew Andrews, knight, touching the election for this borough, was read.

Ordered to be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Nov. 26, 1695. A petition of ſeveral inhabitants of this borough, was read; ſhewing, that at the election of burgeſſes, to ſerve in this preſent parliament, for this borough, Sir Matthew Andrews, Sir John Moreton, Edward Nicholas, and Henry Corniſh, eſquires, were candidates; and Sir Matthew Andrews, and Mr. Corniſh, had the majority of legal votes: but the mayor, ſhewing himſelf partial, admitted ſeveral perſons to be polled for Mr. Nicholas, who had no right to vote; and refuſed divers to poll for Mr. Corniſh, who had a right, according to the cuſtom of the ſaid borough; but, by reaſon of ſuch partial proceedings, the majority upon the poll fell out to be for Mr. Nicholas, whom the mayor hath returned with Sir Matthew Andrews; though of right, Mr. Corniſh ought to have been returned with Sir Matthew: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Dec. 4. A petition of Henry Corniſh, eſquire, was read; ſhewing, that at the election of burgeſſes, to ſerve in this preſent parliament, for this borough, Sir Matthew Andrews, Sir John Moreton, Edward Nicholas, and the petitioner, were candidates; where Sir Matthew Andrews, and the petitioner, were duly elected, by the majority of thoſe that had a right to vote: but the mayor of the ſaid borough ſhewed himſelf partial for Mr. Nicholas, and refuſed to poll many of the petitioner's votes, who had

* Theſe only, are returned on the dorſe of the writ, with their manucaptors.

a right; and admitted many to poll for Mr. Nicholas, who had no right to poll; and hath returned the ſaid Mr. Nicholas with Sir Matthew, to the petitioner's wrong: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

6th. A petition of Sir John Moreton, baronet, was read; ſhewing, that at the election of burgeſſes, to ſerve in this preſent parliament, for this borough, the petitioner and Edward Nicholas, eſquire, were duly choſen by the majority of legal electors; but the mayor of the ſaid borough, ſhewing himſelf partial at the ſaid election on behalf of Sir Matthew Andrews, admitted ſeveral perſons to poll for him that had no right, and refuſed to poll divers for the petitioner that had a right to poll; by reaſon of which partial and indirect poll, the majority of votes fell out to be for Sir Matthew Andrews: and the ſaid mayor hath returned him one of the burgeſſes, to ſerve for the ſaid borough with the ſaid Mr. Nicholas; when he ought to have returned the petitioner and Mr. Nicholas: and praying &c.

Ordered that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Feb. 27th. Ordered, to be reported to-morrow morning.

28th. Ordered to be reported on the next morning.

29. Colonel Granville reported, from the ſaid committee, the matter of the ſaid election, on the petition of the inhabitants; which alledged that Sir Matthew Andrews and Henry Corniſh, eſquire, to be elected: on the petition of Henry Corniſh, eſquire, which alledged himſelf, and Sir Matthew Andrews to be elected: and on the petition of Sir John Moreton; which alledged himſelf, and Edward Nicholas, eſquire, to be elected.—That, the petition of Sir John Moreton, in a more eſpecial manner, controverting the right of election, the committee thought fit to proceed therein firſt.

That it was inſiſted for Sir John Moreton, that the right of election was in the mayor and burgeſſes, the burgeſſes being twelve in number; tho' if the committee ſhould be of opinion, that the right was in the inhabitants paying ſcot and lot, it was further inſiſted on for Sir John Moreton, that he had the majority of them alſo.—If in the mayor and burgeſſes, it was agreed, that Sir John Moreton was elected. —— To prove this, were read ſeveral returns, viz. 21 Jac. I. 11 burgeſſes, therein named, elected; 1 Car. mayor, and 12 burgeſſes named, elected; 16 Car. mayor and burgeſſes elected; 1658, mayor and burgeſſes elected; 13 Car. II. mayor, and 12 burgeſſes named, elected; 19 Car. II. mayor, and 11 burgeſſes named, elected; 29 Car. II. mayor, and 8 burgeſſes named, elected; 31 Car. II. mayor, and 9 burgeſſes named, elected; 1 Jac. II. mayor, and 11 burgeſſes elected: and all theſe returns were under the common ſeal.

That, for Sir Matthew Andrews, it was inſiſted, the right was not in the ſelect number, but in the inhabitants at large: To prove this, it was alledged, that this borough was a borough by preſcription, and had ſent burgeſſes to parliament, before their charter. For this, they produced the returns to parliament 6 Ric. II. 26 Ed. I. 8 Hen. V. by which it appeared, at thoſe times, that this borough had ſent burgeſſes to parliament. To prove the right to be in the inhabitants at large, and to anſwer the returns produced by Sir John Moreton; the following returns were produced; viz. 17 Ed. IV. *Major, et 6 burgenſes nominati, unanimi aſſenſu, voluntate et conſenſu aliorum burgenſium, ac totius communitatis, elegerunt.*——1 *Mariæ. major, burgenſes et communitas, unanimi aſſenſu et conſenſu elegerunt.*——2 & 3 *Phil. et Mariæ. major, comburgenſes et communitas, elegerunt.*—— 1 Eliz. the ſame.——14 Eliz. Mayor and burgeſſes, by their common-council, elected.——2 returns in the 26th and 28th of Eliz. mayor and 4 burgeſſes, with the common conſent of all their borough, elected.—43 Eliz. mayor and four of his brethren, with the aſſent and conſent of the whole borough, elected.—1 Jac. I. mayor, and ſeven burgeſſes and inhabitants, with the aſſent and conſent of, and for, the whole borough, elected.——31 Car. II. mayor, burgeſſes and commonalty, elected and 33 Car. II. Mayor, 11 burgeſſes, and commonalty, elected. —— 1688, Mayor, capital-burgeſſes, with the commonalty, elected. — 2 William and Mary, and 7 William, Mayor, burgeſſes, and commonalty, elected: and theſe returns were under the common ſeal.

Then were called the following witneſſes.

Legg ſaid, he had known elections above 40 years; and that at all of them, the inhabitants voted, and none were refuſed; though he could give no particular account of any one election, who ſtood, or who he voted for.

Bucland ſaid, Sir John Low and [*] Whitacre were choſen by the commonalty, 30 years ago; and that the inhabitants, not receiving alms, had voted at all elections ſince that time.

Philip Andrews ſaid, Sir Matthew Andrews, Mr. Grove, Mr. Chafin, and Mr. Nicholas, were candidates at the convention; and a poll was taken, and all the inhabitants, except ſuch as had alms, voted: that, in King James's time, they were not polled, but petitioned: that, at this election, the mayor and Sir John Moreton went about the town, and deſired votes; and no one excepted to the inhabitants being polled at it.

Mr. Druce ſaid, that it was agreed at this election by the mayor, and not denied by Sir John Moreton nor Mr. Nicholas, that all ſhould vote, except ſuch as received alms.

In reply, was produced King James's charter, which recites this town to be an ancient corporation.

Atwell, the town-clerk, ſaid, he took the poll in 1685; and none polled, but the mayor and burgeſſes: that the firſt election he remembered was in 1678 and 1679; and that was a popular election. He produced a paper, purporting a poll taken in 1660; which, he ſaid he found amongſt the papers and records of the borough: but being not able to give an account how it came there, or other proof of it, it was not read as evidence.

That at this election the mayor polled the inhabitants; and they were not (as he heard) excepted to.

Mr. Bolles ſaid, he was at the election in 1678: that the people by force made way for themſelves to come up, and diſturbed the election; and the recorder, to quiet the election, adviſed the mayor to poll the inhabitants, not *de jure*, but *de bene eſſe*; though none were then polled, but thoſe who paid ſcot and lot: that in King James's parliament he was a candidate, and only the ſelect number voted: and he ſaid, he had been told by one Hayes, of the borough, of eighty years of age, that the right of election was in the ſelect number: that in 1685 there was a petition of the inhabitants againſt that election; but, as he believed, upon giving a fair account of that matter in the houſe, and that no poll was demanded, the houſe rejected the petition: that he was preſent at this election; and the clamour being great, the mayor ſaid, he would poll at large, as before.

The counſel being withdrawn, Mr. Fownes, a member of the houſe, ſaid, that the petition in 1685, upon ſome gentlemen of the houſe giving an account that the election was fair, was rejected.

The committee reſolved,

That the right of electing burgeſſes, to ſerve in parliament, for this borough, is not only in the mayor and burgeſſes of the ſaid borough.

The counſel being called in, Sir John Moreton's counſel applied to make it appear, that the right was in the ſcot and lot men; and that Sir John Moreton had the majority of them.

John Walker, and Samuel Belpin, ſaid, that they had known ſeveral elections; and that none were admitted to vote that did not pay ſcot and lot, or watch and ward.

Mr. Atwell was called in; and ſaid, he had examined the poll; and that there were of ſcot and lot men—For Sir John Moreton, 97,
For Sir Matthew Andrews, 95.

In anſwer to which, for Sir Matthew Andrews, there was a liſt delivered in of 102 names, who were wrote from the poll, that paid ſcot and lot, who voted for Sir Matthew Andrews. Upon which, it reſted upon Sir John Moreton to diſqualify ſo many, as to give him a majority againſt Sir Matthew Andrews: and for this purpoſe the evidence was thus; that John Bourn was upon the rate, but not for land in the borough; Swetman was admitted to be no good voter; Jaques did not live in the houſe, for which he was rated, but had paid ſince Michaelmas; Dyer was aſſeſſed, but had not paid; William Good was rated, but did not live in the town.

In anſwer, for Sir Matthew Andrews, Philip Andrews and * Taylor ſaid, not only ſcot and lot men, but the inhabitants, who did not receive alms, voted in the free parliament which brought in King Charles; and had uſed to vote in other elections.

The committee reſolved,

1. That the right of election of burgeſſes, to ſerve in this parliament, for this borough, is only in the inhabitants of the ſaid borough, paying ſcot and lot.

2. That Sir Matthew Andrews is duly elected a burgeſs to ſerve in this parliament, for this borough.

Then the counſel were called in again, on the petitions of the inhabitants and Mr. Corniſh: and being acquainted with the reſolution of the committee, inſiſted, that Mr. Corniſh had the majority of ſcot and lot-men: and to prove it gave in a liſt of ſcot and lot men for each candidate; but it appeared, the ſaid liſt was not taken out of the mayor's poll, nor examined with it, ſo it was not admitted as evidence: and the counſel for Mr. Corniſh not having further to offer; on behalf of Mr. Nicholas, was produced a liſt of 110 ſcot and lot men who voted for him, and 82 only for Mr. Corniſh; which not being excepted to by the counſel for Mr. Corniſh, the committee reſolved,

3. That Edward Nicholas, eſquire, is duly elected a burgeſs, to ſerve in this preſent parliament, for this borough.

The ſaid three reſolutions, being ſeverally read, were agreed unto by the houſe.

Feb. 11th, 1698. Henry Corniſh, eſquire, being made a commiſſioner of the Stamp-office, ſince his election for this borough, and it appearing he had acted in the ſaid commiſſion:

Ordered, that Henry Corniſh, eſquire, do attend this houſe in his place on Monday next.

13th. Mr. Corniſh, attending according to order, was heard in his place; and then withdrew.

Reſolved, that Henry Corniſh, eſquire, being a member of the Houſe of Commons, and having ſince been concerned and acted as a commiſſioner in managing the duties upon vellom, paper and parchment, contrary to an act made in the 5th and 6th years of his Majeſty's reign, for granting ſeveral duties upon ſalt, beer, ale, and other liquors, be expelled this houſe.

Ordered, that Mr. Speaker do iſſue a warrant for making out a new writ, for electing a burgeſs, to ſerve in this parliament for this borough, in the room of the ſaid Mr. Corniſh, expelled this houſe.

Dec. 22d, 1711. Ordered, that Mr. Speaker do iſſue a warrant to the clerk of the crown, to make out a new writ for electing a burgeſs to ſerve in this preſent parliament for this borough, in the room of Edward Nicholas, eſquire, made a commiſſioner of the privy ſeal.

March 5, 1713. A petition of William Benſon, and John Still, eſquires, was read; ſhewing, that the petitioners, Edward Nicholas, and Henry Whitaker, were candidates for this borough: that the petitioners had a majority, and ought to have been returned: that ſeveral were admitted to vote for the ſaid Edward Nicholas and Henry Whitaker, who had no right; and others, who had a right, and voted for the petitioners, were refuſed: by which illegal proceedings, the ſaid Mr. Nicholas and Mr. Whitaker are returned, in wrong of the petitioners: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

March 26, 1715. A petition of William Benſon and Henry Andrews, eſquires, was read; ſhewing, that the petitioners, together with Edward Nicholas, eſquire, and Samuel Ruſh, gentleman, were candidates at the election for this borough: that the petitioners had a majority of legal voters that did, and offered to vote for them, and they ought to have been returned, for the ſaid borough; but the ſaid Edward Nicholas and Samuel Ruſh, and their agents, prevailed on many of the voters to vote for them; and likewiſe influenced the mayor of the ſaid borough to admit many to vote who had no right; and to reject others, who had a juſt right to vote for the petitioners: that the ſaid mayor, in purſuance of his unwarrantable proceedings, had returned the ſaid Edward Nicholas, and Samuel Ruſh, in prejudice to the petitioners, who ought to have been returned: and praying &c.

Ordered, that it be heard at the bar of the houſe on the 26th of April next.

April 26. The order of the houſe being read; the counſel were called in, and the petition was read: and the petitioners counſel inſiſting upon partialities and indirect practices of the mayor, examined ſeveral witneſſes relating thereunto, and in order to diſqualify ſeveral voters for the ſitting-members.

Ordered to be heard again on Thurſday next.

28th. The houſe proceeded in the hearing, and the counſel were called in:

The counſel for the petitioners proceeded to give evidence touching the corrupting of votes for the ſitting-members; and alſo, touching ſuch perſons that

that had a right to vote, but were refuſed to be admitted for the petitioners.

After which, the ſitting-members counſel proceeded to call witneſſes to juſtify the votes objected againſt by the petitioners counſel:

And Edward Grimſted, ſenior, being called to prove the qualification of Richard Hayter (who had been objected to by the petitioners counſel) to vote at the election.——And the petitioners counſel objected againſt his being examined as a witneſs, in regard that the ſaid Edward Grimſted was charged by the petitioners evidence with having endeavoured to corrupt ſome perſons to vote for the ſitting-members.

The counſel on both ſides were heard, touching the ſaid objection, and withdrew.

Reſolved, that the counſel for the ſitting-members be admitted to examine Edward Grimſted, ſenior, as to Richard Hayter's being qualified to vote at the late election for this borough.

Then the counſel were called in, and Mr. Speaker acquainted them therewith.

And the ſaid Edward Grimſted was called in and examined, and other witneſſes were examined as to other voters objected againſt by the petitioners counſel.

And Robert Brickle being called to prove the qualification of Abraham Buckland (who had been objected againſt by the petitioners counſel) to vote at the ſaid election;

And the ſaid Robert Brickle being objected againſt by the ſaid petitioners counſel, in regard that he had been charged by the petitioners evidence with having endeavoured to ſuborn a perſon to give falſe evidence to the houſe.

The counſel on both were heard thereupon and withdrew.

Reſolved, that the counſel for the ſitting-members be not admitted to examine Robert Buckle, as to Abraham Buckland's being qualified to vote at the late election of members to ſerve in parliament for this borough.

And Mr. Speaker acquainted the counſel therewith.

And the ſitting-members counſel called, and examined other witneſſes, in order to qualify other voters objected againſt by the petitioners counſel.

Ordered, that it be heard again on Saturday next.

April 30. The houſe proceeded in the farther hearing the matter of the ſaid petition.

The counſel were called in,—And the counſel for the ſitting-members examined ſeveral witneſſes in order to juſtify ſeveral of the voters for the ſitting-members, which the petitioners counſel had produced evidence againſt; and alſo to juſtify the refuſal by the mayor of ſuch perſons as the ſitting-members counſel had inſiſted upon were refuſed, although qualified to vote.

And the ſitting-members counſel alſo examined ſeveral witneſſes in relation to bribery by the petitioners, or their agents.

Then the counſel for the ſitting-members inſiſted, that the petitioners were not qualified to be elected according to the act, entitled, An act for ſecuring the freedom of parliaments, by the further qualifying the members to ſit in the Houſe of Commons:

And they firſt inſiſted, that Mr. Andrews, one of the petitioners, was not qualified according to the ſaid act.

And the counſel for the petitioners admitted, that according to the particulars in the qualification delivered in to the clerk of the houſe by Mr. Andrews, conſidering an incumbrance thereupon, he is not ſo qualified, although he had a much greater eſtate elſewhere.

After which the ſitting-members counſel inſiſted, that Mr. Benſon, the other petitioner, is not qualified according to the ſaid act.

And they produced a copy of the certificate of the oath he made at the time of the election, as it was returned by the mayor to the court of Chancery:

After which, the particular of the ſaid Mr. Benſon's qualification, delivered in to the clerk of the houſe, purſuant to the order of the 23d of March laſt, was read:

Then the ſaid certificate of the mayor, as filed in the court of Chancery, was read:

And the act of the 9th year of her late Majeſty's reign, entituled, An act for ſecuring the freedom of parliament, by the further qualifying the members to ſit in the Houſe of Commons, was read:

Alſo the ſitting-members demand left with the clerk of the houſe, for the petitioners to give in their qualifications, purſuant to the reſolution of the houſe, upon the ſaid act, was read.

And after the counſel on both ſides were heard, whether the ſitting-members counſel ſhould proceed on the ſaid particular delivered to the clerk, or on the certificate of the mayor.

And then the counſel withdrew.

And a motion being made, that William Benſon, eſquire, one of the petitioners, complaining of an undue election for this borough, having, at the demand of the ſitting-members, delivered in a particular of lands, tenements, or hereditaments, in order to make out his qualification to be elected for the ſaid borough, purſuant to the order of the houſe of the 23d of March laſt; the counſel for the ſitting-members, if they have any objection to the ſaid William Benſon's qualification, be directed to make their objections to the ſaid particular delivered in, purſuant to the order of the houſe;

And an amendment being propoſed to be made, by adding at the end of the queſtion theſe words, viz. "So far only as the ſame relates to land, tenements, and hereditaments, in the pariſh of "Bromley in the county of Middleſex, being the "only qualification the ſaid William Benſon gave "in, upon oath, at the ſaid election; as appears by "the certificate of the mayor of this borough."

And the ſaid queſtion being put, that the ſaid words be added to the queſtion, it was agreed to: and

Reſolved, that William Benſon, eſquire, one of the petitioners complaining of an undue election for the borough of Shafteſbury, in the county of Dorſet, having, at the demand of the ſitting-members, delivered in a particular of lands, tenements, and hereditaments, in order to make out his qualification to be elected for the ſaid borough, purſuant to the order of the houſe of the 23d of March laſt; the counſel for the ſitting-members, if they have any objection to the ſaid William Benſon's qualification, be directed to make the objections to the ſaid particular, delivered in purſuant to the ſaid order of the houſe; ſo far only as the ſame relates to lands, tenements, and hereditaments in the pariſh of Bromley, in the county of Middleſex; being the only qualification the ſaid William Benſon gave in, upon oath, at the ſaid election, as appears by the certificate of the mayor of the ſaid borough.

And the counſel were acquainted therewith.

Ordered, that the ſaid election be further heard on Tueſday morning next.

3d. The houſe proceeded in the ſaid hearing, and the counſel were called in.

And the counſel for the ſitting-members proceeded in making their objections to the qualification of the petitioner, Mr. Benſon.

And the petitioners were heard; and examined witneſſes for the juſtification thereof.

After which, the counſel for the ſitting-members ſummed up their evidence.

And then the counſel for the petitioners examined a witneſs, to diſcredit one of the ſitting-members witneſſes; and then they ſummed up their evidence.

And the counſel on both ſides withdrew.

And Mr. Nicholas was heard in his place, and then he withdrew.

Reſolved, that Edward Nicholas, eſquire, is not duly elected a burgeſs to ſerve in this preſent parliament for this borough.

Mr. Ruſh was then heard in his place, and withdrew.

Reſolved, That Samuel Ruſh, eſquire, is not duly elected a burgeſs to ſerve in this preſent parliament for this borough.

Reſolved, that William Benſon, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament, for this borough.

Reſolved, that Henry Andrews, eſquire, is not duly elected a burgeſs to ſerve in this preſent parliament, for this borough.

Ordered, that the clerk of the crown do attend this houſe to-morrow morning, to amend the ſaid return, by raſing out the names of Edward Nicholas, and Samuel Ruſh, eſquires, and inſerting the name of William Benſon, eſquire.

4th. The clerk of the crown attended, and amended the ſaid return.

6th. The houſe having upon the hearing of the merits of the election for this borough, upon Tueſday laſt, adjudged one burgeſs only to be duly elected for the ſaid borough:

Ordered a new writ for the electing another burgeſs to ſerve in this preſent parliament, for this borough.

June 2d. A petition of William Hearſt, eſquire, was read; ſhewing, that the petitioner, together with Edward Nicholas, eſquire, were candidates at the late election of a burgeſs for this borough: that the petitioner had a majority of legal voters, and ought to have been returned for the ſaid borough, but the ſaid Edward Nicholas by bribery and other indirect practices of his agents, influenced John Bennet, mayor of the ſaid borough, to admit many perſons to vote for him, the ſaid Edward Nicholas, who had no right; and refuſed others, who had a right, and offered to vote for the petitioner: that the ſaid mayor hath accordingly returned the ſaid Edward Nicholas, in prejudice of the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

March 5, 1716. A petition of William Hearſt, eſquire, the ſame in ſubſtance with the former, was again read.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

May 23, 1717. Ordered that the report be received this day ſeven-night.

30th. Mr. Hampden reported from the committee the matter of the ſaid election, viz.

The counſel on both ſides attended the committee.

The petitioner's counſel alledged, that their material witneſſes, whereof Mr. Long, overſeer of the poor was principal, were taken ill on the road, and lay ſick at Saliſbury; which they offered to prove, and ſaid, they had not any material witneſs in town, and could not therefore proceed to the merits of the election, but deſired farther time to bring up their witneſſes;

To which it was anſwered, that this was only a pretence; that in caſe it had been ſo, the houſe ought to have been acquainted therewith before the committee met to hear the merits of the election; and notice ſhould have been given to the ſitting-member; neither of which have been done: that the merits of the election were originally appointed to be heard on the 22d day of April laſt; and the hearing would have come on before now, had not the committee been ſometimes adjourned: that it came on now in courſe, and the petitioner had time enough to bring up his witneſſes, if he thought fit: that there was another overſeer in the town, beſides Long; and he might have ſent up any poor rates he had, if he could not have attended himſelf: that the ſitting-member had no notice of this pretence, had brought up his witneſſes; been at great expence; was ready to juſtify his election; and ought to be diſcharged of this petition, if the counſel for the petitioner did not think fit to call evidence to make out the matter of his petition.

Which the petitioner's counſel not doing, nor making it appear to the committee, that the petitioner had ſummoned any witneſſes to attend:

The committee therefore reſolved,

That Edward Nicholas, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for this borough.

The ſaid reſolution being twice read, was agreed unto by the houſe.

Nov. 13, 1718. Ordered a warrant for a new writ for electing a burgeſs to ſerve for this borough, in the room of William Benſon, eſquire, made ſurveyor of the works.

December 3. A petition of Sir Edward Des Boverie, baronet, was read; ſhewing, that the petitioner, together with William Benſon, eſquire, were candidates at the late election of a burgeſs to ſerve in this preſent parliament, for this borough; that the precept was delivered to Mr. David Toomer, who acted as returning-officer: that the ſaid Mr. Toomer did, moſt illegally and arbitrarily, propoſe a declaration to the inhabitants who had a right of voting, that all ſuch as would not make the ſame ſhould not be polled; and refuſed upwards of one hundred and forty legal votes, who did vote for the petitioner: and admitted all ſuch as offered to poll for Mr. Benſon, though divers of them were not qualified to vote: that the ſaid Mr. Toomer has returned the ſaid Mr. Benſon, to the prejudice of the petitioner, who ought to have been returned: and praying &c.

A motion was made to hear the matter thereof at the bar, but diſagreed to.——Alſo;

A petition of ſeveral of the inhabitants paying ſcot and lot, and electors of this borough, was read; ſhewing, that on Friday the 21ſt day of November,

ber, came on the election of a member to ſerve in this preſent parliament for the ſaid borough: that Mr. Toomer, who acted as returning-officer, did moſt arbitrarily propoſe a declaration to the petitioners, and others, who had a right of voting at the ſaid election; and declared, that all ſuch as would not make the ſame ſhould not be polled: that the ſaid Toomer did refuſe to allow, and inſert in the poll, upwards of one hundred and forty legal votes, of the petitioner's, and others, who tendered the ſame: that the ſaid Mr. Toomer returned William Benſon, eſquire, duly elected; to the great prejudice of the petitioners, and infringement of their rights and privileges: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Jan. 22d. Ordered to be reported on Saturday morning next.

24th. Mr. Hampden, according to order, reported the matter upon the ſaid petition, as follows; viz.

That the committee had examined the merits of the election; and that the right of electing was agreed to be in the inhabitants, paying ſcot and lot:

The poll was for Mr. Benſon, 89.
for the petitioner, 16.

That the petitioner's counſel complained of great partiality in Mr. David Toomer, the mayor, for refuſing 146 voters for the petitioner, becauſe they would not acknowledge his right to the mayoralty: and they alſo complained of bribery and illegal practices in favour of Mr. Benſon.

On the firſt head they called,

Richard Bingham, eſquire, and others; who ſaid, they were preſent during the whole poll; that Mr. Toomer preſided as mayor, and had the *regalia* before him: that at the beginning of the election, he declared, that he hoped it would be a very fair election, and deſired there might be no diſputes there; but that the doubtful votes ſhould be queried, and determined after the poll by perſons to be choſen by the candidates; and ſaid, there were diſputes in the town about the right to the mayoralty: that they had two mayors, or two half ma yos, (meaning himſelf and Mr. Gapper who ſat by him) which would make one whole one; and thoſe who would acknowledge him to be mayor, let them poll for who they would, he would take their votes: that when the voters came, he put this queſtion to them; Sir, do you acknowledge me to be mayor? and ordered the town-clerk to poll thoſe that acknowledged him; and refuſed all thoſe who did not: that the queſtion, relating to the right of mayoralty, was put to every voter, either by Toomer himſelf, or by Mr. Ring the town-clerk, or by Mr. Benſon.

Mr. Whitaker ſaid, he obſerved ſixty refuſed for not owning Mr. Toomer's right. Mr. Ryves ſaid, 146 were refuſed for that reaſon.

Theſe witneſſes being croſs-examined, ſaid, Mr. Gapper ſat upon the bench, next to Mr. Toomer, both days of the poll; but did not concern himſelf in the election, or take any poll, or ſay any thing about it, as they obſerved; and that ſome of the aldermen would not own Mr. Toomer to be mayor: that the voters generally anſwered the queſtion relating to Mr. Toomer, by ſaying, they had a right of voting at the election, and came to vote for Sir Edward Des Bouverie; and expected their votes ſhould be taken.

James Glover ſaid, that ſixteen voters, taken for Sir Edward Des Bouverie by Mr. Toomer did acknowledge him to be mayor: that 146 others, who he named by a liſt, voted for Sir Edward Des Bouverie; and were refuſed by Mr. Toomer, for no no other reaſon, than becauſe they would not own him to be mayor: that there was no particular objection to them at the poll: that they have voted at former elections; are inhabitants; do pay ſcot and lot: and the witneſs ſaid, he knew all of them, except about eight, have a right of voting: that the queſtion of acknowledging Mr. Toomer to be mayor, was put to all the voters as ſoon as they appeared at the poll rail, previous to their giving their votes and before they were aſked, who they voted for: the anſwer they generally made, was, they did not come to diſpute, who was mayor, but to vote for Sir Edward Des Bouverie; and ſome ſaid, they offered themſelves to the court; others ſaid, to the honourable bench: that none were admitted to vote who did not firſt acknowledge Mr. Toomer to be mayor.

He alſo ſaid, that Mr. Gapper was alſo preſent both days, but did not act as mayor as the witneſs obſerved; nor did the refuſed voters apply to him to take their poll: that Mr. Toomer adjourned the poll, and Mr. Gapper made no objection to it.

William Bowles, eſquire, ſaid, that the queſtion of acknowledging Mr. Toomer to be mayor was previouſly put to the voters, before ever they gave or offered their poll; and the anſwer given by thoſe who were refuſed, was, we come here to vote for a parliament-man, and, not reſpecting who is mayor, we give our voice to the court for Sir Edward Des Bouverie; and that all thoſe who did not own Mr. Toomer to be mayor, were refuſed.

That, as touching bribery, and illegal practices, the petitioners called,

Nicholas Wright; who ſaid, that Mr. Toomer and Mr. Pope, who voted for the ſitting-member, did, upon Tueſday before the election, deſire him to go among the petitioner's friends, and ſpeak ſcandalous words againſt Sir Edward Des Bouverie, of which they would take no notice; and they promiſed him 50l. to ſet up his trade, if he could make a diſcovery of bribery for the petitioner.

Thomas Mitchel ſaid, Mr. Toomer aſked him, about two or three days before the election, how he thought it would go? to which he anſwered, he thought Mr. Benſon would not ſtand it, as there was ten to one againſt him; whereupon, Toomer replied, that was nothing, for Mr. Benſon had the government on his ſide; and, if he had but five votes, he would return him; and promiſed the witneſs to ſee him rewarded, if he voted for the ſitting-member.

William Mayo ſaid, Mr. Benſon promiſed him for his vote, double any money the petitioner ſhould give, if he brought what the petitioner gave him.

Young ſaid, he ſaw Thomas Valentine give two guineas to his father Joſeph Young to vote for Mr. Benſon, and that Valentine aſked votes for Mr. Benſon.

Ambroſe Sandle ſaid, Mr. William Huſſey aſked votes for Mr. Benſon, and gave him two guineas to vote for him; but took a note to himſelf for the money; and that the witneſs never aſked to borrow any of him.

John Roach ſaid, that he was to pay five ſhillings a year rent to the ſitting-member, for water; and had five years arrears remitted, when he came to the poll, for his vote for Mr. Benſon.

In anſwer to what had been offered. Mr. Benſon's counſel called,

Mr. Ring; who ſaid, that the night before the election, Mr. Gapper came to Mr. Toomer and demanded the precept of him, claiming it as mayor:

That at the beginning of the poll, Mr. Gapper being upon the bench before Mr. Toomer came, Mr. Toomer aſked him, if he ſat there as mayor? to which he anſwered, that he did, and would take the poll as mayor; and immediately ordered Mr. Goddard to take a poll for him as mayor, which he (Goddard) did accordingly; and Mr. Goddard applied to Mr. Gapper, as mayor, to determine his doubts in the poll.

That Mr. Toomer publickly aſſerted his right at the poll to the mayoralty, and denied any other; and declared, he would take the poll of ſuch as would vote before him, and would do juſtice there: that ſeveral came and polled for Sir Edward Des Bouverie, denying Mr. Toomer's authority, and offering their votes to Mr. Gapper, as mayor; and only fifteen voters owned Mr. Toomer's authority: that all who offered to Mr. Toomer were put down upon the poll, whoever they voted for: that thoſe, who did not offer their poll to him, were not put down; and that Mr. Toomer did not think himſelf obliged to take the poll of ſuch as did not offer their poll to him: that ſeveral of the voters for Sir Edward Des Bouverie declared, they offered their votes for him to the honourable bench; others, to the court, as they were directed, by Sir Edward Des Bouverie's agents; ſeveral ſaying, they had nothing to do with Mr. Toomer.

That Mr. Toomer has the *Inſignia*, has held all courts, iſſued proceſs, and done all acts as mayor, ever ſince he came into the office; and that Mr. Gapper never pretended to do any thing as mayor, until this election.

He alſo ſaid, that he was preſent during the whole poll: that the queſtion Mr. Toomer put to the voters, was this; Do you offer your poll to me as mayor? If you do, I'll take your vote, vote for who you pleaſe: and this witneſs ſaid, he did not know that Mr. Toomer aſked them to acknowledge his right as mayor: that, in anſwer to the aforeſaid queſtion, the voters for the petitioners ſaid to Mr. Toomer, no; they did not own him to be mayor: that Mr. Toomer did refuſe thoſe who did not offer their poll to him; and all that offered their poll to him were received: that he hath ſeen ſometimes Mr. Toomer, and ſometimes Mr. Gapper, ſit in the mayor's ſeat at church; and that he who came firſt ſat there.

Mr. Thomas Francis ſaid, that, after reading the precept, Mr. Toomer aſked Mr. Gapper, who ſat upon the bench by him, whether he came thither as mayor? and Mr. Gapper declared, he did; and that he would take a poll; and ordered Mr. Goddard to take a poll for him, which Mr. Goddard did accordingly: and, upon diſputable votes, Goddard applied to Mr. Gapper, as mayor, and followed his directions therein: that Mr. Toomer declared himſelf to be the proper officer, though Mr. Gapper pretended to the mayoralty; and Mr. Toomer declared, that whoever came to him, as mayor, to offer his vote, he would accept it, poll as he would.

That the queſtion, of acknowledging Mr. Toomer as mayor, was put to every voter; but ſome, who came for the petitioner, cried out, before the queſtion could be put, that they offered their votes for him to the court, or to the honourable bench: that ſeveral of the petitioner's voters were objected to, as diſqualified; and queries were put upon them, to be examined after the poll.

Being croſs-examined, this witneſs ſaid, Mr. Toomer never gave any reaſon for refuſing the petitioners voters; but they ſaid, they refuſed to give their votes to him, as mayor: and the witneſs ſaid, he believed, they might vote at former elections; and that he knew of no reaſon for their not voting now.

Mr. Atchiſon produced a copy of a poll, taken at this election, before Mr. Abraham Gapper, as mayor of the borough, by Mr. Goddard, who was appointed by Mr. Gapper to take the ſame.

Then Mr. Benſon objected to 79 voters for the petitioners, as not being inhabitants paying ſcot and lot; but did not produce evidence thereof: that they alledged bribery; and called

Jane Johnſon; who ſaid, ſhe ſaw the petitioner give ſix guineas and ſix ſhillings to John King, a barber, for his vote; and it was given to him at Mr. Whetcomb's houſe, at eight o'clock in the morning, upon the Friday when the election began.

That Mr. Goddard gave Belvin threee guineas, and promiſed him two more, for his vote for the petitioner, who was then preſent, and that was in the election-week; but ſhe could not ſay, whether before or after the election.

To invalidate this evidence, was called

Mr. Anthony Cooth; who ſaid, he ſaw the petitioner in bed at ten o'clock in the morning, at Mr. Pyke's, on the Friday before the election.

The committee thereupon reſolved,

That William Benſon, eſquire, is not duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

That Sir Edward Des Bouverie, is duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

The ſaid reſolutions being twice read, were agreed unto by the houſe.

Reſolved, that Mr. David Toomer was guilty of arbitrary and illegal practices at the late election of a burgeſs, to ſerve in this preſent parliament for this borough.

Ordered, that the ſaid Mr. David Toomer be, for his ſaid arbitrary and illegal practices, taken into cuſtody of the ſerjeant at arms attending this houſe.

Br. Parl. Red. 259.

Ordered, the clerk of the crown to attend and amend the return.

See the county-writ in Appendix.

Oct. 18, 1722. A petition of Charles Withers, and Clement Wearg, eſquires, was read; ſhewing, that at the election of members, to ſerve in parliament, for this borough, the petitioners, Sir Edward Des Bouverie, and Edward Nicholas, eſquire, were candidates: that Thomas Huſſey, mayor of the ſaid borough, ſuffered ſeveral perſons, who had no right of voting, to vote for the ſaid Sir Edward and Mr. Nicholas; and refuſed the votes of ſeveral perſons, who had a right to vote, and offered to vote for the petitioners; by which means, and other indirect and corrupt practices, committed by the ſaid mayor, the ſaid Sir Edward Des Bouverie, and Mr. Nicholas, procured themſelves to be returned, in prejudice of the petitioners: and praying &c. Alſo

A petition of William Bennet, and others, the burgeſſes of this borough, in behalf of themſelves, and the reſt of the burgeſſes of the ſaid borough, was read; ſhewing, that Sir Edward Des Bouverie, baronet, and Edward Nicholas, eſquire, by bribery, and other corrupt practices, did procure themſelves to be returned burgeſſes for the ſaid borough, although they were not duly elected: and praying &c.

Ordered, that the ſaid petitions be referred to the committee of privileges and elections, to examine and report the ſame, with their opinion.

27th. Ordered, that William Bennet, and others, the burgeſſes of this borough, have leave to withdraw their petition.

Feb. 7. The houſe being informed, that Edward Nicholas, eſquire, and Sir Edward Des Bouverie, ſitting-members for this borough, did, on the 19th of October laſt, purſuant to the ſtanding order of this houſe of the 21ſt of November 1717, leave with the clerk of this houſe, their demand, in writing, of the qualification of Clement Wearg, eſquire, one of the petitioners complaining of an undue election and return for the ſaid borough; and that the ſaid Mr. Wearg had not delivered in to the clerk, any paper of his qualification, purſuant to the ſaid ſtanding order.

The demand of the ſaid qualification, and alſo the ſtanding order of the houſe, were read:

And the clerk of the houſe being called upon, acquainted the houſe, that he had not received any particular of Mr. Wearg's qualifications.

Ordered, that the committee of privileges and elections be diſcharged from proceeding upon ſo much of the petition of Charles Withers, and Clement Wearg, eſquires, complaining of an undue election and return for this borough, as relates to the ſaid Clement Wearg; he having neglected to comply with the ſtanding order of this houſe, whereby he is required to deliver in his qualification to the clerk of this houſe, within fifteen days after the demand thereof.

Jan. 14, 1723. The petition of Charles Withers, eſquire, was again read; in ſubſtance the ſame with the former.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

SHOREHAM.

THIS borough is ſituate in the county of Suſſex; and hath returned burgeſſes to parliament from the 23d of Edward the firſt. As to the ancient method of election, I find, that, in the 2d of Henry the fifth, they were elected in the county-courts. The memoirs, in the journals, do not occur till 1678; wherewith I ſhall begin, and add thereto, ſuch others, as I have met with, as follows, viz.

Br. Parl. Red. 259.

See the county-writ in Appendix.

March 19, 1678. A petition of ſeveral of the inhabitants of this borough, was read; complaining of undue practices, uſed by the conſtable of this borough, in the electing and returning Robert Fagg, eſquire, and John Cheal, gent. to ſerve in this preſent parliament, as burgeſſes for this borough, to the great injury and wrong of the petitioners, who did duly elect Sir Anthony Dean, knight, and the ſaid Robert Fagg, who ought to have been returned.

Reſolved, that the ſaid petition be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Feb. 26, 1700. A petition of David Punnett, and Henry Guilford, on behalf of themſelves, and ſeveral others of the inhabitants of this borough, was read; ſhewing, that their free right of electing burgeſſes to parliament, hath been invaded by Mr. Nathanael Gould, a meer ſtranger in the ſaid borough; who, a few days before the election, came down from London, and ordered the publick cryer of the ſaid borough to give notice, with his bell, to all the voteſmen, to come to the King's-Arms, to receive a guinea each man to drink Mr. Gould's health; by which, and other corrupt practices, he hath procured himſelf to be elected and returned, moſt of the voteſmen having received a guinea apiece: and praying &c.

Ordered, that it be heard at the bar of this houſe, on the 15th day of March next.

March 14th. A petition of Nathanael Gould, eſquire, a member of this houſe, ſerving for this borough, was read; ſhewing, that through inadvertency, and a miſtaken apprehenſion of the law, he had done that before the teſte of the writ, which Sic orig. may juſtly render him liable to the diſpleaſure of this houſe; and that the thoughts thereof were ſo afflicting, that he rather choſe to acknowledge his error, than ſeem to juſtify the ſame by a defence; and therefore, with the greateſt humility, ſubmits himſelf to the juſtice and favour of the houſe; humbly profeſſing, that the expence, which he ſo unfortunately made, was entirely on his own account.

Reſolved, that the ſaid Mr. Gould be diſcharged from being a member of this houſe.

Whereas, there is to be an hearing at the bar, to-morrow, againſt the ſaid Mr. Gould, upon the petition of the ſeveral inhabitants of the ſaid borough:

Ordered, that the ſaid hearing be diſcharged.

Ordered, that no warrant iſſue this ſeſſion for a new writ, to elect a burgeſs for the ſaid borough, in the room of Mr. Gould.

Jan. 3, 1701. A petition of John Pery, eſquire, was read; ſhewing, that the petitioner having ſerved, as one of the burgeſſes, for this borough, in all the parliaments ſince the late convention, except the laſt parliament, he was ſent for by the inhabitants, and went down; and was a candidate at the laſt election there, and had a majority of true votes: but Thomas Edwards, conſtable of the ſaid borough, by the corrupt practices of Nathanael Gould, eſquire, hath unduly returned the ſaid Mr. Gould, in wrong to the petitioner, and the ſaid inhabitants: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Nov. 2, 1705. A petition of John Pery, eſquire, was read; ſhewing, that at the election of burgeſſes, to ſerve in this preſent parliament, for this borough, Nathanael Gould, eſquire, John Wicker, and the petitioner, were candidates: that Mr. Wicker, and his agents, did, by notorious bribery, and other corrupt practices, procure ſeveral of the electors to vote for him, who otherwiſe would have voted for the petitioner; yet the petitioner had the majority of legal votes, and ought to have been returned one of the burgeſſes; but Mr. Wicker hath gotten himſelf to be returned, in wrong of the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Nov. 25, 1708. A petition of Thomas Edwards, and Michael Diar, inhabitants of this borough, was read; ſhewing, that at the late election of members, to ſerve in this parliament for this borough, Anthony Hammond, Nathanael Gould, and Richard Lloyd, eſquires, were candidates: and Mr. Hammond, and Mr. Lloyd, were returned; but Mr. Lloyd, by treating after the teſte of the writ, and other undue practices, procured himſelf to be returned, in breach of the laws, touching elections, and in wrong to the petitioners and the ſaid borough: and praying &c.

Ordered, that the merits of the ſaid election and return, be heard upon Tueſday, the 15th of Feb. next.

26th. Reſolved, that an humble addreſs be preſented to her Majeſty, that ſhe will be pleaſed to give directions, that the commiſſion, conſtituting the commiſſioners of the navy, may be laid before the houſe.

Ordered, that the ſaid addreſs be preſented to her Majeſty, by ſuch members of this houſe, as are of her Majeſty's moſt honourable privy-council.

Ordered, that the commiſſioners of the navy do lay before this houſe, the names of the commiſſioners employed in the out-ports; and copies of the warrants for ſuch their employment; and an account of the allowances made to them.

Dec. 1ſt. Mr. ſecretary Boyle reported to the houſe, that her Majeſty had been attended with the ſaid addreſs; and that her Majeſty had been pleaſed to give directions, that a copy of the ſaid commiſſion ſhould be laid before the houſe accordingly.

Mr. Burchet, according to order, laid before the houſe the copy of the ſaid commiſſion; and alſo, the return of the principal officers and commiſſioners of her Majeſty's navy, purſuant to the order, of the 26th of November laſt, for laying before the houſe the names of the commiſſioners employed in the out-ports, with copies of the warrants for ſuch their employments; and alſo an account of the allowances made them.——The titles whereof were read, and the copies of the commiſſion and return, were ordered to lie upon the table.

Ordered, that the copies of the ſaid commiſſion and return be conſidered on Tueſday morning next.

3d. Ordered, that the commiſſioners of the navy do lay before this houſe an account of ſuch commiſſioners of the navy, as have been employed in attending the pay of any of the out-ports, ſince the 1ſt day of May, 1707, and what allowances have been made, or remains due, to them for the ſame.

Ordered, that the treaſurer of the navy do lay before the houſe ſuch bills, as he has paid for any commiſſioners, or their clerks, attendance upon the pay in any out-ports, ſince the 1ſt day of May, 1707.

6th. Mr. Hammond, from the principal officers and commiſſioners of her Majeſty's navy, preſented to the houſe their return to an order of this houſe, of the third inſtant, requiring the ſaid account: the title whereof was read; and ordered to lie upon the table.

Ordered, that the commiſſioners of the navy do lay before the houſe, a copy of the warrant from his late royal highneſs, when lord high admiral of Great-Britain, for appointing ſome of the ſaid commiſſioners to inſpect the buſineſs of the Regiſter-office.

An officer from the treaſurer of the navy preſented to the houſe, an account of monies paid to the commiſſioners of the navy, for their attendance in the out-ports on the payment of ſhips, ſince the 1ſt of May, 1707: alſo, an account of money paid to the clerks of the navy, for their attendance in the out-ports, ſince the 1ſt of May, 1707.

Ordered to be conſidered on Tueſday morning next.

Ordered, that the treaſurer of the navy's caſhier do attend the houſe to-morrow morning.

7th. An officer from the commiſſioners of the navy attended, and preſented to the houſe, according to order, a copy of his late royal highneſs's warrant, appointing Benjamin Tymewell, and Anthony Hammond, eſquires, two principal officers and commiſſioners of her Majeſty's navy, to inſpect the buſineſs of the Regiſter-office.—The title was read; and ordered to lie upon the table.

The houſe proceeded, according to order, to conſider the ſaid commiſſion, and other returns, which were ſeverally read.

And alſo a clauſe of an act in the 6th year of her Majeſty's reign, entitled, An act for the ſecurity of her Majeſty's perſon and government, &c. diſabling ſeveral officers to ſit in the houſe, was read: and ſeveral witneſſes examined: and then it was reſolved,

That Anthony Hammond, eſquire, being a commiſſioner of the navy, and employed in the outports, is thereby incapable of being elected, or voting, as a member of this houſe.

8th. Ordered, that a warrant be iſſued for a new writ for electing a burgeſs to ſerve in this parliament, for this borough, in the room of Anthony Hammond, eſquire, who hath been declared to be incapable of being elected, or voting, as a member of this houſe.

Dec. 23d. A petition of Nathanael Gould, eſquire, was read; ſhewing, that at the laſt election of a burgeſs, to ſerve in parliament for this borough, in the room of Anthony Hammond, eſquire, Gregory Page, eſquire, and the petitioner, were candidates: that five days before the election, the ſaid Mr. Page, and above thirty ſtrangers, came to the ſaid borough, and ſpent great ſums of money upon the electors, in contempt of the laws about elections; and by other illegal practices, Mr. Page procured himſelf elected a burgeſs for this borough, in prejudice of the petitioner, who had a majority of legal votes: and praying &c.

Ordered to be heard at the bar on the 3d day of May next.

Nov. 16, 1709. A petition of Thomas Edwards and Michael Dyar, inhabitants of this borough, was read; ſhewing, that at the late election of members to ſerve in this parliament for this borough, Anthony Hammond, Nath. Gould, Rich. Lloyd, and Edw. Stringer, eſquires, were candidates; and Mr. Hammond and Mr. Lloyd were returned: but Mr. Lloyd procured himſelf to be returned, by treating, and other undue practices, after the teſte of the writ, in breach of the laws touching elections, and in wrong to the petitioners, and the ſaid borough: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Jan. 11th. Ordered to be reported on Friday next.

13th. Mr. Compton reported, from the ſaid committee, the matter of the ſaid petition.——That the counſel for the petitioners did not diſpute the right of election, nor that Mr. Lloyd had a majority of votes; but inſiſted, that he procured his majority and return, by treating after the teſte of the writ, and other undue practices: and called

Waſhford; who ſaid, he was treated ſeveral times, and at ſeveral places, after the teſte of the writ by Mr. Collins.

Holder ſaid, he knows, that Collins ſollicited votes for Mr. Lloyd; and that, ſome time before the teſte of the writ, there was 5 l. ordered to be paid to every publick houſe in the town, for the entertainment of the voters, who would vote for colonel Lloyd: that he had 40 s. in part, before the teſte of the writ, and 20 ſhillings more afterwards; which was ordered to be made into punch on the Sunday before the election, which was after the teſte of the writ; at drinking whereof there were ſeveral, who voted for colonel Lloyd: that the 20 s. were paid him by Mr. Collins.

Henry Partington ſaid, that one, who called himſelf Mr. James, but ſince goes by the name of Blue, aſked his vote for colonel Lloyd, after the teſte of the writ; and for that purpoſe invited him and his wife to an entertainment of pullets and wine at the Dolphin: and Partington telling him, he owed five or ſix pounds, and that muſt be ſatisfied, if he voted for colonel Lloyd, Mr. Blue engaged it ſhould be taken care of; but the money was never paid: and his wife confirmed the ſame.

In anſwer, the counſel for Mr. Lloyd produced a letter, dated the 26th of February. 1707-8, which, he owned, he ordered to be ſent to colonel Lloyd; whereby he deſires the colonel to be his friend ſo far, as to lend him three or four pounds, till he could get into work, and the firſt money he could get, he would return it to him again.

Witten ſaid, that he, and about twelve others, were entertained at Collins's on the election day, in the morning; and Collins then aſked his vote for colonel Lloyd.

Barber ſaid, he was threatened on the election-day (by one of the ſheriff's bayliffs) to be arreſted, if he would not vote for colonel Lloyd; but if he would vote for him, Blue told him, that money ſhould be paid: and this induced him to vote for colonel Lloyd, which elſe he would not have done; though he has been ſince forced to pay the money.

Fry ſaid, he keeps a public houſe in this borough, and received 5 l. from Mr. Collins, before the teſte of the writ, to entertain the voters for colonel Lloyd: that, after the teſte, he drew drink to the value of 11 l. but had no orders either from colonel Lloyd, or Collins; but ſeveral of the colonel's friends deſired him to do it, and if the colonel would not pay for it, they would: that, on the election day, he told colonel Lloyd in the church-yard, where the poll was taken, that there were 11 l. due to him; and the colonel told him, it ſhould be paid.

The counſel for colonel Lloyd produced a bill of particulars, expended on colonel Lloyd's account, which he owned to be the ſame he ſpoke of in his evidence; and it appeared to amount to 18 l. 15 s. 5 l. whereof was paid; and dated April 5, 1708.

Pool ſaid, he was invited to a treat, where colonel Lloyd was, who aſked him for his vote.

Smith ſaid, he was in colonel Lloyd's company, and Blue aſked his vote for the colonel; who told him, if he would ſo vote, he ſhould have an occaſion for a large quantity of cloaths for his negroes; and, under that expectation, he voted for colonel Lloyd.

Oſborn, the returning officer, ſaid, he made the return purſuant to the votes, without being influenced.

The counſel for the petitioner then read the act againſt treating, of the 7 and 8 of King William.

For col. Lloyd, — that what entertainments were made where any votes were deſired for col. Lloyd; were before the teſte of the writ, and orders had been given to hinder ſuch entertainments after the teſte: To prove it they called, Glaſpool; who ſaid, whatever treats were made for colonel Lloyd, were before the teſte of the writ; and the 5 l. entertainment was general, in one day, before the teſte of the writ; and that the colonel was recommended to the borough, as a very honeſt gentleman, by Mr. Wicker and his ſon.

Tweedale ſaid the ſame; and denied, that Pool was ever in company with colonel Lloyd at his houſe; and that Pool is a man of an indifferent character.

James Blue ſaid, that colonel Lloyd was a ſtranger to him, till recommended by ſeveral gentlemen of rank near the borough, and ſeveral conſiderable merchants in London.

Upon the whole, the committee reſolved,

That Richard Lloyd, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament, for this borough.

Which, being read twice, was agreed unto by the houſe.

Dec. 2, 1710. A petition of Edward Dummer, eſquire, was read; ſhewing, that the petitioner, with Gregory Page, eſquire, and Nathanael Gould, eſquire, were candidates at the laſt election of members to ſerve in parliament for this borough: that, by reaſon of indirect practices, the ſaid Mr. Page and Mr. Gould have procured themſelves to be returned, contrary to juſtice, and to the great prejudice of the petitioner: and praying &c.

A petition of Robert Nightingale, eſquire, was read; ſhewing, that the petitioner with Gregory Page, eſquire, and Nathanael Gould, eſquire, ſtood candidates at the laſt election, to ſerve in this parliament, for this borough; but by reaſon of great irregularities, and indirect practices of Mr. Page and Mr. Gould, they have procured themſelves elected and returned: and praying &c.

Ordered, that theſe petitions be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

March 26, 1715. A petition of Francis Chamberlayn, eſquire, was read; ſhewing, that at the laſt election for this borough, the petitioner, Sir Gregory Page, baronet, and Nathanael Gould, eſquire, were candidates; but by ſeveral illegal practices, the ſaid Sir Gregory Page hath procured himſelf to be returned for the ſaid borough, in prejudice of the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

May 23d. Ordered, that leave be given to withdraw the ſaid petition.

SHREWSBURY.

THIS is the capital or ſhire town of the county of Salop; and a corporation conſiſting of a mayor, recorder, 21 aldermen, and 48 common-council-men. It hath been ſummoned to ſend burgeſſes to parliament, from the 26 Edw. I. and the returns were made by the bailiffs and burgeſſes before its incorporation; but ſince by the mayor, aldermen, and burgeſſes. The memoirs of the manner and right of election I have not met with before the reformation: after which time, the journals of the houſe of commons afford theſe following.

Willis. 1749. 42.

See Returns, 9 H. IV. 30 Eliz.

March 26th 1604. Mr. Serjeant Hobart informeth the houſe of the late undue election and return of the burgeſſes for this borough; the indentures being returned and brought into the Crown-office by the parties themſelves, and not by the ſheriff; urging, that all returns, not made by the ſheriff, are void; and wiſheth, that for the honour and privilege of the houſe, the matter might be examined; and that the parties might forbear to ſit in the houſe, until the cauſe were conſidered of, and the difference determined. To which motion the houſe did not aſſent; but, upon anſwer made at large by Mr. Francis Tate, a counſellor at law, and one of the burgeſſes returned for the ſaid town, delivering the circumſtances and particulars of the election, of his own knowledge, the matter was referred to the examination and report of the committees for returns and privileges.

April 13th. The manner of the election, and return, of the burgeſſes for this borough, falling into queſtion between Mr. ſerjeant Harris the younger, and Mr. Barker; the caſe was opened to the houſe by Mr. Tate, and argued *pro et contra* by ſundry members of the houſe.

The caſe being thus; that, upon the firſt writ of election, choice was made of Mr. Barker, and an indenture returned, and delivered by Mr. Barker himſelf to the clerk of the crown; the ſheriff afterwards procureth Mr. ſerjeant Harris to be choſen; and returneth and juſtifieth another indenture, made between the electors and himſelf; which is not according to the ſtatute of election, of 23 Eliz. So as hereupon, after great diſpute, ſundry queſtions were agreed on, and made:

1. Q. Whether the firſt indenture between the ſheriff and the bailiffs; and

2. Q. Whether the indenture between the ſheriff and the electors; ſhall be accepted by the houſe?

And reſolved, upon theſe queſtions, that neither ought to be accepted; and ſo both the returns damned.

A third queſtion was made:

3. Q. Whether a warrant ſhall iſſue for a new writ?

4. Q. Whether the ſheriff ſhall be ſent for by warrant, directed to the ſerjeant of the houſe?

And both queſtions reſolved in the affirmative.

The warrant for the new writ was in this form:

WHEREAS two ſeveral indentures have been lately made, concerning the election of burgeſſes for the town of Shrewſbury; one between the bailiffs and burgeſſes of the ſaid town, and the other between the ſheriff of the county, and ſundry the burgeſſes of the ſaid town; the firſt whereof being not returned by the ſheriff, but diſavowed by his deputy; the other returned by him, are both, by the Commons houſe of parliament, conceived and adjudged to be inſufficient: It is therefore required, on behalf of the ſaid houſe, that a new writ be forthwith awarded, for a new election of burgeſſes to be made for the ſaid town. And this ſhall be your warant.

Edward Phelips, Speaker.

Directed: "To my very loving friend Sir Geo. Coppin, knight, clerk of the Crown in the Chancery."

17th. Moved, that the ſheriff be ſent for, to anſwer his proceedings in the matter of election formerly complained of; and diſputed, whether by the ſerjeant, or by attachment; and reſolved, upon the queſtion, to be ſent for by the ſerjeant, or his deputy.

May 7th. The ſheriff of this county was ſaid to be come; and moved to be heard by his counſel.

Anſwer. That in ſome caſes, not capital, men are denied counſel.

Baſſet, ſheriff of Staffordſhire, in matter of fact, had no counſel.

In the free choice of the houſe to allow, or not allow, counſel.

The ſheriff of Norfolk, 29 Eliz. was admitted to his counſel.

Reſolved, that, for matter of fact, his cauſe firſt to be opened by himſelf; and then the queſtion to be made, whether counſel, or not.

The ſheriff appearing at the bar, kneeled; but, by favour, had leave to ſtand.

Moved, by himſelf, for counſel: and ordered, that counſel on both parts ſhall be heard.

Articles of accuſation againſt him, offered, and read in the houſe *; and the committee for privileges appointed to conſider of them; as alſo all other matters, that may incidentally, or by the way, appear unto them, either of fact or law, in that caſe of the ſheriff now in queſtion; and to report their proceedings to-morrow, in the morning, before the ſheriff, or his counſel, be admitted into the houſe, or heard in the ſaid cauſe:—their place of meeting, the Exchequer-chamber.

The abuſes objected, are as follow.

Abuſes committed by the high-ſheriff of the county of Salop, concerning the election of the burgeſſes for Shrewſbury, upon the firſt writ, which we pray may be examined of.

1. THAT he received the firſt writ for election of knights and burgeſſes, and executed the ſame in the county-court, the 9th day of February; but delivered not any warrant to the bailiffs, to elect burgeſſes, till the 6th day of March; and, to cover his abuſe therein, dated the warrant eight days before the delivery.

2. That, the 9th day of February, he did threaten the bailiffs, that, if they did not make choice of ſuch as he ſhould think ſufficient, he would not return them, but ſuch others as he ſhould like; ſaying, the worſt was but the loſs of an hundred pounds.

3. The ſaid ſheriff, betwixt the time of the writ received, and the election of the burgeſſes, by himſelf and his friends, laboured many particular perſons to give their voices with Mr. ſerjeant Harris; and finding them not forward therein, uſed many threatening ſpeeches to them, and, by ſuch means, cauſing them to make promiſe, entered their names in a roll.

4. That, contrary to an order taken by the bailiffs, aldermen, and common-council, that none ſhould come into the common-hall, at the time of election, which were not intereſſed in the choice, Mr. ſheriff, with divers others, that had no voice in the election, ruſhed into the hall; and they, being willed to depart, refuſed, and diſturbed the reſt of the burgeſſes.

5. The ſheriff, and two others of his company, preſſed up to the bench, where none ought to ſit, but the bailiffs, aldermen, and ſuch as are of counſel with the town; and refuſed to remove from thence, being told, they ought not to have place there.

6. Whereas, by compoſition, confirmed by act of parliament, no burgeſs, though he be intereſſed in the election, ought to ſpeak to the bailiffs, but by one of the common-council; yet the ſaid Roger Owen, by often ſpeeches at the bench, interrupted the bailiffs proceedings, and countenanced others ſo to do.

7. Richard Rocke, the ſheriff's man in livery, and others of the ſheriff's followers, laid hands upon the public officer, and hindered him to perform the ſervice commanded by the bailiffs.

8. The ſaid ſheriff, and his followers, in diſturbance of the election, urged the reading of the King's Majeſty's proclamation, touching election

* *Quære*, is here written in the margin of the journal.

of burgeſſes; knowing, the ſame had formerly been proclaimed in the town, and was at the ſame time ſet up in the market place, for all men to read; and, at a former aſſembly of the commons concerning their election of burgeſſes, had been read unto them; and that nothing, by the orders of the ſame town, ought to be read or propounded to the commons, which ſhould not ſo be ordered by a former aſſembly of the bailiffs, aldermen, and common-council.

9. That, after election duly made, he drew many perſons to his houſe, promiſing them wine and beer, and then got them to ſet their hands to a note, concerning their voices to be given to ſerjeant Harris; many of them being made ſo drunk, as they were not able to go home.

10. That, indentures being made, according to the ſheriff's warrant, and brought to his deputy, he received the fee of four ſhillings, together with the indentures; promiſed to ſend the counterpart, ſealed; and afterwards, by means of the ſaid high-ſheriff, the ſame was not performed.

11. The writ, for election of knights and burgeſſes, was returned by the ſheriff's-man, the ſeventeenth or eighteenth of March, without any indenture for the town of Shrewſbury; after which, viz. about the 22d day of March, the ſaid ſheriff cauſed a new indenture to be made betwixt him and divers others, whereof divers were not intereſſed in the election, and divers were not preſent at the election; and thereby certified the election of Mr. ſerjeant Harris, and Francis Tate; whereas the ſaid ſerjeant Harris was not elected; and divers of the parties ſubſcribed, gave their voices with Mr. Barker, who was elected, and not returned by the ſheriff, contrary to the intent of ſuch as ſubſcribed.

Abuſes upon the ſecond writ.

1. That the ſheriff received, or might, if he would, have received, the ſame on Friday, the 20th of April; and yet he made no warrant to the bailiffs, for election, till Wedneſday, the 25th day of April, about four o'clock in the afternoon.

2. That, after knowledge of the ſecond writ, the ſaid ſheriff removed his houſhold to the town of Shrewſbury, thereby to have ſome colour to come into the hall at the election, and with more eaſe to labour particular perſons to give their voices, as pleaſed him; which he alſo did, as before.

3. That at the time appointed for the election, he came to the common-hall, with many tenſers, which he knew to be no burgeſſes, though they dwelt in the town; whoſe diſorderly carriage there gave one of the bailiffs cauſe to command them to depart, and not diſturb their election, otherwiſe their diſorder would force them to deſiſt from the election; whereupon ſome of them began to hiſs at the bailiff; which diſorder cauſed the bailiffs then to depart, without further proceeding.

4. The bailiffs proclaimed a common-hall to be held for election the next day, forbidding ſuch, as had no voice, to come to the hall, and commanding all men to keep the peace, and come without weapons; and the next day, for obſervation hereof, made the like proclamation in the hearing of Mr. ſheriff; and appointed certain warders to ſtand at the ſtairs of the hall, to let none come with weapons: one of the ſheriff's brothers came with his weapon to the warders; who requiring that he ſhould leave it off, if he would go in, reviled the warder, and threatened, he ſhould be knocked anon.

5. That by-and-by the ſaid ſheriff, and divers others of his faction, came weaponed towards the door; and being deſired, if they would enter into the hall, to lay aſide their weapons, the ſheriff laid hold on one of their halberts; which the party recovering from him, the ſheriff offered to draw his weapon, and had ſo done, but that he was ſtayed by Mr. Corbet; but ſome of his ſervants drew their weapons, and made a tumult.

6. That after the bailiffs had pacified the tumult, and deſired Mr. ſheriff in quiet manner to ſee the election, he refuſed ſo to do.

7. That he gave forth ſpeeches, after the new writ received, that, albeit Mr. Barker ſhould be choſen, he would never return him, whatſoever came of it.

.. That, the indentures being brought to his houſe, he would not be ſpoke with; and his under-ſheriff refuſed to ſeal the counter-part thereof.

May 9th. The ſerjeant ſent, with his mace, for Sir Thomas Shirley, according to the order yeſterday.

After his going, moved, that the ſheriff of Shropſhire, attending at the door, might come in, and be heard: which was not aſſented; but delivered for a rule;

That no delinquent is to be brought in, but by the ſerjeant with his mace.

12th. The ſheriff of Shropſhire having ſundry days attended, to know the pleaſure of the houſe, the houſe was now informed, that a new election was made of the former burgeſſes, and that the ſheriff was willing to return the writ according to the election.

The houſe thereupon gave direction to Mr. Speaker, to remember the ſheriff of the favourable courſe of proceeding with him, and what urgent cauſe they had, of imputing and puniſhing his offence; yet, underſtanding his willingneſs and care to make this ſecond return, as alſo for the reſpect they did bear to his father, the houſe was content (when the return was made) he ſhould be free from any further reſtraint, or queſtion.

The ſheriff, attending at the door, was called in; and Mr. Speaker performed the direction of the houſe accordingly.

April 8, 1614. Mr. Alford moveth, that the houſe may determine, whether Mr. Attorney may ſerve.—Generally allowed a good motion.

Sir Roger Owen concurreth; for that no attorney ever choſen, nor anciently any privy-counſellor, nor any, that took livery of the King.—Precedents:—7 Ric. II. a bannerett put out:—*Per* printed authority; Sir Thomas Moore, in his treatiſe, after he had been chancellor and ſpeaker.

* * Precedents.—Eye can endure no colours.—King's [livery] hindereth their ſight.—

Gilded cloud with the Sun.—The King's ſtamp upon braſs coin maketh it current.—

Negative argument,—never any attorney.—Members of the houſe, choſen barons, judges, &c. diſmiſſed:—New choice.—

Commendation of his worth.—Sir Jo. Saville:—Mercury.—

The full of his motion:—The privy-counſellors, having got continuance, to ſtay, for this time; but now the queſtion to be, whether Mr. Attorney ſhall now ſerve here.

Hereupon the houſe calling to the queſtion; Mr. Speaker deſired them to ſtay a while, to ſee whether any other would ſpeak; and then, being preſſed to put the queſtion, deſired to know the pleaſure of the houſe, if the firſt queſtion ſhould not be, whether the queſtion ſhould be, without firſt a ſearch made of the precedents. To which exceptions were taken; telling Mr. Speaker, he ought not to divert the queſtion.

Mr. Francis Moore,——againſt the queſtion now, without ſight of precedents.——No queſtions made of returns of others; therefore this not to be queſtioned.

Mr. Fuller:—— we, in this aſſembly, as a body, divided from the other houſe.—— Mixture, by this means, of both bodies.—— General voice to the queſtion.

Sir Herbert Croftes:—— Perplexed, in reſpect of the conſequence; in reſpect of the privileges of the houſe, and ſatisfaction of his Majeſty, by our proceedings, as he hath done to us.——

Undertakers.—— That he ſo ſaluted, though he cleared by the King. — Conſent and vogue of the houſe going one way, —— knoweth the houſe will diſlike his motion.——His opinion, that the Attorney-general ought not to be of the houſe; nor any attorney-general; yet deſireth to have the queſtion deferred, in ſatisfaction to his Majeſty, for doing it gravely and diſcreetly; and refer it to the committee.

Sir Richard Willyamſon, ——for the deferring of the queſtion, becauſe no precedents ſearched, or found, on the other ſide. — Precedents, in the Prince's caſe, one way, which then ſwayed the law, which after changed.

Mr. Amnerſt: ——for that diverſe new parliament of the ſame mind.

Mr. Hackwyll:— ſearched the precedents, and, as he remembreth, Mr. Attorney hath been of the houſe; yet wiſheth it were not ſo.

Mr. Finch:—inconvenient, Mr. Attorney ſhould be of the houſe; but precipitation dangerous, for cutting off a member.—A judgment, to diſmiſs him without precedent, *juſtum, non juſte*.

Mr. Aſhley: — a committee only for ſearch of precedents, whether any attorney have been elected, and ſerved as a member of this houſe.—The queſtion, whether the committee ſhall only conſider, [and] ſearch of precedents.

And, upon the queſtion, that ordered; and committed to Sir Herbert Croftes and others:—— Exchequer-chamber.

Theſe committees have authority only to ſearch for precedents, where any Attorney-general, to any King or Queen of this realm, hath been choſen, and ſerved, as a member of this houſe; and to report their proceedings therein to the houſe; and are appointed to meet, for that purpoſe, in the Exchequer-chamber, at two of the clock this preſent afternoon; and the clerk of this houſe to attend them with the Journal-books.

April 11. Mr. Fuller reports.— Sir H. Hobart the only attorney that hath been in this houſe, appearing in the clerk's hand. Sir H. Hobart firſt of this houſe; after, choſen attorney, and by connivency ſerved there.

Mr. Secretary:—The queſtion come to his Majeſty's ears. — His conceit, that no diſlike of Mr. Attorney, nor unwillingneſs with his ſervice; but out of a reſpect to the privileges of this houſe; which he will ever maintain.—

That his Majeſty knoweth no difference, for the reaſon, between the ſerjeant, higher, and the ſollicitor,—than the attorney.—A reaſon of difference, *ubi eadem ratio, eadem diſpoſitio*.——

Moveth, that, becauſe returned, and ſworn, may be continued this parliament; for hereafter, as this houſe ſhall pleaſe.

Sir Roger Owen:——That he thinketh, he ſhall deceive the expectation of them that called upon him.—No precedent.—Privileges, *privitiva legum*: —So no reaſon to be required.—They, that ought to be here, ought to be free.—In the King's caſe, a matter in fact, [and] in law.—

King's privy and learned counſel ſuffered; for that they have oft made motions for the common ſtate.—

That he hath received, this morning, advertiſement from honourable perſons, why now ſpecial cauſe he ſhould ſerve; which, not fit to be diſcovered here publickly, but will privately inform any man that cauſe (for matter of ſtate this parliament) he ſhould be, this parliament, of the houſe; with an order, that hereafter no Attorney-general ſhould at any time be of the houſe.—

Sir Richard Willyamſon:— No precedent for Mr. Attorney-general; *in hoc individuo*; ſo nothing againſt him, but he might be of the houſe.—Conſiderable, as he is a ſubject.—— Every freeman may be choſen.—The words of the writ, *de probis et diſcretioribus*: he both theſe.— The precedents, to diſable him, ought to be ſhewed on the other ſide.— Doctor of Divinity.—— The boroughs have choſen according to the writ.

Precedents upon the ſame reaſon.—*De rebus paribus pari ratione*.————

Precedents for the ſerjeant, above, and ſollicitor, below, the attorney.—

Jeffreys, 18 Eliz.—Ruled, becauſe no voice, nor any member there.——

Onſlow, 8 Eliz.— Suit for him, to chuſe him ſpeaker.——

Cooke, ſollicitor, ſpeaker, 35 Eliz. ——

The actions of this houſe carried abroad, though unjuſtly, and diſorderly. — If he rejected, and the other two ſtand; either an imputation to Mr. Attorney, or to this houſe, to do this:—ſo concludeth for it, both now, and hereafter.

Mr. Whitlock:—Right to the other, becauſe he ſtood up firſt; not for his text of Elihu.—Here not antientneſs reſpected, but firſt ſtanding up.—

Precedents ſearched for, where an attorney returned, and removed. — Search from Ed. II.—— Searched, who ſpeakers from 51 Ed. III. till now.— Searched, whether any of them attornies.—Found, ſome ſpeakers had been attornies: whether, when ſpeakers, the queſtion.————

Hen. IV. Babington ſpeaker, and had been attorney.——

Hen. VI. William Treſham, and (as informed to him) attorney-general, ſpeaker three parliaments; 18, 25, 28, Hen. VI. but knoweth not, whether at that time attorney, or no.—

Nevill . . Hen. VIII. of the King's counſel, and ſpeaker.

Friend, and conſort, Mr. Hackwell:—Though he had ſeen a record, where an attorney of this houſe. —Sir Jo. Baker, ſpeaker 1 Ed. VI. and had been attorney in Hen. VIII's time, but in truth removed, before, to be Chancellor of the Exchequer: that the cauſe of that miſtaking.—

No record, that he can find, that attorney, ſollicitor, ſerjeant, maſter of the Rolls, ſecretary, chancellor of the Exchequer, from 26 Hen. VIII.—

Onſlow, ſollicitor; Cordell, maſter of the Rolls.— Never any maſter of the Rolls, of the houſe till Cromwell, 26 Hen. VIII. becauſe, before, all maſters of the

Rolls, till then, in holy orders, and ſo could not be of this houſe.——

Audeley, King's ſerjeant, ſpeaker *tempore* Hen. VIII.—Dyer, *&c.*—

Heretofore, as in Jeffereys's caſe, ſtrife by the houſe to increaſe their number; therefore ſent to have Jeffereys remanded; now the table turned.—

Moveth, he may now ſtand; and in order, none at any time hereafter.—

1. He a voice in the election; *ergo*, may be elected:—ſhall be found by law, here; *ergo*, fit to have a voice.——

The parliament a council, and court of law.—*Ultima provocatio* from the King's-bench to the parliament.——Attendeth there, as a court of law and juſtice; not of counſel; for that houſe only to meddle with judgment in law, not this.——

No practiſer of the law, a member of this houſe, may practiſe; for that a judge: — For matter of honour, &c. in the higher houſe, may be of counſel, for this houſe cannot meddle with it.——

15 Edw. III. All bound to come to the parliament, without exception.—

5 Ric. II. All, elected, to come to the parliament, without exception, without ſome reaſonable excuſe.—That the antient courſe to excuſe here by attendance above.

No law againſt the attorney, but that, which againſt all privy-counſel, ſollicitor, ſerjeant, and all knights of ſhires, not reſiants, or not freemen in boroughs.—

Their oath their own conſciences to look unto, not we to examine it.—Concludeth neither for him, nor againſt him,—a middle courſe, avoiding *oſtraciſmus* amongſt the Athenians. — If any, too great, baniſhed for ten years; his eſtate preſerved, and then returned.——

Two or three of them; their names put between two oyſterſhells, and one of them by lot to be baniſhed.—

Moveth, for this time, his ſtay; with an order againſt all hereafter.

Sir Dudley Digges: ——This not moved out of ſchiſme, or oſtraciſme. ——Never feareth any man, or his page.—Commendeth the gravity and wiſdom of the houſe.——No precedent, but imaginary, if we ſtrictly ſtand to the liberties of our houſe. — The coming in, by degrees, of thoſe, which then ſpake for the commonwealth.——Not now only as attorney:——*Non dominus, ſed ille.* — His ingenuouſneſs ſuch, as he (if preſent) would acknowledge greater cauſe, why he ſhould not be, than any other. ——His power, his means (being here) to obſerve all, or requite any, that ſhall oppoſe him. —

Moveth, for ſatisfaction to his Majeſty, that he may be continued, with an order to reſtrain all other.

Mr. Finch, *accordant*; for his ſervice, and the precedent for ſtate in foreign parts.——

None to be excepted by law, but ſheriffs, in orders, and judges.————

The judges muſt be of the upper houſe, for writs of error, which muſt be done by their direction, and advice.—

No difference, where attorney before, or after.—

Moveth for a middle courſe, for this one time, and man.—

Mr. Aſhley: —If he Mercury, and Mercury a thief; the more cauſe to this houſe, to look to it. —

The other houſe, and this, diſtinct conſultations. — Moveth for two queſtions: 1. * * *

Mr. Wentworth moveth for further adviſement upon this; for that they now to tender bills, of matters of grace, from his Majeſty; wherein they beſt informed; the rule for adviſement in judgments. — Moveth for a reference further.

Mr. Crew: — Friends not eaſily parted; yet rather to part with a joynt of his hand, than to loſe any part of that politique body, whereof he a member.———

Queſtion: whether eligible.

2. Whether, returned, ought to ſerve.

3. *Quid expediat.*—

The fitteſt man to conjure down, he, that raiſed up the ſpirit of this queſtion.—

1. Reaſon: the attorneyſhip a diſtinct office, not ſtanding.——

Counſellors of ſtate furtherers of the commonwealth:—Sir W. Mildmay.——

1. Excluſion of barons, ſheriffs, mayors, bailiffs, judges.———

The reaſon to exclude judges: writs of error, of the King's-bench, reverſable in parliament.—That thus a bill, ſigned by his Majeſty, ſealed by the Chancellor, brought into the upper houſe by the chief juſtice, and they there then to judge. —

13 Edw. III. A commiſſion for ordering things in the four courts.—

The King, by his Attorney-general, preſent in every court; all paſſeth him; therefore he to be preſent always in the upper houſe.—

A conſtant writ ſerved upon the attorney, for attendance in the upper houſe, as upon the judges.—

The Sollicitor's place but a limb of Mr. Attorney.—

For conveniency, the bills of grace drawn by the King's counſel; his preſence therefore neceſſary.—

2. *Arcana Imperii.*—Moveth for an order againſt it ever hereafter, and to be retained now.

1. Queſtion: whether he ſhall, for this parliament, remain of the houſe, or not:—Reſolved, he ſhall.

2. Queſtion: whether any attorney-general ſhall, after this parliament, ſerve as a member of this houſe:—Reſolved, no.

May 23, 1678. A petition of Edward Kinaſton, eſquire, complaining of an undue return of Sir Richard Corbet, to ſerve for this town, in injury of the petitioner, who was duly elected, was read.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Oct. 31. The ſame petition in ſubſtance, was again read.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Nov. 25, 1708. A petition of Sir Edward Leighton, baronet, was read; ſhewing, that the petitioner was one of the candidates, at the laſt election to parliament, for this borough; and was duly choſen one of the burgeſſes, by a majority of good votes, and ought to have been returned as ſuch: but by bribery, menaces, and other ill practices of John Kinaſton, and Richard Mytton, eſquires, the other candidates, and their agents, Robert Phillips, Thomas Phillips, and others; and by the partial proceedings of William Smith, eſquire, then mayor, and judge of the poll, the ſaid John Kynaſton, and Richard Mytton, procured themſelves to be returned, in manifeſt wrong to the petitioner: and praying &c.

Ordered, that it be heard at the bar of the houſe, on the 14th day of Feb. next.

Nov. 16, 1709. A petition (the ſame in ſubſtance) of the ſaid Sir Edward Leighton, was again read.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Dec. 19. Ordered, that it be reported to-morrow morning.

20th. Mr. Compton, according to order, reported, from the ſaid committee, the matter, as it appeared to them, upon the ſaid petition.——That the counſel for the petitioner inſiſted, that the right of election, for this borough, is in the burgeſſes, paying ſcot and lot, not receiving alms or charity, and living within the ſaid borough, or ſuburbs thereof.

The counſel for the ſitting-members inſiſted, that the right of election, for the ſaid borough, is in all the burgeſſes reſident, or not reſident; and that all perſons, born in the town, and all the deſcendants of burgeſſes in the male line, have a right to be burgeſſes.

For the petitioner,—they produced the copies of two returns from the Rolls; one 18 *Martii* 1 *Mariæ*, being an indenture, made *coram Richardo Mytton, et Richardo Dawes, ballivis burgi villæ, et franchanæ villæ, præd. inter Adamum Mytton, mil' vice com. præd. ex una parte, et præfatos ballivos, et alios homines burgenſes, ac commorantes, infra villam et burgum præd. inhabitant. ex altera parte:* the other is, 1 *die Octobris*, 2 & 3 *P. & M.* and is an indenture, made between Richard Cornwall, eſquire, ſheriff, of the one part, and the bailiffs, *et al' homines burgenſes, ac commorantes, infra villam et burgum prædict. inhabitant.* of the other part.

In anſwer, was called Peter Machen, who ſaid, he was born in this town, has lived there 64 years; and that the out-burgeſſes, or country burgeſſes (as they are called) have always voted; and that they did ſo at the election between Kinaſton and Corbet, when he was a boy, without any objection: and that the burgeſſes of that borough inherit by deſcent.

Edward Carlos ſaid, he had known the borough for 30 years, and the country burgeſſes always voted; and they did ſo in this laſt election, as well for the petitioner, as the ſitting-members, without any objection: and that the firſt charter of the town was granted by King Charles the firſt.

That upon this the committee reſolved,

1. That the right of electing burgeſſes, to ſerve in parliament, for this borough, is only in the burgeſſes, inhabiting in the ſaid borough, or in the ſuburbs thereof, paying ſcot and lot, and not receiving alms or charity.

The counſel, being acquainted with the reſolution, admitted Mr. Kinaſton to have a majority of all the candidates; and that Sir Edward Leighton, the petitioner, had ſix more votes, than Mr. Mytton.

Then they proceeded to give evidence as to bribery, and other indirect practices, on both the ſitting-members: and called Gittens, a ſhoemaker, living in this borough, who ſaid, the ſitting-members ordered 2000 pair of ſhoes to be made in the borough; and all the ſhoemakers in the town were employed to make them: he was ordered to make ſix dozen by Mr. Mytton, and Mr. Phillips, ſteward to Mr. Kinaſton, two years and an half ago: that he was not then aſked for his vote, when ſuch orders were given, but he was about a month before: that there was a general meeting of the ſhoemakers, where it was propoſed, in conſideration of their having made ſo many ſhoes upon the ſitting-members account, they ſhould all vote for them: that, upon the day of election, he went to the town, to vote for the petitioner; but meeting Phillips, and telling him his intention, he told him, he ſhould never be paid for the ſix dozen of ſhoes, if he voted for the petitioner: whereupon he voted for the ſitting-members, contrary to his intention; and was afterwards paid for the ſhoes by Phillips: that Mr. Tongue, agent for the ſitting-members, offered to get him 25 l. to be lent him without intereſt, of the town's-ſtock, if he would vote for the ſitting-members, who were preſent, when he was offered.

Brown ſaid, Mr. Robert Phillips promiſed him an horſe, if he would vote for Mr. Kinaſton, and Mr. Mytton: and that Mr. Kinaſton told him, he would be kinder to him, than Sir Edward Leighton, and would help him to 25 l. out of the ſtock, and 4 l. to put out his ſon apprentice: upon which, he ſaid, ſo vote, though he had before promiſed to vote for Sir Edward Leighton.

Andrews ſaid, Mr. Cowper, a clergyman, who has a living in Mr. Mytton's gift, offered five ſhillings and one guinea, to vote for the ſitting-members, and paid him two ſhillings and ſix-pence in earneſt; and he had one ſhilling more after: that, at the election, he was threatned by Beke, one of their managers, if he did not vote for them: that one Powell, as he was going to the election, to vote for the petitioner, was forced into an houſe, where were ſeveral of the ſitting-members voters and managers; and being invited, eat and drank with them; but was after told, if he did not vote for Mr. Kinaſton, and Mr. Mytton, he ſhould pay 10s. for what he had eat and drunk.

Harris ſaid, he was going to poll with three country burgeſſes, who intended to vote for the petitioner; but they meeting with Mr. Kinaſton and Mr. Mytton's ſons, he ſaw them give two half crowns to two of the ſaid burgeſſes, bidding them vote for Mr. Kinaſton and Mr. Mytton: and Harris, aſking if they made bribing people? he was knocked down by one Hulſton: that he went to the polling-place bloody, and ſaw the three burgeſſes vote for Mr. Kinaſton and Mr. Mytton.

Chandler, a conſtable, ſaid, he kept one of the doors, and was aſked to let in a voter for Mr. Kinaſton and Mr. Mytton, but refuſed, unleſs he might alſo let in one of the petitioner's voters: that he ſaw the voter for Mr. Kinaſton and Mr. Mytton, vote preſently, but the other was thruſt about, and, he believes, not permitted to vote: that he went to enquire for one of the petitioner's voters at a publick-houſe, where he found him drinking with the voters for the ſitting-members, who would have kept him, but the man declaring himſelf for the petitioner, they let him go.

Felton ſaid, he ſaw Mr. Kinaſton and Mr. Mytton's ſons enquiring among the burgeſſes for the petitioner's voters, and ſaw them treat them ſo very ill, that ſome of them went away without voting.

Then the counſel for Mr. Kinaſton and Mr. Mytton, proceeded to give evidence of bribery, and ill practices, for the petitioner: and called

Thomas Croſs, who ſaid, he came out of the country to vote for Mr. Kinaſton and Mr. Mytton; and calling upon ſome friends at a publick-houſe, he ſaw the petitioner, who aſked them for their votes, and told him (Croſs) if he would vote, and get votes for him, he would make him ſteward of an eſtate he lately purchaſed; and ſaid, he could not treat them, but paid one ſhilling for his club: that Robert Devis, an agent for the petitioner, offered him thirty ſhillings, if he and his two brothers would vote for the petitioner: but they all voted for the ſitting-members.

Gathen ſaid, one Mr. Jones, a gentleman of an eſtate, made intereſt for the petitioner, and he was at Mr. Jones's houſe, two days together, at the time of the election, and ſaw there 40 or 50 people eating and drinking, who were led up to the poll by Mr. Leighton, and voted for the petitioner: but did not ſee the petitioner at Mr. Jones's houſe.

Shofield ſaid, that on the 8th of March was twelve months, a bonfire being made for the Queen's coming to the crown, the petitioner aſked him for his vote, and gave him and another two ſhillings and ſix-pence, to drink the Queen's health.

Griffith ſaid, he was aſked for his vote by both parties, and the petitioner promiſed to prefer his ſon in the exciſe, if he would vote for him: but owned, it was after he had promiſed to vote for the petitioner.

Mansfield ſaid, Sir Edward Leighton gave him one ſhilling, and lady Leighton one ſhilling and ſix-pence, to fetch his ſon out of Cheſhire.

Peter Machen ſaid, that, about a fortnight before the election, Mr. Harris, a ſervant of the petitioner's, brought certain perſons, by the names of Pitts, to his houſe, and bid him treat them well, and he would pay the reckoning.

Griffith ſaid, Sir Edward Leighton gave him two ſhillings and ſix-pence, and deſired his vote: but he told him, he was engaged for the ſitting-members, but ſaid, he had ſome relations he would endeavour to get: but knows not, whether any of them voted for the petitioner. As to evidence for money,

John Peke ſaid, he was preſent wheh Mr. Cowper was deſired by Andrews to lend him five ſhillings to pay his debts; but Mr. Cowper, not having ſo much about him, bid him lend Peke two ſhillings and ſix-pence, which he did, but heard no vote aſked by any perſon at that time. Then the committee reſolved,

2. That John Kinaſton, eſquire, is not duly elected a burgeſs, to ſerve in this preſent parliament, for this borough.

3. That Richard Mytton, eſquire, is not duly elected a burgeſs, to ſerve in this preſent parliament, for this borough.

4. That Sir Edward Leighton, baronet, is duly elected a burgeſs, to ſerve in this parliament, for this borough.

The firſt reſolution being twice read, it was moved to recommit it; but diſagreed to: and then the reſolution was agreed to by the houſe.

The other reſolutions, being twice read, were agreed to by the houſe; the return ordered to be amended, and a new writ ordered.

March 3, 1713. A petition of Corbet Kynaſton, eſquire, was read; ſetting forth, that the petitioner was a candidate at the election for this town, and had a majority of the burgeſſes who voted and offered to vote for the petitioner; that Thomas Jones, eſquire, alſo a candidate at the ſaid election, was by himſelf, and others, guilty of notorious bribery, and indirect practices, did procure Jonathan Scot, eſquire, mayor, to refuſe the votes of ſeveral burgeſſes, who tendered themſelves, and ought to have been allowed; and admitted ſeveral to vote for Thomas Jones, which ought not to be allowed, and in wrong of the petitioner, who ought to have been returned; the mayor was prevailed upon to return the ſaid Thomas Jones: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report it, with their opinion. Alſo

A petition of John Powell, Thomas Pearſon, William Doncaſter, Edward Wall, John Wood, Adam Crumpton, and ſeveral others, whoſe names are thereunto ſubſcribed, burgeſſes of, and inhabiting in this town, paying ſcot and lot, and not receiving alms or charity, ſeveral of whom were refuſed their votes at the election for repreſentatives in this preſent parliament, was read; ſhewing, that Mr. Scot, mayor of this town, being intirely in the intereſt of Edward Creſſet and Corbet Kynaſton, eſquires, two of the candidates at the election for the ſaid town, did illegally refuſe the votes of ſome of the ſaid petitioners, and other burgeſſes, of the ſaid town, who had right to vote, and admitted fifty other perſons in the intereſt of the ſaid Mr. Creſſet and Mr. Kynaſton who had no right to vote at the ſaid election, by which means the petitioners think themſelves injured, and do alledge, that before, and after the ſaid election, Mr. Creſſet was guilty of bribery and corrupt practices: and praying they may be heard to ſuch matters, as can be objected againſt the ſaid mayor and Mr. Creſſet, relating to the ſaid election; and the rights of the petitioners eſtabliſhed.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

May 21, 1714. Ordered the report to be received on Thurſday next.

27th, Mr. Medlycot, according to order, reported the matter of the ſaid election, as follows.

The counſel for the petitioners againſt Mr. Creſſet, waved the matter as to Mr. Creſſet, and admitted him to be duly choſen.

The committee proceeded to examine the merits of the election, as to the other two candidates.

And the poll was, for Mr. Jones, 351.
for Mr. Kynaſton, 276.

The petitioners counſel alledged the right of election to be in the burgeſſes at large.

For Mr. Jones it was alledged, to be only in the burgeſſes inhabiting within the borough, paying ſcot and lot.

To prove the right alledged by the petitioner, were produced copies of twenty-one returns to parliament. One 17 Edw. IV. another 1 Edw. VI. another 30 Eliz. another 43 Eliz. another 18 Jac. I. another 1 Car. I. and another 3 Car. I. by bailiffs and burgeſſes, 15 Car. I. and 13 Car. II. by mayor, aldermen, and burgeſſes: 4 returns in Car. II. and 1 Jac. II. by mayor and burgeſſes: 2 Will. and Mary by mayor, aldermen, and burgeſſes: 4 returns in King William's time; one the 1 *Annæ*, and another 4 *Annæ*, by mayor and burgeſſes.

The petitioner's counſel called,

Mr. Tonge and Mr. Finch; who ſaid, that in all elections, for 35 and 56 years paſt, the out-burgeſſes voted without exception, until 1709, and before that time were never diſputed.

To prove the right of election in the inhabitant-burgeſſes only; the ſitting-members counſel produced, Three returns 17 Edw. IV. by inhabitant-burgeſſes of the town, with greater number of all the burgeſſes.

1 *Mariæ* and 2 and 3 *Phil. & Mariæ* two returns by bailiffs and inhabitant-burgeſſes, and

The reſolution of the Houſe of Commons on the 20th of December 1709, when the right of election was determined to be only in the burgeſſes inhabiting in the ſaid borough, or in the ſuburbs thereof, paying ſcot and lot, and not receiving alms or charity.

The committee reſolved,

1. That the right of electing burgeſſes to ſerve in parliament for this borough, is in the mayor, aldermen, and burgeſſes of the ſaid borough.

To add 94 out-burgeſſes to the petitioner's poll, their counſel gave in a liſt of their names, and called

James Clerk, and others, being nine of thoſe burgeſſes; who ſaid, that upon the ſecond day of the poll, all thoſe ninety-four went up to the hall in a body, and demanded to be polled for Kynaſton and Creſſet, that they, the witneſſes, and as many as could get up, went to the bar and demanded ſuch poll for themſelves particularly, and the reſt all together, by crying out for Kynaſton and Creſſet; that a liſt of all their names were given into court, and read over by the cryer; after which the mayor made proclamation, that he would poll no out-burgeſſes, and thereupon they departed.

Richard Finch and John Clay ſaid, none but burgeſſes are exempted from toll, and that thoſe 94 perſons paſs toll-free as being burgeſſes; and Finch ſaid, he farms the toll at 50l. yearly; theſe perſons he exempts, and he excuſes none but burgeſſes.

Sarah Williams ſaid, that on the firſt day of the election in the morning before the poll began 41 of thoſe, who voted for Mr. Jones and Mr. Creſſet, were treated at the Three-Tuns by Mr. Brickdale, the ſitting-members were with them, and the meat brought in by his ſervant: and Mr. Brickdale, who ſollicited votes for him, engaged to pay the bill.

Mr. Arthur Tonge and Mr. Scot ſaid, John Hall told them, that the ſitting-member made another treat for his voters at Hall's houſe, upon the election day; that his bill came to eleven or twelve pounds, and the ſitting-member promiſed payment.

Dorothy Richards ſaid, that Richard Bucknall told her he was to have 5l. of the ſitting-members for his vote, and ſhewed her twenty ſhillings, which he ſaid, was part of the money.

In anſwer to this evidence, were called,

Sir John Bridgeman, Thomas Powell, eſquire, George Cleve, eſquire, and Samuel Eliſha, who ſaid, they were preſent at the election; that the mayor aſked ſome gentlemen, who were out-burgeſſes, and friends to the ſitting-members, if they would vote, and they refuſed it.

That upon the cloſe of the poll on the firſt day, the petitioner wiſhed this ſitting-member joy of his election: that on the next day a great number of out-burgeſſes came into the hall, and made a hollooing for Kynaſton and Creſſet, but not above four of them to the bar, and demanded to be polled; and theſe did not ſay for whom they would have voted.

Wil. Kynaſton, eſquire, ſaid, the mayor directed the poll to be taken according to the laſt reſolution of the Houſe of Commons; and that upon the firſt day, all the candidates excepted againſt ſeveral for not being qualified according to the ſaid reſolution.

Mr. Podmore ſaid, he believed there were one hundred burgeſſes at the election, who would have voted for the ſitting-member, had out-burgeſſes been admitted, ſeveral of which had polled for him formerly, and declared they were now ready to do ſo.

John Powell ſaid, the petitioner gave John Thomas his kinſman (as he told him, the witneſs) four pounds towards buying his burgeſſhip.

That upon the laſt thankſgiving-day, the petitioner gave the witneſs ten ſhillings to vote for him, and his intereſt, but he did not vote for him; and till the ſecond night before the election it was not known he would be a candidate.

Edward Podmore ſaid, that before any intereſt for voting, John Thomas told him, that the petitioner gave him money to buy his burgeſſhip, and gave him more for his vote.

The committee reſolved,

2. That Thomas Jones, eſquire, is not duly elected a burgeſs to ſerve in this preſent parliament for this borough.

3. That Edward Creſſet, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for this borough.

4. That Corbet Kynaſton, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for this borough.

The ſaid 4 reſolutions being twice read; were agreed to by the houſe, and the return ordered to be amended.

The petition of John Powell, Robert Pearſon, William Doncaſter, Edward Wall, John Wood, Adam Crompton, and ſeveral others, whoſe names are ſubſcribed thereto, burgeſſes of, and inhabiting in this borough, being read:

Reſolved, that the ſaid petition complaining of an undue election and return of Edward Creſſet, eſquire, for this borough, is frivolous, vexatious, and ſcandalous.

Ordered, the ſaid petitioners do make ſatisfaction to the ſaid Mr. Creſſet, for his coſt and expences.

Oct. 18. 1722. A petition of Sir Richard Corbet, baronet, and Orlando Bridgeman, eſquire, was read; ſhewing, that the right of electing burgeſſes to ſerve in parliament for this borough, is only in the burgeſſes inhabiting in the ſaid borough, or in the ſuburbs thereof, paying ſcot and lot, and not receiving alms. This right has been confirmed by ſeveral reſolutions of the Houſe of Commons. The petitioners had an undoubted majority of ſuch burgeſſes; notwithſtanding which, Michael Brickdale, eſquire, mayor of the ſaid borough, hath returned Corbet Kynaſton, eſquire, and Richard Lyſter, eſquire, burgeſſes for the ſaid borough, though they had no pretence of right; and by bribery and orher undue practices, procured themſelves returned, in prejudice to the petitioners: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

March 27, 1723. Ordered, that the report be received on this day ſeven-night.

April 3d. Ordered the ſaid report to be received on Tueſday next.

9th. Mr. Gybbon reported the matter of the ſaid election, as follows.

That the committee have examined the merits of ſaid election.

The petitioner's counſel inſiſted, that the right of election is only in the burgeſſes inhabiting in the borough, or ſuburbs thereof, paying ſcot and lot, and not receiving alms or charity.

For the ſitting-members it was inſiſted, that the burgeſſes in general, whether inhabitants or not, have a right to vote.

For the petitioners, copies of returns were produced; viz. 1 *Mariæ*, and 2 *Phil. & Mariæ*; *per ballivos burgi, villæ & Franches', villæ Salop', ac homines burgenſes, ac commorantes infra vill' et burgum prædictum inhabitantes:* And,

The reſolution the 20th December, 1709; when it was reſolved, that the right of election for this borough, is only in the burgeſſes inhabiting in the borough, or ſuburbs thereof, paying ſcot and lot, and not receiving alms or charity.

That the ſitting-members counſel obſerved, that reſolution was founded upon the evidence of two witneſſes only, contrary to ancient returns then produced.

And they inſiſted on the laſt determination of the houſe, as to the right of election, viz.

27 May, 1714, when it was determined, that the right of electing burgeſſes for this borough, is in the mayor, aldermen, and burgeſſes of the borough: and produced copies of 23 returns viz.

9 Hen. IV. *Les bailiffs et autres burgeys de meſme le burgh eſtoient eſluz per communalte des burgeys de meſme le burgh.*

1 Hen. VI. *Pro communitate burgi.*

17 Edw. IV. By burgeſſes of the borough and liberty of the town of Shrewſbury; but one of the bailiffs refuſing to join in that return, there is a certificate, that the election was made by divers perſons therein named, inhabitant-burgeſſes of the town; with the greater number of all the burgeſſes therein.

1 Ed. VI. *Per ballivos et communitatem burgenſium villæ.*

30 Eliz. *Per ballivos et burgenſes:* and,

43 Eliz.— 18 Jac. I. —— 1 Car. I. and 3 Car. I. in the ſame form.

15 Car. I. By mayor, aldermen, and burgeſſes.

Copies alſo were produced of twelve returns in ſubſequent reigns, all alledged, and admitted, to be made by mayor and burgeſſes.

The petitioners admitted, that all returns, made before the incorporation of this town, were by the bailiffs and burgeſſes; and, after the incorporation, by the mayor and burgeſſes, in general terms, without naming any diſtinction of burgeſſes.

And the return made by the mayor, aldermen, and burgeſſes, 3 *Martii* 2 *Willi' et Mariæ* was ſigned by ſeveral perſons who were burgeſſes, not inhabiting within the borough, or ſuburbs thereof.

That the ſitting-members counſel alſo produced an exemplication, under the great-ſeal, of an act of parliament, made in the 23d year of the reign of King Henry VI. upon petition of the bailiffs and commons of the ſaid town, eſtabliſhing divers ordinances and conſtitutions aſſented to by them for the good rule and governance of the ſaid town for the future. By the ſixteenth article whereof, the auditors of the accounts of the bailiffs, and other town officers, are appointed to be annually choſen by the commons of the town, who are to aſſemble for that purpoſe, on a day certain, upon the ring of the common-bell, which the bailiffs are to cauſe to be rung, and the burgeſſes to be choſen to parliament for the future, are to be choſen by the ſaid commons, in form as the ſaid auditors ſhall be.

Mr. Phillips one of the aldermen, of the town ſaid, for fifty years paſt, the burgeſſes of all ſorts, as well country burgeſſes, as others, voted in all elections to parliament, till 1709; and after that, they tendered their votes.

That the auditors are now choſen under the charter of King Charles I. by the common-council of the town: that upon making up the accounts the bell is rung, and ſometimes country-burgeſſes have come there; that inhabiting-burgeſſes have a cow's paſture in the quarry, which foreign burgeſſes have not; that foreign burgeſſes pay not tolls; and if a foreign burgeſs comes and inhabits in the town, he has all the privileges with other burgeſſes.

Robert Wood, Richard Cheſhire, and Maurice Lloyd, who ſpoke for about forty years paſt, ſaid the ſame, as to out-burgeſſes voting till 1709. And ſaid, that, at all elections, proclamations were made for all burgeſſes to come and poll without diſtinction of inhabiting, or not inhabiting; and it was proved that Arthur Tonge and Richard Finch (who gave evidence in the controverted election in 1714, that for thirty-five or thirty-ſix years paſt, the out-burgeſſes voted without objection till 1709) were now not able to travel; the firſt, becauſe of his age; and the other, becauſe of the gout.

The act of parliament 1 Edw. IV. cap. 1. ſect. 17, was read; whereby all acts before made, for the good rule and government of the town, are confirmed.

That upon the former act made on the petition of the burgeſſes, with a ſchedule annexed, of ſuch ordinances as they deſired to be eſtabliſhed by authority of parliament, the King's anſwer is endorſed in the following words; viz.

Quoad id, quod per iſtam petitionem, et cedulam eidem petitioni annexam, concernit conſervationem pacis domini Regis, fiat, prout petitur: et quoad reſiduum in eiſdem petitione et cedula ſpecificatum, fiat conſimiliter, prout petitur; proviſo ſemper, quoad quæ ad illud idem reſiduum, nullum damnum, ſive præjudicium, virtute præſentis actus, fiat alicui perſonæ Angliæ natæ a villa Salop', et libertate ejuſdem, forinſece et extranee extra villam illam, et libertatem ejuſdem, commoranti.

That the petitioners counſel urged, in their reply to this point, that this ſaving of right to the out-burgeſſes, in the act of Henry VI. could reſpect only tolls, and exemptions from ſeveral local duties; and could not be intended to relate to elections to parliament.

That then the committee reſolved,

1. That the right of election of burgeſſes to ſerve in parliament for this borough, is only in the burgeſſes inhabiting in the ſaid borough, or in the ſuburbs thereof, paying ſcot and lot, and not receiving alms or charity.

The poll was then produced and the numbers were;

For Mr. Kynaſton, 1144. Mr. Liſter, 1119.
Mr. Bridgeman, 744. Sir R. Corbet, 725.

That the petitioners counſel objected to 1000 voters for Mr. Kynaſton, and 985 for Mr. Liſter, viz.

Out-burgeſſes for Mr. Kynaſton, 711.
for Mr. Liſter, 695.

Mr. Brickdale being called, ſaid, that the town is encloſed with a wall; that he took the caſtle foregate, which is part of the wall of the town, to be part of the town, and the buildings adjoining to the town-wall, and nothing elſe to be the ſuburbs.

That the mayor's juriſdiction extends in all reſpects five miles out of the town, within which limits of five miles, courts and ſeſſions are held, conſtables made, and all other acts done by the mayor, as within the town; and that he had gone with one of the mayors in his proceſſion there.

That 142, who voted for Mr. Kynaſton and Mr. Liſter, and were inhabitants in the adjacent pariſhes of St. Chad, St. Julian, St. Alkmond, and St. Mary, were objected to; and it was proved that 132 of them, in the three firſt pariſhes; viz. 91 in St. Chad's, 21 in St. Julian, and 20 in St. Alkmond's, were not rated; and the other ten in St. Mary's, though rated, did not pay; of which one was a ſingle vote for each ſitting-member.

That Mr. Brickdale delivered in three liſts of voters objected to by the petitioners, viz. 76 for Mr. Kynaſton, and 77 for Mr. Liſter:

The firſt being a liſt of inhabitants in the pariſh of Holy Croſs, St. Gyles, and a place called Marival, who did not pay ſcot and lot; fourteen of whom were for Mr. Kynaſton, and fifteen for Mr. Liſter:

The ſecond liſt of inhabitants in the ſaid pariſh and place, who did pay, but were objected to as living out of the borough, or ſuburbs; and were thirty for Mr. Kynaſton, and twenty nine for Mr. Liſter.

The third liſt was of inhabitants within the borough, who paid, but were not ſworn burgeſſes; thirty two for Mr. Kynaſton, and thirty three for Mr. Liſter.

And Mr. Brickdale ſaid, it had been doubted, whether the pariſh of Holy Croſs, or St. Gyles, was part of the borough, or not:

That the inhabitants in that pariſh, who paid, had always voted: that there is a ſtone bridge, between that pariſh of Holy Croſs and the town, and the river Severn runs between that pariſh and the town, and between Abby-Foregate and the town; that the mayor exerciſed all juriſdiction in theſe places as in the town; that Abby-Foregate belongs to the hundred of Cundover, which is not in the borough, or ſuburbs of Salop, but in the county at large; and was annexed to the town of Salop, upon the diſſolution of monaſteries, as he had been informed: that the inhabitants thereof had not the ſame privileges as the town-burgeſſes, though they had the laſt year a turn in the quarry.

That twelve were objected to on different heads:

Mr. Buckdale, and others, ſpoke of ſix of them: one lived at Cotton-hill, another at Cundover, another at Dogpool; one went out of the borough, two or three years before the election, another did not pay, another lived in the town and paid, but was not a ſworn burgeſs.

Robert Acton ſpoke of five others: four whereof, he ſaid, were rated only for ſtables, and put upon the rates but juſt before the election, and the fifth lived in Caſtle-Foregate.

John Howdern ſaid, that Henry Blackeway was rated with his father with whom he lives.

That 59 were objected to on account of treats:

James Charters ſaid, 38 voters for Mr. Kynaſton and Mr. Liſter were treated at the Bear, during the time of the election; that the managers for the ſitting-members, of whom John Foſbrooke was one, beſpoke the treat for their burgeſſes; that Mr. Kynaſton promiſed payment, and the bill came to 72 l. 16 s. 10 d. and was delivered to Mr. Kynaſton and Mr. Liſter.

In anſwer to this, William Bayley ſaid, Foſbrooke was in London the firſt day of the treat, and did not come to this town till the third day of it.

Rebecca Hughes ſaid, twenty one of the voters for Mr. Kynaſton and Mr. Liſter were treated at the Bell, during the election, by the ſitting-members agents.

Samuel Roberts, Mr. Brickdale, the mayor, and others, ſaid, the mob, who were in the ſitting-members intereſt, diſturbed the poll, and inſulted the mayor, and the petitioners voters; and abuſed ſeveral of them.

To add two to the petitioners poll, it was proved, they were inhabitant-burgeſſes, and voted for the petitioners, but were not taken down.

In anſwer to this, evidence was offered to qualify thoſe objected to; 67 for Mr. Kynaſton, and 66 for Mr. Liſter: and their counſel proceeded to prove that twenty three for Mr. Kynaſton, and twenty two for Mr. Liſter, lived in the vills adjacent to the town, and paid their rates in the pariſhes of St. Chad, St. Mary, and St. Alkmond.

That a queſtion aroſe, whether thoſe vills and pariſhes adjacent, are part of this ancient borough, or the ſuburbs thereof: which the counſel for the ſitting-members affirmed, and the petitioners denied it; the evidence relating thereto was as follows.

11 Hen. VII. A charter granting to the bailiffs and burgeſſes of this borough view of Frank-pledge, and aſſize of bread, and all other proviſions ſold; and all forſeitures of delinquents, waifs and ſtrays, in all and ſingular the vills, villages, and hamlets, *extra villam Salopiæ, ac libertatem ſuburbiæ præcinctum ejuſdem*, within the pariſhes of St. Chad, St. Mary, St. Alkmond, St. Julian *in eadem villa, ac extra villam*; and in the vills, villages, and hamlets of Hadnall, Acton-Reynold, Myryden, Griſhill, Hanwood, Allerton, Onneſlowe, Preſton-Goball, and Pemeley, in the county of Salop, *extra libertatem et præcinctum dictæ villæ Salopiæ*: and the *Retorna Brevium*, and execution of all proceſs, within the ſeveral vills and places aforeſaid, out of the town, are granted to the bailiffs of the town, as fully as they had the ſame within the town.

34 H. VIII. A charter granting to the bailiffs and burgeſſes of Salop, a parcel of land adjoining to the ſtone bridge near the ſaid town, called Meryvale, in the pariſh of St. Chad; and in the Foregate, parcel of the poſſeſſion of the late abbot; with all liberties, franchiſes, juriſdictions, and privileges, enjoyed by the late abbot, or any of his predeceſſors.

28 Eliz. A charter reciting, that the inhabitants of the town of Salop had encreaſed and enlarged their buildings, and extended themſelves into the adjacent vills: therefore for putting the inhabitants of thoſe vills under the ſame juriſdiction as the town, and enlarging their limits; this charter ordains that all the freemen and burgeſſes of the ſaid town, and of the ſuburbs thereof, and of the pariſhes of St. Chad, St. Mary, St. Alkmond, St. Julian, the Holy Croſs, and St. Giles; and of the vills, villages, hamlets, and places within the ſaid pariſhes, or either, or any of them; and of the vills, villages, hamlets, or places aforeſaid, of Hadnall, Acton-Reynold, Myryden, Griſhill, Hanwood, Allerton, Onneſlowe, Preſton-Goball, and Pemeley in the county of Salop, and Meryvale, near the ſaid town of Salop, any or either of them; for the future, for ever ſhall be, and are, incorporated, and made one body corporate and politic, by the name of bailiffs and burgeſſes of this town; and all ſuch and the ſame liberties, franchiſes, privileges, juriſ-

dictions and immunities, are granted to them, within the ſeveral places aforeſaid, as the burgeſſes enjoyed within the town of Salop; and the inhabitants of the reſpective places aforeſaid, are made capable of being made bailiffs, or other officers, of the corporation.

14 Car. I. A charter, reciting the former charter, and incorporating the burgeſſes and inhabitants of the town, and all the other pariſhes, &c. before named, by the name of the mayor, aldermen, and burgeſſes of the town of Salop; and extending their limits, juriſdictions, franchiſes, and privileges thereof, through all the ſaid pariſhes and places, reſpectively named.

A very ancient book belonging to the town was produced, beginning in the reign of Richard the ſecond; wherein is the following entry on the firſt leaf of the book, viz.

Nomina villar', villatar' et hamelett', infra libertatem villæ Salop. Eaton juxta Pyccheford, Betton Straunge, Altemere, Sutton, Mecle Bracy * * *Pullyley, Newbold, Whelbache, Whytley, Hanwod Magna, Hanwod Parva, Horton, Wodcot, Newton, Egebald* * * *Mecle Monachor', Schelton, Onnyſlowe, Bykton, Roſſaw Magna, Roſſaw Parva, Calcote, Preſton, Dynchyll, Leton, Wolaſcote, Berwyk Leybron, Berwyk Parva, Aldemere Newton, Preſton Gubbald, Lee Murydon, Herdwyk,* * * *Burghton, Yorton Allerton, Clyve, Sandſawe, Acton Reynald, Grylle Shytt, Hadnall, Smethecote Hafton, Adbrizt' Huſſeye, Adbrizt' Monchor, Harleſcote, Aſtleye Adbriztlye, Battellfeld, Pymley, Longenore, Derbald, Hencote.*

Mr. Phillips being examined, ſaid, that the inhabitants of all thoſe vills and pariſhes had always voted, and were taxed to the land-tax with the town; and that the mayor exerciſed the ſame juriſdiction there in all reſpects, as within the borough; and, in his time, ſeveral mayors (who are to reſide in the town) had, during their mayoralty, lived in thoſe vills, and the inhabitants of the pariſhes of Holy Croſs and St. Giles had always voted, under the reſolution of 1709: but ſaid, that above five years ſince, ſome perſons, who lived in thoſe vills, were turned out of the common-council, as not being in the body of the town, the validity of which was diſputed in the court of King's-bench; and iſſue was joined, but no tryal had, thereupon.

That the committee reſolved,

2d. That the whole pariſhes of St. Chad, St. Mary, St. Alkmond, St. Julian, the Holy Croſs, and St. Giles; and the ſeveral vills of Hadnall, Acton-Reynold, Meriden, Hanwood, Grinſell, Ollerton, Onſlow, Preſton-Gubald, Pimley, and Merivall, are not within this borough, or the ſuburbs thereof.

3d. Reſolved, that the ſeveral vills of Bicton, Betton, Alkmear, Longwar, Calcot, Whitley, Whelbach Upper and Lower, Roſſal, Shelton, Oxon, Woodcot, Horton, Munkmeal, and Gooſehill, in the pariſh of St. Chad; Great and Little Berwick, Almond-Park, Newton, Albright-Huſſey, Cotton-Hill, Leaton, Aſley, Merrington, Wolaſcot, Sanſaw, and Clive, in the pariſh of St. Mary; Hencott, Albright-Lee, Preſton-Montford, Dintle, and Arlſcott, in the pariſh of Alkmond; and Pully and Shelton, in the pariſh of St. Julian; are not part of the ancient borough of Shrewſbury, or the ſuburbs thereof.

That, to juſtify eleven votes objected to, the ſitting-members counſel produced witneſſes; who ſaid, two of them, viz. the miniſter and clerk of the pariſh, who were excuſed the rate, by reaſon of their offices, but always voted.

That the other nine were rated, and the rates produced; but the witneſs owned, though they were rated, they did not pay.

Bayley and Lloyd ſaid, that Mr. Mytton aſked votes, and treated at the Bell, on his own account, before he deſiſted from being a candidate.

That the ſitting-members inſiſted, the inhabitants of the pariſh of Holy Croſs and St. Giles, have a right of voting.

The petitioners counſel inſiſted, that only part of the pariſh is within this ancient borough, or the ſuburbs; and that part only had a right of voting.

Mr. Skrimſhar ſaid, that the pariſh of Holy Croſs extends itſelf to a place called Merival, which lies between the town and the Abby-Forgate.

Mr. Wood ſaid, the pariſh of Holy Croſs, St. Giles, or the Abby, lies nearer to the town, than the Abby-Forgate, which pariſh goes up to the town-bridge, to which bridge, Merival joins on one ſide.

Mr. Philips ſaid, Merival is in St. Chad's; and that the Abby pariſh is nearer to the town than Merival.

Thomas Barnes ſaid, the Abby pariſh joins to St. Julian's, which is one of the pariſhes of the town; and that the Abby pariſh begins between the town, and the turning down to Merival, and is nearer to the town than Merival is.

The committee reſolved,

4th. That the pariſh of Holy Croſs and St. Giles, is not part of this ancient borough.

Then the ſitting-members counſel offered to qualify eleven other voters objected to; and it was proved, that five were rated, and paid for ſtables in the town; four others were regularly rated, and paid; and the other two were diſqualified by the reſolution of the committee.

That it was proved, that ſeven others, who voted for the ſitting-members, though not ſworn burgeſſes, had a right to be ſworn, and demanded it, but were refuſed by the mayor.

That fifteen appeared to be twice objected to by the petitioners counſel, under different heads of diſqualification.

The ſitting-members counſel objected to 735 voters for Mr. Bridgeman, and 718 for Sir Richard Corbet.

That it appeared, that 426 out-burgeſſes voted for Mr. Bridgeman, and 416 for Sir Richard Corbet.

That 86 voted for Mr. Bridgeman, and 87 for Sir Richard Corbet, who were inhabitants within the pariſhes of St. Chad, St. Alkmond, St. Julian and St. Mary, but did not pay the rates.

That 129, who voted for the petitioners, were treated at ſeveral publick houſes in the town, during the time of the election; which treats, the witneſs ſaid, were upon the petitioners account; but they could not ſay who paid the reckoning; only Powis, the drawer at the Talbot, ſaid, the bill at that houſe being 80 l. odd money, was paid by Mr. Adams, an agent for the petitioners.

That 25 voted for Mr. Bridgeman, and 17 for Mr. Corbet, who lived in the Abby-Forgate, or in the pariſh of Holy Croſs, or St. Giles.

That 15 voted for the petitioners, who were not rated before the year of the election; and the witneſs ſaid, they were then only rated to ſerve a turn.

That ſix others voted for the petitioners, who were not conſtant inhabitants of the town, and came thither but ſeldom.

That nine others were not rated.

That 29, who voted for the petitioners, were admitted to burgeſs-ſhip in December laſt, under an order of the common-council, made 6th of Dec. laſt, appointing the mayor and ſix of the common-council, or any three or more of them, to admit burgeſſes, paying ſuch reaſonable fine, as they ſhould think fitting; and the mayor to ſwear them accordingly: againſt which admiſſions, the ſitting members counſel produced

A body of by-laws, under the corporation-ſeal, made by the mayor, aldermen, and aſſiſtants of the town, dated 25th of Feb. 1717; by one of which it is ordered, that no perſon or perſons whatſoever, ſhall thereafter be admitted a free-burgeſs of the ſaid corporation, without the conſent of the mayor, aldermen, and aſſiſtants of the corporation, or the major part of them, firſt had and obtained.

And the counſel for the ſitting-members inſiſted, that all admiſſions to burgeſs-ſhip, ought to be by the whole body, according to that by-law; and that the power to admit burgeſſes, could not be delegated to a leſs number; and therefore theſe admiſſions were void.

That the petitioners counſel aſſerted otherwiſe; who held ſuch delegated power to be good, being made by the ſame authority as made that by-law.

That ten were objected to as corrupt or bribed votes: and they called

Powel; who ſaid, that Abraham Lloyd owned to him, that doctor John Hollings promiſed him, Lloyd, 4 l. to vote for the petitioners, and gave him one ſhilling in part; and Mr. Brickdale, the mayor, promiſed him four pounds to put out his daughter.

Morris ſaid, Mr. Turner aſked his vote for the petitioners, and gave him 3 l. for it.

Wood ſaid, that Thomas Bowers, the bellman, told him, he was turned out of his office, becauſe he would not promiſe to vote for the petitioners; and was reſtored, upon promiſing to vote for them.

Lloyd ſaid, that Mr. Bridgeman aſked his vote, and the votes of Vincent Lloyd, and his ſon; and they promiſed, if paid their expences, and for their loſs of time: that they were fetched from Birmingham by Sir John Bridgeman's ſervant; and Mr. Turner gave them two guineas each to vote, but owned it was for their charges and loſs of time.

Richard Oliver ſaid, that Mr. Turner having promiſed him 3 l. to vote for Sir Richard Corbet, he went to Sir Richard for the money, who gave him half a crown, and ſaid, he would ſee him paid the reſt when Mr. Bridgeman came to town; and that he had received 1 l. 5 s. of the money.

Evans ſaid, Mr. Falconer gave him five guineas to vote for the petitioners; and he gave a note to repay it, if he was not a burgeſs.

That Lee told him, he had the ſame for his vote for the petitioners; but ſaid, the money was given him in London to bear his charges.

John Alcock ſaid, Mr. Turner gave him 7 l. to vote for the petitioners.

The ſitting-members counſel complained of great partiality in the mayor, in favour of the petitioners; and Morgan ſaid, he had ſeveral times heard the mayor declare himſelf in favour of the petitioners; and all endeavours for the ſitting-members would be in vain, whilſt he could tell ten.

Mr. Thomas Philips ſaid, the mayor acted very partially in favour of the petitioners: that he ſwore all burgeſſes that were in their intereſt, and refuſed all that were for the ſitting-members: and during the poll, he gave preference to the voters for the petitioners, and poſtponed thoſe for the ſitting-members.

Mr. Maurice Lloyd ſaid, that ſoon after Mr. Brickdale was ſworn mayor, in a diſcourſe relating to the election, he was deſired to act honeſtly and impartially in it; to which he anſwered, he would ſerve his friend; and as to honeſty, that was a jeſt; and he would ſerve thoſe, who would give him moſt money, for his buſineſs was to get money; and he was determined to ſerve the petitioners, and eſtabliſh their intereſt in the corporation to the next generation: and after he had proclaimed the day for election, he declared, the petitioners would carry it, if he could count five; and offered to lay fifty guineas to five pound of it.

John Powell ſaid, that Mr. Brickdale told him, there was about ſix or ſeven hundred pounds ſent down to be diſtributed among the aldermen, and common-council, to carry on treating in the town for the petitioners: that now he had got a ſelect committee for admitting burgeſſes, he had carried his point; and would carry the election for the petitioners, who ſhould have burgeſſes admitted for them; but Mr. Kynaſton and Mr. Liſter ſhould not have one: that Mr. Brickdale alſo told him, in caſe this election was carried on for the petitioners, he ſhould get a place of four or five hundred pound yearly: and, to engage the witneſs to be in their intereſt, promiſed to make him deputy-maſter of the houſe of correction under him; and offered to give him 10 l. and to lend him 25 or 30 l. more: and becauſe he could not prevail, he arreſted him in a ſham action when he came to poll, and threw him in goal, and threatned his ruin; and Mr. Bridgeman's ſervant offered him three guineas to vote for the petitioners.

For the petitioners, the counſel, on their reply, proceeded to qualify 33 votes objected to; viz.

They obſerved, that 19 had been objected to in different liſts, upon different heads, viz. four upon three different heads, and fifteen upon two:

And as to ten others, objected to, as aſſeſſed only to ſerve a turn on purpoſe, they called,

John Hawdern; who ſaid, that thoſe ten men were of ſubſtance liable to be rated; and were aſſeſſed in the ordinary manner, and paid their rates in 1721.

And to invalidate the evidence of John Powell, a witneſs for the ſitting-members;

Sir Charles Lloyd and Rowland Vaughan ſaid, he was a perſon not fit to be credited.

And on the other ſide,

Harwood gave the like character of Rowland Vaughan.

The committee upon the whole matter reſolved,

5th. That Corbet Kynaſton, eſquire, is not duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

6th. That Richard Liſter, eſquire, is not duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

7th. That Orlando Bridgeman, eſquire, is duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

8th. That Sir Richard Corbet, is duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

The ſaid ſix reſolutions were read twice, and agreed to by the houſe.

The ſeventh reſolution being read a ſecond time; the act of parliament, 7 and 8 Will. III. chap. 4. againſt expences in elections, was read:

Then the ſaid reſolution was agreed unto by the houſe.

The eighth reſolution being alſo twice read, was alſo agreed unto by the houſe.

And the return ordered to be amended.

SOMERSETSHIRE.

THIS county is ſituate in the weſtern part of the kingdom; and was formerly under one and the ſame ſheriff with Dorſetſhire. It has returned knights to parliament, from the 22d of Edw. the firſt. Mr. Prynne has given one or two copies of returns. I don't find any memoirs of conteſted elections of knights of this ſhire before the Reformation, nor any thing immediately relating to the election; but I cannot paſs by a remarkable action, brought by one of the knights of the ſhire (viz. Sir Hen. Hall) againſt Reginald Stowton, for detaining his wages, which the ſheriff had levied on the county; upon which, the proceedings being very particular, I have thought proper to make the record part of the Appendix. The modern memoirs, relating to its elections, are but few; and theſe here follow. 2d Regiſt. 31. See Appendix.

Nov. 9, 1640. A petition of the freeholders within this county, referred to the committee for privileges.

Nov. 9, 1666. Sir Job Charleton reports from the committee of elections, touching the election of a knight for this county, between Sir John Warre, and Sir John Sydenham: that the committee had fully examined the matter, and heard the evidence on both ſides; and were of opinion, that Sir John Warre was duly elected, and ought to ſit: whereto the houſe agreed.

April 5, 1690. A petition of John Speke, eſquire, was read; ſhewing, that the petitioner was duly elected, by the majority of freeholders, to ſerve in this preſent parliament for this county: but the ſheriff adjourned the county-court, without the conſent of the ſuitors then preſent; and thereby hindered ſeveral of the freeholders from giving their voices for the petitioner; and, by colour thereof, unduly returned Sir Edward Phillips, and Nathanael Palmer, eſquire, to ſerve for the ſaid county: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

June 9, 1711. A warrant for a new writ, for electing a knight for this county, in the room of Sir William Wyndham, baronet, made maſter of the Hart and Buck Hounds, was ordered.

July 8, 1712. Ordered, a warrant for a new writ, for electing a knight, to ſerve for this county, in the room of Sir William Wyndham, baronet, made Secretary at War.

SOUTHAMPTONSHIRE, or HAMPSHIRE.

THIS is a very large county in the weſtern circuit of this kingdom: it has returned members to parliament from the 22 Ed. I. but has not had any conteſted elections, until very modern times. 2d Regiſt. 31.

The matters in the Journals, relating to its elections, are theſe following.——

July 8, 1712. A warrant ordered for a new writ, for electing a knight for this county, in the room of Sir Simeon Stuart, baronet, made one of the chamberlains of the Exchequer.

April 16, 1717. Ordered, a writ for electing a knight for this county, in the room of John Wallo, eſquire, made a commiſſioner of the Treaſury.

Jan. 9, 1723. Ordered, a warrant for a new writ, for electing a knight for this county, in the room of the right honourable the Lord Naſſau Paulet, made auditor of the Exchequer in Ireland.

SOUTHAMPTON.

THIS was a borough, ſituate within the county of Hants, or Southampton, at the time of the Conqueſt, as appears by the great Survey; and as ſuch, was originally ſummoned to parliament, in the 26th of Edward the firſt; but in the 2d, and 4th of Edward the ſecond, they made no returns: and by King Henry the ſixth, made a town and county of itſelf. Its ancient form of election, appears from the returns. Liber Domſeday in Hanteſcire. B. P. R. 295. Carte's Hiſt. 6. m. 25.

In the 1ſt of Edward the third, *Univerſis &c. major, ballivi, et cæteri comburgenſes villæ Southampton, ſalutem in Domino: Noverit univerſitas veſtra nos aſſignaſſe, et per præſentes conſtituiſſe dilectos nobis in Chriſto, Johannem Forſt, et Nichum de Staumford, comburgenſes noſtros eſſendi pro nobis ad parliamentum Domini Regis, &c.* Whereby it appears, that the election was then in the mayor and burgeſſes. But in the 29th of Henry the ſixth, the return was, *Reſponſ. Thomæ Kirſon, et Thomæ White, ballivorum libertatis villæ Southampton, pro parliamento tenend. apud Weſtm. in feſto Sancti Leonardi, prox. futur. viz. anno regni Regis Hen.* VI. 29. 1 Ed. III. 29 H. VI.

Manucapt. Johannis Payne, unius burgenſ. villæ Southampton, pro parliamento prædicto electi, Thomas Payne, Johannes Gille.

Manucapt. Nichi Holmbegg, alterius burgenſium villæ South. &c. Johannes Kyrkeby, & Johannes Brockhyrſt.

By this it appears, the return was made by the bailiffs. Theſe are all the memoirs of the ancient form of election: thoſe ſince the Reformation are as follow.

March 18, 1580. Sir Henry Wallop, member for this town, being abroad in the Queen's ſervice, was removed, a new writ was iſſued; and Fulk Grevill, eſquire, was returned, and ſat: but Sir Henry Wallop, being returned from his ſervice of the Queen, Mr. Grevill was removed, and Sir Henry Wallop reſtored. (See Caſtleriſing and Norwich.) D'Ewes Journal, 307, 308.

March 19, 1678. A petition of Sir Charles Wyndham, knight, complaining of an undue return of Thomas Knowles, eſquire, to ſerve in this parliament, as a burgeſs for this town and county, in injury of the petitioner, was read.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report it, with their opinion, to the houſe.

Nov. 30, 1689. A petition of Sir Charles Wyndham, knight, was read; ſhewing, that he was duly elected, in the place of Richard Brett, eſquire, deceaſed, as a burgeſs for this town and county, by a majority of the electors there; yet that, notwithſtanding, by indirect practice, Mr. Edward Fleming is returned by the mayor and ſheriff, in prejudice of the petitioner, and to the apparent wrong of the electors: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report it, with their opinion, to the houſe.

Dec. 30. Ordered to be reported the next morning.

31ſt. Mr. Grey reported, from the committee of privileges and elections, the matter upon the ſaid petition.

The petitioner claimed to be choſen by the burgeſſes and inhabitants of the ſaid town, paying ſcot and lot.

Mr. Fleming claimed to be choſen by the mayor, bailiffs and ſelect number of burgeſſes of the corporation.

And, if the right of election was in the burgeſſes and inhabitants at large, it was agreed, the petitioner was choſen; if in the ſelect number, the ſitting-member.

For the petitioner.—The counſel produced ſeveral returns of burgeſſes for the ſaid town; viz.

28 *Hen.* VI.— 13 *elegerunt.—Indentura ſub ſigillis ſuis.*

17 *Ed.* IV.— 12 *elegerunt.—Indentur' ſub ſigillis ſuis.*

33 *Hen.* VIII. — about 36 burgeſſes and free tenants elected.——Indenture under their ſeals.

1 *Mariæ.* —— *Aſſenſu burgenſium et inhabitant' villæ Southampton electi ſunt.* —— *Indentura ſub ſigill. burgenſ. et inhabitantium præd.*

43 *Eliz.*—*Burgenſes villæ præd. qui in pleno comitatu interfuerunt, elegerunt.* —— *Indentura ſub ſigillis ſuis.*

21 *Jac.*—*In pleno com. per aſſenſ. burgenſium et inhabitant. ejuſdem villæ electi fuerunt.* — * * *ſub ſigillis ſuis.*

1 *Car.* I. — *Burgenſes et inhabitant' villæ et comitatus præd. eligi fuerunt*——*ſub ſigillis ſuis ſeparatim.*

30 31 *Car.* II. — *Et al. burgenſes et inhabitantes villæ præd. elegerunt.* —— *ſub ſigillis ſuis ſeparatim.*

Hancock and Watts ſaid, they had known ſeveral elections for the ſaid town; and that the ſcot and lot men uſed to elect, and have ſeveral times polled; and uſed to have the poors books at the poll, and were never denied: and particularly, they voted for Mr. Brett, and Sir Benjamin Newland at this laſt convention; and that they ſat in the houſe, as elected: and colonel Fleming then polled the ſcot and lot men himſelf.

Lyne ſaid, he had borne all offices; and the ſcot and lot men always choſe: and, this time, they combined together to indemnify the mayor, in caſe Sir Charles Wyndham ſhould bring an action.

Berkenhead ſaid, he had known the town 14 years, and is now a burgeſs; but was admitted to poll as a ſcot and lot man, before he was a burgeſs; and ſigned the return.

For Mr. Fleming:——It was inſiſted, that the right was in the corporation; and that they were a corporation, time out of mind; and none, but members of the corporation, had made any returns, from the 6th of Edward the ſixth, till February 1679: and produced the charter, in which there was an *inſpeximus* of a charter of King Henry the ſecond, *Quod homines ſui de Hampton habeant et teneant Gildam ſuam, et omnes libertates et conſuetudines ſuas*: and produced returns; viz. 6 *Ed.* VI. 1 *Mariæ*, 1 *Eliz.* 16 *et* 15 *Car.* I. 31 *Car.* II. 30 *Car.* II. 22 *et* 13 *Car.* II.

Clements and Pocock ſaid, as to all the names mentioned in theſe returns, he had ſearched the corporation-book, and found their names, as of the guild and burgeſſes of the ſaid town: and

Pocock owned, he took the poll at the convention, and Mr. Brett was choſen and returned by the ſcot and lot men.

Upon the whole matter, the committee reſolved,

1. That the right of election of burgeſſes, to ſerve in parliament, for this town and county, is in the burgeſſes and inhabitanrs of the ſaid town and county.

2. That Edward Fleming, eſquire, is not duly elected a burgeſs, to ſerve in this preſent parliament, for this town and county.

That Sir Charles Wyndham is duly elected a burgeſs, to ſerve in this preſent parliament for this town and county: whereto, upon their being twice read, the houſe agreed; and ordered the return to be amended.

March 24. A petition of Arthur Shallet, merchant, was read; ſhewing, that the petitioner, with Sir Charles Wyndam, were duly elected for this town and county; notwithſtanding one Robert Culliford, the ſheriff, hath returned Sir Benjamin Newland, one of the burgeſſes, in prejudice of the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report it, with their opinion.

Oct. 17, 1690. A petition of Arthur Shallet, (the ſame in ſubſtance with the former) was read.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report it, with their opinion.

Nov. 29, 1695. A petition of John Smith, eſquire, was read; ſhewing, that the petitioner is duly elected a member, to ſerve in this preſent parliament for this town and county: but by the undue practices of Sir Benjamin Newland, and his friends, they have obtained an undue return for him; which the petitioner is ready to prove: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion, to the houſe.

March 14th. Ordered to be reported on Tueſday next.

17th. Mr. Gwyn, according to order, reported from the ſaid committee, the matter, as it appeared to them.

The firſt queſtion, between the petitioner and Sir Benjamin Newland, was upon the right of election.

That the petitioner inſiſted, that the right of election was in the mayor, bailiffs, burgeſſes-inhabitant, and other inhabitants of the ſaid borough; and that the out-living burgeſſes had no right to vote.

That for Sir Benjamin Newland, it was inſiſted, that the out-living burgeſſes had a right to vote, as well as the burgeſſes-inhabitant.

That the poll began on Friday; and was continued by ſeveral adjournments till Monday: that on the Friday night, when the poll was adjourned, there were for the petitioner 171, for Sir Benjamin Newland 170.

But of thoſe, who were polled for the petitioner, one Comyns was ſet down with a *quere*; who, on Monday, upon further examination, was diſallowed: and it appeared alſo, that the mayor and bailiffs voted on Friday.

The petitioner's counſel called Watts; who ſaid, he was one of thoſe, who took the poll for Sir Benjamin Newland, the petitioner, and the reſt of the candidates; and allowed by the mayor: that the poll uſed to be finiſhed in one day: that before he wrote any, they were allowed by the mayor; but Comyns was ſet down with a *quere*: that, on Friday, the poll was adjourned, between two and three of the clock: that before it was adjourned, the mayor aſked, if there were any more to poll? but none offered, but thoſe who had been diſallowed by the mayor: that a little before the adjournment, he informed the mayor, by a paper, that Sir Benjamin Newland had loſt it by one: that the mayor ſaid, he found cauſe of adjournment: that Sir Benjamin Newland and Mr. Smith both oppoſed the adjournment; but the mayor ſaid, in regard of the noiſe, he would adjourn to a more private place; and then adjourned to Saturday, 10 of the clock, and then adjourned to Monday.

That Faſſet and Hinſon were refuſed on Friday, and polled on Monday: that at former elections, out-living burgeſſes have been polled, but marked to be tried upon any queſtion in parliament.

For Sir Benjamin Newland, were called, to prove the fairneſs of the election, and the right of the out-burgeſſes, Mr. Markham, the mayor, and three others; who ſaid, the out-burgeſſes had always voted at elections, and they never knew them excepted to, except colonel Norton, who was excepted to by Sir Robert Henly; whereupon colonel Norton ſaid, he came to vote for Sir Robert Henly; but becauſe Sir Robert Henly had excepted to him, he would vote againſt him, and juſtify it; which he did; and no complaint was made of it: that the out-burgeſſes voted for mayors, &c. and have ſerved the office, particularly Mr. Bromfield was choſen mayor:

That, at this election, it was agreed to go by the poor's books; and the mayor did ſo accordingly: that the poll began on Friday, between ſeven and eight, and held till between three and four; during which time, the mayor was not off the bench: that before the note given him by Watts, he ſpake of the adjournment, and aſked Watts, how he durſt give him any ſuch note before the poll was cloſed? and one of the clerks ſaid, Sir Benjamin Newland had carried it by two: that the reaſon, the mayor gave for the firſt adjournment, was, becauſe of the tumult, by which, ſeveral, particularly Webb, were hindered from polling; and ſeveral were abuſed, particularly Bucket, who polled for the petitioner and Sir Benjamin Newland; and ſome were ſet down with a quere.

That the reaſon of the adjournment, on Saturday, was, becauſe of the market-day, and the tumult of the people:

That, on Monday, the out-burgeſſes polled for both; and Comyns being diſallowed by conſent, the poll was caſt up, and the numbers were

For Sir Benjamin Newland, 182.
For the petitioner 174.

That the petitioner endeavoured to juſtify 11, which were diſallowed: and called Liſle, who ſaid, Robinſon was an houſekeeper and freeholder; but could not ſay, he paid to church and poor: —That Talbot had paid the poor's rate, four years; and the reaſon, he was not on the rate at the election, was (as the overſeers told him) becauſe he kept the money to pay for the books.

That Burgis's houſe was in the preamble of the town, and had voted for ſeventeen years, and paid to the poor of the town: but it was anſwered, that he lived in Milbrooke pariſh, and had been conſtable there.

That William Guibons claimed his vote in the ſtreet on Saturday; but could not ſay, it was before the poll was adjourned:

That Robert Comyns hired an houſe at Midſummer; but it was proved on the other ſide, that his name was inſerted in the poor's book, after the rate was made:

That Richard Tyler is an inhabitant, and hath paid to the poor formerly: that Thomas Oſely is an inhabitant, but fallen to decay: that James Edmonds pays to the church and King's tax: that Pigeon is an inhabitant, and has voted formerly: that Edward Doby pays to church and King's tax.

Then the petitioner excepted to ſeveral, who voted for Sir Benjamin Newland.

Antony Pole was proved, by Liſle, only to rent an houſe, and his family was removed, tho' it appeared, he was miniſter of one of the pariſhes in this town, and had a particular apartment of the houſe, where he maintained his family; and they were only removed, becauſe of the ſmall-pox, and returned before the election:

That Butler did not pay to church and poor; but it was proved, he was a miniſter of another pariſh in this town, and excuſed by the pariſhioners by favour:

That Gaſſe, Charles Smith, and Downer, did not pay; but it was proved, they were all three burgeſſes.

That it was agreed, that there were 11 out-living burgeſſes, who voted for Sir Benjamin Newland.

That the petitioner alſo inſiſted on ſeveral ill practices: and called Mr. Erle; who ſaid, Hammond had promiſed the petitioner, but his wife was threatened by Mr. Winter and Mr. Cornelis, if he did ſo, to turn him out of his place.

Adderly ſaid, that Beal and Ward brought him a letter (as they ſaid) from Brandon, an agent at Portſmouth, which he refuſed to read; but was told, its contents were, if he would vote for Sir Benjamin Newland, the agent would take off all his biſcuit, he being a baker, and gratify him with a bill of 100 l. which the ſaid agent would take out in bread.

Liſle ſaid, Mr. Seale firſt promiſed the petitioner, but ſaid afterwards, he would not, becauſe he had been promiſed to have his ſervant diſcharged, who was preſſed, which was worth 10 l.

Then the committee reſolved,

1. That the out-living burgeſſes, as well as the burgeſſes inhabitants, and other inhabitants, paying ſcot and lot, have a right to vote for electing members, to ſerve in parliament, for this town and county.

2. That Sir Benjamin Newland is duly elected a burgeſs, to ſerve in parliament, for this town and county.

Both of which, being twice read, were agreed to by the houſe.

Feb. 19, 1711. The houſe, according to order, proceeded in the conſideration of the report from the commiſſioners for ſtating the public accompts; and ſeveral depoſitions and papers were read: and that part of the ſaid report, relating to Adam Cardonnel, eſquire, was read; and Mr. Cardonnel was heard in his place, and withdrew.

See the Appendix.

And a motion being made, and the queſtion being put, that the taking a gratuity of 500 gold ducats, annually, from the contractors for bread and bread-waggons for the army in the Low Countries, by Adam Cardonnel, eſquire, ſecretary to the general there, a member of this houſe, was unwarrantable and corrupt; it was reſolved in the affirmative.

Reſolved, that the ſaid Adam Cardonnell, eſquire, be, for the ſaid offence, expelled this houſe.

26th. Ordered, that Mr. Speaker do iſſue his warrant to the clerk of the Crown, to make out a new writ for the election of a burgeſs, to ſerve in this parliament, for this borough, in the room of Adam Cardonnel, eſquire, expelled this houſe.

SOUTHWARK.

THIS borough is within the county of Surry, and ſeparated from the city of London by the river Thames only. The ancient right of election doth not appear; nor any memoirs before the Reformation; but ſince that time, in the journals of the houſe of Commons, are theſe following.

D'Ewes Journal, 471.

Feb. 26, 1592. Upon a motion of Sir George Moore's, touching the election of one Richard Hutton, returned into this houſe one of the burgeſſes for this borough, and ſuppoſed to have been indirectly made; and ſo prayed to be farther examined by ſome committee of this houſe, and then to be reported over to the houſe for farther order in the ſame; and a committee was accordingly appointed.

March 1ſt. Mr. ſerjeant Yelverton, one of the committees for examination of elections and returns, &c. ſhewed, that he, and the reſidue of the committees, did meet yeſterday in the afternoon &c. and Mr. Heile ſhewed the ſtate of ſome elections; amongſt which the bailiff of this borough electeth himſelf by the name of Richard Hutton, gentleman; and the indenture returned by the ſheriff, is Richard Hutton, bailiff. Whether this be good?

6th. Mr. Speaker was appointed to move the Lord Keeper, for his lordſhip's order in the caſe of the borough of Southwark, in the allowance of Richard Hutton already returned; or elſe in awarding of a new writ for chuſing another, at his lordſhip's pleaſure.

8th. Mr. Speaker ſhewed unto the houſe, that according to the appointment of the houſe, he had attended the Lord Keeper, touching his lordſhip's pleaſure, for the directing of a new writ for the chuſing another burgeſs for this borough, inſtead of Richard Hutton, ſuppoſed to have been unduly and indirectly elected.——His lordſhip's anſwer was, that the ſaid return of a burgeſs for this borough, ſhould ſtand, and continue according to the return for the ſame, without taking any notice of any matter of fact therein, or in the election at all.

March 2, 1623. Mr. Glandvile reports from the committee the caſe of this borough.—20 to 20. One of the committee miſ-writ, ſo had not his voice.——

Agreed.——Three perſons agreed to be put in election; Mingy, Yarrow, and Bromfield.—Yarrow one, without queſtion. Some of the burgeſſes —

Two indentures returned: Yarrow in both.

Queſtion for other two. All held this a void return for the incertainty. For the election thus —

Pretended, Mr. Mingy ſhould uſe indirect practices, by keeping out the burgeſſes; but this not proved.

Again ſaid, the indenture raſed; but this appeared not neither. — Mingy brought a witneſs or two, that he had the moſt voices upon oath: one witneſs to the contrary; who ſaid, Mingy moſt voices at firſt, but after not, when a courſe taken for diſcovery. Mingy offered to give them thanks: they cried, "for nought;" and cried, "no Mingy." One circumſtance more.—Charged Mr. Bromfield, that his indenture antedated.——The ſenſe of the committee, that, if the election due, that no miſdemeanor. Bromfield offered to relinquiſh to Mingy, but that not enough, after he was choſen.—Leaves the conſideration of this to the houſe.

Agreed, that after a man is duly choſen, he cannot relinquiſh.

Sir Edward Coke, —— Oath on both ſides.—— To have a new writ, and refer it to the burgeſſes.

Ordered, that the election and return of Mr. Yarrow ſhall ſtand good, and that he ſhall ſit in the houſe; and that a new writ ſhall go down for a new election of another burgeſs.

June 26, 1661. Serjeant Charlton made report from the committee of privileges and elections touching the election for this borough, that the ſheriff gave judgment upon view, at the firſt drawing-out for Sir Thomas Bludworth and Mr. Moore; and that ſome perſons did perſonate alderman Langham and Mr. Thompſon: and at the ſecond drawing-out, divers of the electors were gone; and judgment given, upon the view, an hour and half before the poll was demanded for alderman Langham and Mr. Thompſon: and the opinion of the committee, that the poll was too late demanded; and that Sir Thomas Bludworth and Mr. Moore were duly elected, and ought to ſit: whereto the houſe agreed.

March 19, 1678. A petition of Sir John Shorter, and Thomas Smith, eſquire, complaining of an undue return of Sir Richard How, knight, and Peter Rich, eſquire, to ſerve in this preſent parliament, as burgeſſes for this borough, in injury of the petitioners, who were duly elected, and ought to have been returned, was read.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

March 24, 1680. A petition of the inhabitants and burgeſſes of this borough, touching the election for this borough, was read.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Jan. 26, 1688. A petition of the inhabitants of this borough, complaining of an undue election and return of burgeſſes to ſerve in this preſent convention for this borough, and of divers undue practices touching the ſaid election, was read.

A queſtion was put, that the petitioners, who ſubſcribed the petition, ſhould be called in, to own it: but was diſagreed to.

Ordered, that the ſaid petition be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

May 2, 1689. Colonel Birch reported from the committee, the matter upon the ſaid petition.

The queſtion was, whether any, who did not pay ſcot and lot, had a right to vote?

For the petitioners it was inſiſted, that none had a right to elect, but thoſe who did pay ſcot and lot: of which number it was alledged Mr. Smith and Mr. Bowyer had the plurality.

That, according to the poll taken by the bailiff, Sir Peter Rich had 1677;—Mr. Arnold, 2130;—Mr. Smith, 1526; Mr. Bowyer 1360.

But ſuggeſted, that of thoſe who paid ſcot and lot, Mr. Smith had 664, — Mr. Arnold 626, —— Mr. Bowyer, 538,—Sir Peter Rich, 464.

And it was put upon the ſitting-members to prove, that houſekeepers, not paying ſcot and lot, had a right to vote: who called Mr. Reading; who ſaid, he lived in the next pariſh to the borough, but had no vote: that he never heard it diſputed, but by loſing-members, but that all perſons, being inhabitants, who did not receive alms, had a right to vote: that he remembered an election of Mr.

Brewer and colonel Thompſon; and all then voted: that he had often wiſhed the cuſtom had been for ſcot and lot men; but the cuſtom has been otherwiſe. He ſaid, he was deſired by the bailiff to be at the election, as a perſon no ways concerned.

Sir Peter Daniel ſaid, he remembered a great many elections for this borough; but, the laſt election before this, he had the honour of being a member of this houſe. He ſaid, then it was diſputed about the ſcot and lot men, and could hardly agree what it was; but albeit agreed, all houſekeepers ſhould vote: that he remembers Sir Thomas Bludworth's election by the houſekeepers; ſhould be glad, if it might be, that none, but who pay for the poor, might elect; but for forty years it has been in the inhabitants in general: that all who live in the Mint, and have houſes (to the beſt of his knowledge) have voted; and at this election there was a diſpute of ſome priſoners that had been let out, but he could find none.

Mr. Smith ſaid, he lived in the borough, and any perſon, who lived in the Mint in an houſe of 40 s. *per* year, had a right to vote: that he ſaw no priſoners poll, but thoſe who had houſes: and they had a right: that he remembers about 60 years, and hath ſeen many elections; and this was as fair a poll as any he ever ſaw: the Mint pays ſcot and lot to St. George's church.

Mr. Lane, born in this borough, in the 55th year of his age ſaid, he had been at ſeveral elections: he never knew an exception to any inhabitant who paid 40s. rent, and did not receive alms: that the Mint was always reckoned part of the borough, and pay all taxes: that he was at the election, and heard no complaint, till it appeared, that Mr. Smith and Mr. Bowyer had loſt it.

Mr. Fins ſaid, he had lived in the Mint 64 years, and voted for 50 years: he remembered the elections of Mr. Holbourn and Tuckney, and Mr. Holland; and it was ſaid, that any, who paid collection to the pariſh, had a right to vote, in caſe they did not receive alms.

Sir Robert Mayos ſaid, he was preſent and voted at the election, and has voted for ſeveral; and the candidates always polled every houſekeeper, though he had but two rooms, if he went in at one door: he heard no body diſpute it, becauſe it was always a cuſtom to poll, whether they paid ſcot and lot, or not, and the petitioners have done the ſame; and he thinks it was a fair poll.

Then the agreement of the candidates, to poll all houſekeepers, not receiving alms, was read.

For the petitioners:—The counſel delivered in a paper, in the nature of a proteſt againſt the ſaid agreement, ſigned by ſeveral of the inhabitants: and called

Joſeph Shebbeer; who ſaid, he ſaw ſeveral ſign it: that, when they ſaw all perſons admitted, they drew up that paper, and tendered it to the bailiff, who refuſed to receive it.

William Thomas, who lived in the pariſh of St. Mary Overye's, ſaid, he came an apprentice in the borough in 1633, and has continued there almoſt ever ſince: he remembered ſeveral elections; and, to the beſt of his knowledge, the ancient election was by the inhabitants, who paid to the poor, though but an half-peny a week; and ſo it continued till Mr. Thompſon's election.

Mattingley ſaid, the firſt election he remembered was Mr. Holbourne's, and then none, but who paid to the poor, were polled, though never ſo little; though he could not tell, how it was at the next election.

Stile ſaid, at Mr. White's and Mr. Bagſhaw's election, in St. George's-fields, all, who did not pay ſcot and lot, were deſired to ſtand off; and the ſame was done at Mr. Holborne's; but there was no poll at Mr. Thompſon's: he polled, and the poll held 5 days; and he was aſked, where he lived, and whether he was an houſekeeper, and paid to the poor? that he polled the firſt day; but that afterwards thoſe, who did not pay, he thinks came in.

Richard Boſwell ſaid, he was at the election, and voted: that there was a complaint at the Oxford parliament, but never heard.

The committee reſolved,

1. That the right of election of burgeſſes, to ſerve in parliament for this borough, is in all the inhabitants of the ſaid borough, being houſekeepers, not receiving alms.

That Sir Peter Rich, knight, and John Arnold, eſquire, are duly elected burgeſſes, to ſerve in this parliament, for this borough: which being twice read, were agreed to by the houſe.

March 27, 1690. A petition of Sir Peter Rich, and Sir Thomas Cook, knights, was read; ſhewing, that the petitioners being candidates in this borough with Anthony Bowyer and John Arnold, eſquires, the petitioners agreed to ſeveral articles, for taking the poll, not heretofore uſed, in hopes it might produce a peaceable effect: but that contrary thereto, divers of the petitioners pollers were beaten and wounded, and ſeveral kept from the poll table by indirect practices, that would have voted for the petitioners; and upon the coming up of a party of 300 eminent traders that would have ſo voted, one of the candidates, with one Bellamy, fell into great ſhouts and hallooings, aſſiſted with the conſtables therein, crying, "No papiſts, no King James's-men, no criminal, no evidence;" continuing an uproar to ſuch a degree, that the bailiff was conſtrained to adjourn the poll till the next day, whereby moſt of thoſe perſons were unpolled, and were fearful of coming again, by reaſon of the rudeneſs they had met with; by which means alſo many hundreds are yet unpolled for the petitioners; and as many polled on the other ſide, who had no right: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

October 11th. A petition of the ſaid Sir Peter Rich, and Sir Thomas Cook, knights, was read; ſhewing, that the petitioners, with Anthony Bowyer, and John Arnold, eſquires, were candidates at the laſt election for members, to ſerve in this preſent parliament for this borough, where the petitioners conſented to all methods they had propoſed, upon confidence it would produce a peaceable poll; but on the contrary, ſo many ill practices were made uſe of by one of the other candidates, and his agents, againſt the petitioners, and thoſe who voted for them; that ſome hundreds went away, and remain unpolled, in prejudice to the petitioners: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Nov. 25, 1695. A petition of Sir George Meggot, knight, was read; ſhewing, that the petitioner, Anthony Bowyer, and Charles Cox, eſquires, were candidates, at the election of members, to ſerve in this preſent parliament, for this borough; which election began the 23d of October laſt, and continued, by ſeveral adjournments, until the 28th day of the ſame month; during which time, the petitioner and his friends were riotouſly aſſaulted and wounded, to their great diſcouragement, by the agents and managers for Mr. Bowyer and Mr. Cox: that William Eyre, eſquire, bailiff of the ſaid . . . . . committed many unjuſt practices, by employing diſhoneſt clerks, who polled ſeveral four or five times over, and 4 or 5 out of one houſe; by denying a ſcrutiny, though the petitioner demanded it; by cloſing the poll ſooner than he promiſed to do, when the petitioner's friends were abſent; by making three haſty proclamations, contrary to the known cuſtom of the kingdom; and many other devices which he uſed, and by which means the petitioner loſt his election, to his manifeſt wrong: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Dec. 24th. Ordered to be reported on the Friday following.

27th. Mr. Sollicitor General reported, from the committee, the matter upon the ſaid petition.—That the committee had examined the merits of the election: that the majority was allowed to be with the ſitting-members: that the petitioner inſiſted, that by riot and tumult made by ſeveral perſons that appeared againſt him, he loſt many voices: and that, after the poll, a ſcrutiny was demanded, and denied him. For the petitioner,

Cowper and Cornmill ſaid, there was a great croud drawn up for Mr. Bowyer and Mr. Cox, of which about 500 horſe; and ſome of them croſſed Sir George Meggot, and joſtled him, but ſaw no riot.

Holland, and others, ſaid, that near St. George's church, 12 or more came, with ſtaves in their hands, and cried out, "No Meggot," and ſtopped the petitioner's coach, and ſtruck the coachman, and the coachman them, and at laſt knocked down the coachman.

That Lawrence, who was near Sir George Meggot's coach, had his head broke.

Pledwell ſaid, that, he crying out, he was for Sir George Meggot, they ſaid, "knock him down." He ſaid, he ſaw ſeveral unknown perſons to him, who would have voted for the petitioner, but were frightened from ſo doing: that he went to the church to poll for Sir George Meggot, but could not get in, till he cried out, "A Cox, a Cox;" and then he got in, and polled for Sir George Meggot.

Ingley ſaid, that three, who polled for Sir George Meggot, were ſet down to Mr. Bowyer and Mr. Cox, but one was afterwards corrected; and that he was forced to cry out for Cox, before he could get in to poll.

Cornmill ſaid, there were 60 miſtakes in caſting up the poll, to the diſadvantage of the petitioner; but could not ſay but they were corrected after.

Lorimer, and others ſaid, a ſcrutiny was demanded for Sir George Meggot, and denied, except for ſuch as had been marked with a Q.

For the ſitting-members:—John Ladd and Thomas Malyn ſaid, that, telling the petitioner how much Mr. Bowyer and Mr. Cox out-polled him, and wondered why he would go on with the poll; the petitioner replied, he did not value it, if he loſt it there, for he had friends enough to carry it in the houſe of commons; and ſaid, he would lay 500 l. he would be in the houſe.

Then the committee reſolved,

That Anthony Bowyer, eſquire, is duly elected a burgeſs, to ſerve in this preſent parliament, for this borough.

That Charles Cox, eſquire, is duly elected a burgeſs, to ſerve in this parliament, for this borough.

That the petition of Sir George Meggot, complaining of an undue election for this borough, is vexatious, frivolous and groundleſs.

The ſaid reſolutions, being twice read, were agreed unto by the houſe.

Reſolved, that Sir George Meggot having preferred to this houſe a groundleſs and vexatious petition, relating to the election of members to ſerve in this preſent parliament for this borough, and having ſcandalized this houſe in declaring, "That "without being duly choſen, he had friends enough "in the houſe to take him into the houſe," be taken into cuſtody of the ſerjeant at arms attending this houſe.

Reſolved, that Sir George Meggot do make ſatisfaction to the members of this houſe he petitioned againſt, for the coſt and expences they have been put to, by reaſon of ſuch petition.

Nov. 23d, 1696. A complaint being made to the houſe, that Sir George Meggot had proſecuted at law ſeveral perſons, for what they teſtified this laſt ſeſſion, at the committee of privileges and elections, upon the hearing the matter touching the election for this borough;

Ordered, that it be referred to the committee of privileges and elections, to examine the matter of the ſaid complaint; and to report the ſame, with their opinion therein, to the houſe.

Dec. 4th. Colonel Wharton reported, from the ſaid committee, the matter as it appeared to them upon the ſaid complaint.

To prove the complaint, was called Mr. Huggins, an attorney, who ſaid, he was employed to appear for Mr. Malyn and Mr. Ladd, at the ſuit of Sir George Meggot; Mr. Lake, the attorney, having taken out a writ againſt them: and accordingly he did appear, and received a declaration, ſeverally, againſt either of them.

Copies of the ſaid declarations were produced to the committee, and read; and therein it is taken notice, that Anthony Bowyer, eſquire, and Charles Cox, gentleman, were returned to ſerve in parliament for this borough: that he, the ſaid Sir George Meggot, thought himſelf aggrieved by the ſaid return, and petitioned the houſe of commons for relief in the ſaid matter: that the ſaid petition was referred to the committee of elections, at which committee the ſaid Malyn and Ladd did, falſly and maliciouſly, ſay and affirm, that Sir George Meggot did ſay, if it coſt him 500 l. he would carry the election; and if he could not have juſtice done him abroad, he had friends enough in the houſe to bring him in, right or wrong: and that the ſaid Malyn and Ladd afterwards at the ſaid committee did, falſly and maliciouſly, ſay and affirm theſe words; viz. "Sir George Meggot did ſay, that if it coſt him "500 or 1000 pounds, he would have right; and "that he had friends enough in the houſe to "bring him in, notwithſtanding, whether he were "elected or not;" by which means, he was taken into cuſtody of the ſerjeant at arms, and detained to the end of that ſeſſions; and put to great expences, to the damage of 3000 pounds.

That Mr. Lake afterwards called on him for pleas to the ſaid declarations; and he did thereupon plead thereto, ſeverally, the general iſſue, counſel having adviſed him ſo to plead, the declaration not having ſet forth the words aright: that Mr. Huggins afterwards called on Mr. Lake, to know if he would carry on the ſaid cauſe; who told him, he would no further proceed, unleſs Sir George Meggot would give him ſecurity to ſave him harmleſs; and that thereupon he gave rules, and obtained non-ſuits upon both declarations; and 3 l. 3 s. coſts was allowed him in each cauſe, which he received, but it was not near the expence they had been at.

Mr. Halſey ſaid, that at the laſt election of burgeſſes for this borough, he told Sir George, it would be unneceſſary for him to ſtand a poll; and Sir George did ſay, he had laid by 1000 pounds, and had not expended above 100 pounds, and had 900 pounds left to expend at the houſe of commons: and being aſked where it was ſaid? he anſwered, at the time of polling; but he knows not who heard it beſides himſelf, though he diſcovered it 12 months ſince, to Mr. Northey and others.

There were no witneſſes for Sir George Meggot. His counſel obſerved, as to what Mr. Halſey ſaid, it was not complained of, or referred to the committee; and as to the proſecuting Ladd and Malyn, by Sir George Meggot, it was begun out of ignorance, and that there was no arreſt; but Sir George, thinking himſelf injured by this evidence, thought he might lawfully have done himſelf right by an action; though, as ſoon as he was better adviſed, he deſiſted, and ſuffered a non-ſuit, and paid the coſt: and he had orders to ſay from his client, that he was ſorry, if he had hereby offended the houſe.——The counſel ſubmitted it to the committee, that the witneſſes not being here upon oath, and ſo not liable to be indicted for perjury, it might be inconvenient, if there was no way to puniſh them for any falſe teſtimony they might give.

The committee reſolved, that Sir George Meggot, having proſecuted at law, Mr. Thomas Malyn, and John Ladd, for what they teſtified at the committee of privileges, the laſt ſeſſions, upon the matter touching the election for this borough, is guilty of a breach of the privilege of the houſe.

The ſaid reſolution being twice read, was agreed to by the houſe.

Ordered, that the ſaid Sir George Meggot be taken into cuſtody of the ſerjeant at arms, attending this houſe.

Oct. 24, 1702. A petition of John Lade, eſquire, was read; ſhewing, that at the election for burgeſſes, to ſerve in this parliament for this borough, the petitioner, Charles Cox, and John Cholmley, eſquires, were candidates: that the poll began the 15th day of July, and continued till the next day in the afternoon; at which time, the petitioner had ſome hundreds, who came to poll for him; but a great riot was begun, and carried on by the agents and ſervants of Mr. Cox, and Mr. Cholmley; whereby not only many perſons, who came to poll for the petitioner, were violently aſſaulted and beaten, but alſo the conſtables and officers, who were there to keep the publick peace; ſo that the petitioner (who could otherwiſe have polled the majority of legal votes) and thoſe that came to poll for him, not thinking themſelves ſafe, were neceſſitated to quit the place of polling, proteſting againſt the ſame; yet the bailiff proceeded for the other candidates, and by reaſon of the violent proceedings, and other corrupt practices, of the bailiff, procured themſelves to be returned, to the prejudice of the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Nov. 9. Ordered to be reported to-morrow.

10th. Mr. Bromley reported from the committee, the matter, as it appeared unto them, upon the ſaid petition.——That the counſel for the petitioner inſiſted, that the election was void, becauſe a riot was committed by the ſervants and agents of the ſitting-members, at the time of the election; and to be heard as to the right of the election.

They called ſeveral witneſſes; who ſaid, that on the 16th day of July, being the 2d day of the poll, there was a great tumult and riot, occaſioned by about 10 of Mr. Cox's draymen, who were diſtinguiſhed by grey hats, with red ribbands: that being joined with the ſervants of Mr. Malyn (Mr. Cox's brother-in-law) and many others, they did, with their hats in their hands, ſtrike divers perſons, and cleared St. Margaret's-Hill (where the poll was taken) of thoſe who came to vote for the petitioner, and hindered many of them from coming to poll; and others could not come to it, without hazard and difficulty: that therefore the poll was cloſed ſooner than it had been the night before; and that the conſtables were not able to do their duty in keeping the peace. One of the conſtables ſaid, he ſaw a man, that owned he belonged to Mr. Cholmley, beat another: he would have carried him to the Compter, had he not been reſcued by others, that were for Mr. Cox and Mr. Cholmley. He ſaid, the place of polling was pretty clear, though the fighting was not far from it: that Mr. Cholmley called upon him to keep the peace, but he durſt not venture amongſt them. Another conſtable ſaid, the diſorders were from the zeal of both parties; but that the men with the grey hats, were the moſt remarkable in them; and that he was called upon by one of the ſitting-members, or by the head-bailiff, to keep the peace.

Jones ſaid, that ſpeaking to one of the men with a grey hat and red ribband, not to make a riot; he anſwered him, they did nothing, but what they were ordered: that Mr. Lade did, on Friday morning, proteſt againſt their proceedings, and went away; but all things were then very quiet.

For the ſitting-members, witneſſes were called to prove the impartiality of the bailiff.

They ſaid; that after the diſorders began, the voters came not ſo faſt to poll, as before: that ſeveral were polled during the ſame; but not any, as they remembered, for the petitioner: that they thought this as quiet an election, as they ever knew in the borough, unleſs one of Mr. Bowyer's: that on the Friday morning all was ſo quiet, that one might freely come to poll: that they ſaw one Walker, who was for the petitioner, and had been drinking, very diſorderly, and ſtriking ſeveral with his hat and peruke in his hand; which ſome of the petitioner's witneſſes had owned; but ſaid, that Walker was puſht by others, and that then they believed he might do as they did; and that thoſe, who were for Mr. Cox and Mr. Cholmley, began the diſorders. Some of the conſtables ſaid, they heard Mr. Cholmley propoſe the adjournment to Mr. Lade, for fear of miſchief; and that he conſented to it.

Ratcliff ſaid, he was abuſed for voting for the ſitting-members, and inſiſted after to poll for the petitioner.

1. Hereupon the committee reſolved,

That there was a great tumult and riot at the election of burgeſſes, to ſerve in this preſent parliament for this borough.

2. That the ſaid tumult and riot was committed by the ſervants of, and agents for, Charles Cox, and John Cholmley, eſquires.

After this, the counſel for the petitioner proceeded in regard to the right of election; and ſaid, that the inhabitants at large, had been admitted to vote at this election; on pretence of which, the priſoners in the King's-bench had ſometimes voted, and ſo many others, that it was impoſſible ever to have a fair election, or any ſcrutiny: that none, of common right, ought to vote, but ſuch as were liable to pay wages to their members; and thoſe were only ſuch, as paid ſcot and lot.

This they inſiſted upon, but produced no evidence.

For the ſitting-members, ſeveral witneſſes were produced; who ſpoke to the election for 20, 30, or 40 years paſt; and all of them ſaid, the uſage was, for all houſekeepers, not receiving alms, to vote: and they deſired the reſolution of the houſe, in the convention-parliament, upon a controverted election, to be read; whereby the houſe agreed with the committee, that the right of election was in the houſekeepers, not receiving alms.

That the counſel for the petitioner deſired the whole report to be read; and obſerved from it, that this was no new claim, now ſet up; and that in Mr. Thompſon's election, thoſe only, who paid ſcot and lot, voted; and urged, that at former elections, the houſekeepers, not receiving alms, had been let in to vote, by articles agreed on between the candidates, which ought not to alter the right. Some of the witneſſes for the ſitting-members, ſaid, they had heard of articles at former elections, but did not remember what they contained.

They then proceeded as to indirect practices: and produced notes, under the hands of Mr. Cox, and another juſtice of the peace, for diſcharging ſeveral perſons from the poors-rate; and ſome of theſe notes had poſtſcripts, to this effect: — "That they "were taken off at the inſtance of Mr. Cholmley;" ſeveral of whom voted for the ſitting-members.

That the books of St. Olave's veſtry were produced, where was entered this irregularity; and the perſons ſo diſcharged, ordered again to be rated in the next rates: that all theſe notes bear date before this laſt election, and none later than 3d of April 1702.

3. That the committee reſolved,

That the right of election of burgeſſes, to ſerve in parliament for this borough, is only in the inhabitants, paying ſcot and lot.

4. That Charles Cox, eſquire, is not duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

5. That John Cholmley, eſquire, is not duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

6. That the late election of burgeſſes, to ſerve in parliament for this borough, is a void election.

The ſaid reſolutions, being ſeverally read a ſecond time, were agreed to by the houſe, and a new writ ordered.

Dec. 5, 1710. A petition of John Lade, eſquire, was read; ſhewing, that at the election of burgeſſes, to ſerve in this preſent parliament for this borough, the petitioner was duly elected, and ought to have been returned: but Mr. John Cholmley, and Sir Charles Cox, and their agents, by their threats, and other indirect practices, deterred many perſons from giving their votes for the petitioner; and by ſuch means, and diſperſing ſcandalous papers, they have procured themſelves to be elected and returned: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Jan. 14, 1711. A petition of Sir George Matthews, knight, was read; ſhewing, that at the election of a burgeſs, to ſerve in this parliament for this borough, in the room of John Cholmley, eſquire, deceaſed, the petitioner and Mr. Halſey were candidates: and that, notwithſtanding the bribery, and other indirect practices of Mr. Halſey, as alſo the arbitrary and illegal proceedings of Mr. Martin the bailiff, the petitioner had the majority of legal voters, and ought to have been returned: but the ſaid Mr. Martin, after declaring the petitioner to have the majority of voices, without ſcrutiny duly demanded, or adjourning time or place, did return the ſaid Mr. Halſey, in prejudice to the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Feb. 4. Ordered to be reported on Thurſday next.

7th. Mr. Freeman reported from the committee, the matter touching the ſaid petition:

That the right of election was agreed to be in the inhabitants of this borough, paying ſcot and lot.

That the poll was thus:—For the petitioner 831. —For the ſitting-member 815.

To prove partial proceedings in the bailiff, were called

John Lade, eſquire, and Mr. Fiſher; who ſaid, the bailiff adjourned the poll to ſeveral places; firſt, to St. George's church, which was ſhut; then to the church-wall, when there was no proviſion for polling; then to a private houſe, where the marſhals uſed to live, within the rules of the priſon; and then to the town-hall: that he refuſed to let any clerks be employed, but his own; and there was great confuſion in taking the poll in the dark, the firſt day; and ſeveral of the petitioner's voters went away both days, becauſe they could not be polled: that on Friday, the 21ſt of December, after ſeveral proclamations made for the voters to come in, and no more coming, the bailiff cloſed the poll in the town-hall; and then he, and ſeveral friends appointed on each ſide, caſt up the votes: and all having agreed the poll, the bailiff, in the town-hall, declared the numbers, and that Sir George Matthews had a majority of 16; and cauſed the cryer to proclaim the numbers twice: after that the bailiff ſaid, there was a ſcrutiny demanded by one Bartlet; who, not being preſent, another demanded it; whereupon the bailiff ſaid, he would proceed upon the ſcrutiny; but adjourned without appointing any time or place; and the company went away, concluding all was over.

That on the 21ſt, Mr. Lade demanded a copy of the poll; and the bailiff ſent him a copy of the book of one pariſh, on the 24th of December, and the other two on the 29th; and on the Monday after, the bailiff proceeded on the ſcrutiny: that Sir George Matthews came to the place, and proteſted againſt the ſcrutiny, and went away; and all his friends were turned out of the room, becauſe they were not of St. George's pariſh, which was firſt ſcrutinized.

That it being after reported, that the bailiff was reſolved to return Mr. Halſey, he was aſked, if any of Sir George Matthews's votes were excepted to, to the end they might be juſtified; and he was deſired to ſay, upon what foot he proceeded; and whether he would return Sir George Matthews; but he only anſwered, he would be adviſed by counſel: that ſeveral voters and agents on both ſides were at the ſcrutiny, and made objections, and were heard; and the poors-book were there; but the petitioner declared, he would not be concerned in the ſcrutiny.

For Mr. Halſey were called Peck and Bartlet; who ſaid, that as ſoon as the books were caſt up, upon ſeeing how the numbers were, they and one Matthews demanded a ſcrutiny for Mr. Halſey: that they demanded the ſcrutiny ſeveral times, immediately before and after the numbers were declared and proclaimed; and the bailiff granted it: and being aſked when, ſaid, it was impoſſible to determine that, for it would take ſome time to copy the poll-books: that he would at the ſame time give a copy to each candidate, as ſoon as they could be made, and then he would appoint the ſcrutiny: that there were inſpectors and agents on both ſides, at the ſcrutiny, who objected, and acted as ſcrutineers; and Mr. Lade, who was for Sir George Matthews, excepted to ſome of the votes.

Skinner ſaid, there was no publick notice given of the ſcrutiny; but on the Saturday night before it began, he gave notice to both candidates, by a letter from the bailiff, and that it would begin for St. George's pariſh on the Monday following, at ten of the clock, at the King's-arms tavern, at St. Margaret's-hill.

That 150 votes were excepted to on the ſcrutiny; and the bailiff heard both parties fairly: that the candidates had copies of the poll-book of St. George's pariſh on Monday after the poll was ended; and on the Monday morning, when the ſcrutiny began, they had the other copies: that the perſons, who appeared at the ſcrutiny for Sir George Matthews, voted for him, and had right ſo to do.

That the committee then reſolved,

1. That at the late election of a member, to ſerve in this parliament for this borough, the poll being cloſed and caſt up, and the majority of votes declared, by proclamation, for Sir George Matthews, Henry Martin, eſquire, the bailiff, could not proceed to a ſcrutiny, not having adjourned to any time or place.

Then the committee proceeded to hear the matter of bribery and corruption, alledged againſt the petitioner: as to which, Rook was called; who ſaid, on the 8th of November, Sir George Matthews went round St. Saviour's pariſh: that Mr. Parker, who ſolicited for Sir George Matthews, paid 1 s. 18 d. and 2 s. and 6 d. at ſeveral houſes for beer: and Parker told him, he had paid a reckoning of 10 l. at the Fountain tavern; that another reckoning of 13 or 14 s. was paid for beer, for about 20 voters at the Bell, by two other perſons, who treated for Sir George: that Sir George was at the Fountain; and becauſe he could not ſtay, had ſome meat from the ſpit, and deſired to be excuſed; and ſaid, he had left a gentleman to ſupply them with wine, or what they thought fit.

Harris ſaid, 28 l. were expended at his houſe, and colonel Meggot had the bill; but could not ſay it was on Sir George Matthews's account.

Ratcliff ſaid, Sir George Matthews's kinſman paid him 25 s. for beer, had on the election-day, and that 20 s. were expended there before.

Francis ſaid, that, before and at the time of the election, he ſaw Sir George Matthews pay about 20 l. at the Vine, in Blackmore-ſtreet: that his vote was then aſked for Sir George by him, and when that money was paid, the drawers told the company, they were all welcome, and there was nothing more to be done, unleſs they paid themſelves.

Cormel ſaid, there was a great deal of money expended after Mr. Cholmley died: that he ſaw a bill of 8 l. at the Vine for the voters, delivered to Sir George in company; and thinks, he might ſafely ſay, Sir George engaged to pay it: and ſaid, the company told him, they had been treating at the Vine.

White ſaid, Arnold and Baylis, who voted for Sir George, paid him a bill of 3 l. for beer for the voters, expended at his houſe.

The committee reſolved,

2. That Edmund Halſey is not duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

3. That Sir George Matthews is duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

The ſeveral reſolutions, being twice read, were agreed unto by the houſe: and the return ordered to be amended.

Reſolved, that at the late election of a member, to ſerve in this parliament for this borough, Henry Martin, eſquire, the bailiff of this borough, was guilty of arbitrary and illegal proceedings, in breach of the privilege of this houſe, and tending to the ſubverſion of the freedom of election.

Ordered, that the ſaid Henry Martin, eſquire, be, for his ſaid offence, taken into cuſtody of the ſerjeant at arms attending this houſe.

March 4, 1713. A petition of Sir George Matthews, and Samuel Ruſh, eſquire, was read; ſhewing, that the petitioners, John Lade, and Fiſher Tench, eſquires, ſtood candidates at the election for this borough: that by bribery, and other illegal practices of the bailiffs, Mr. Lade and Mr. Tench, they have procured themſelves to be returned, in wrong of the petitioners, who had a majority, and ought to have been returned: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

April 6, 1714. Ordered to be reported this day ſevennight.

13th. Ordered to be reported this day ſevennight.

20th. Sir Gilbert Dolben reported the matter of the ſaid election, as follows.

That the right of election was agreed to be in the inhabitants, paying ſcot and ſcot.

The poll was,	for Mr. Lade,	792.
	for Mr. Tench,	770.
	for Sir Geo. Matthews,	721.
	for Mr. Ruſh,	710.

The petitioners objected bribery, and indirect practices, in the ſitting-members; and that the bailiff had refuſed ſeveral of the petitioners voters; and called

Jonathan Horton; who ſaid, he was no voter, but was employed by one Newhouſe, to find out perſons that had been bribed in this election: that one Gregory offered him, that Mr. Bartlet, who acted for the ſitting-members, ſhould give him twenty or thirty pieces to quit Mr. Ruſh's intereſt; and this inquiry: that * Reynolds told him, he had 30 s. to vote for the ſitting-members; and Coats told him, he had a guinea to vote for the ſame ſide, but he did not know whether Coats voted.

Reynolds ſaid, he voted for the ſitting-members, and had no money for his vote; but he offered Mr. Ruſh to give evidence: that one Morgan forgave him a debt for it; to which Mr. Ruſh anſwered, that would not be bribery; thereupon he offered to ſay Morgan gave him 30 s. and Mr. Ruſh ſaid, that would do very well, and bid him give full evidence againſt the ſitting-members; telling him, he need not ſwear it, but only come to the houſe of commons and ſay ſo, for they dealt all upon honour there: Mr. Ruſh told him, he ſhould be kindly dealt with for it, and he has been, ſince his voting, taken off 14 s. yearly in the window-tax, which Newhouſe promiſed ſhould be done, for being an evidence.

Richard Whitcombe ſaid, Reynolds told him, Morgan gave him 30 s. in goods pawned; and William Aſhcroft told him, that King, a diſtiller, promiſed him 50 s. and they ſaid, it was for their votes for the ſitting-members, elſe they had voted for the petitioners.

Mr. Jones ſaid, he was preſent when Reynolds came to Mr. Ruſh's houſe, and offered to teſtify he had 30s. given him; and ſaid, he wanted a hat and perriwig to appear in; to which Mr. Ruſh anſwered, his perriwig would do well enough, if he combed it; and he ſuppoſed, he would not wear his hat before the committee.

Charles Coats ſaid, he had a guinea offered him to vote for the ſitting-members, but he neither voted nor took the money.

Charles Pleydwell ſaid, Coats offered to vote for the petitioners for two guineas; and ſaid, he had been offered a guinea for the ſitting-members.

Joſeph Bedwell ſaid, that Samuel Farrow, who all along declared for the petitioners, ſaid, he voted for the ſitting-members, becauſe 3 l. was ſpent at his houſe, and Mr. Lade gave him once 15 s. above his reckoning.

John Breadſell and John Baſcombe ſaid, that Aſhcroft declared, that King gave him a note of his hand for 50 s. to vote for the ſitting-members, elſe he ſhould have voted for the petitioners.

George Nicholls ſaid, that Aſhcroft told him, King aſked him to vote for the ſitting-members; and he anſwered, he would not, unleſs King paid him 5 l. he owed him; upon which King threw down a guinea, and ſaid, he ſhould never have that, unleſs he voted; and that Sir Charles Cox, who voted for the ſitting-members, ſaid, he would undertake he ſhould be paid the 5 l. and bid him go and vote.

William Winter ſaid, he ſhould have voted for the petitioners, but voted for the ſitting-members, becauſe Hall, Curl, and Dean, their agents, promiſed to lend two thirds of 20 l. for a year without intereſt, but after his vote he could not get the money; and that John Taylor, who is ſince dead, told him a fortnight after the election, that he believed it was in his power to lend him 100 l. if he would not appear to give evidence; but he anſwered, he had been ſo tricked by the party already, he would not do it for 1000 l: that the three agents deſired him to conceal their offer, leſt they ſhould ſuffer for it.

Sir Iſaac Shard ſaid, that ten days before the election, he heard Mr. Tench ſay at Wyatt's coffee-houſe, that he had been ſucceſsful in all his matters, and would not loſe the election for 10,000 l.

Richard Lowe, Cook, ſaid, that when Mr. Lade aſked him for his vote, he anſwered, he could not be for him, for he underſtood he had left the church, and had gone over to the diſſenters; to which Mr. Lade anſwered, the churchmen were all rogues, at leaſt they had been ſo to him; that the diſſenters could not be ſo falſe as the churchmen had been; and that he did not care who voted for him, ſo as he got into the houſe: that he had loſt a great deal of buſineſs upon Mr. Lade's account; once for voting for him, when he was on the other ſide; and that the treaſurer of St. Thomas's hoſpital threatned he ſhould loſe their buſineſs, if he did not vote for him now; and he was told, he ſhould loſe their Eaſter buſineſs, if he came here.

Francis Weſt ſaid, his ſiſter was threatned to be turned out of St. Thomas's Hoſpital, if he voted againſt Mr. Lade; and therefore he did not poll, although he had promiſed the petitioners.

Henry Wickenden ſaid, that upon the 15th day of Auguſt laſt, one Sarah Harris deſired ſilver of him for 18 guineas; that ſuſpecting the guineas, he weighed them, and found them a great deal too light, and they appeared to be filed; upon which he carried her before Mr. Lade, where ſhe declared ſhe had the guineas from one Mrs. Perth, a pawnbroker, in Farthing-alley; upon which Mr. Lade ſaid, Perth, her huſband, was a good ſort of a man, but granted a warrant to ſearch their houſes; and Harris, Mrs. Perth and her huſband, were brought before him, and Mr. Tench, the witneſs, ſwore he had the guineas from Sarah Harris: ſhe ſwore ſhe had them from Mrs. Perth and her huſband, who owned the delivery of them to Harris; upon which Mr. Lade ſaid, Mrs Perth muſt find bail, or go to goal; but afterwards he let her go, upon her huſband's word for her appearance the next Tueſday; at which time, the witneſs demanded of Mr. Lade, if ſhe was forth-coming? he anſwered, ſhe was not; but if the witneſs had the guineas, he was ſafe: that this matter lay thus till January, when Mr. Ruſh and Mr. Meggot committed Mrs. Perth:— that Mr. Perth voted for the ſitting-members.

Edward Beale ſaid, that he tendered his poll for the petitioners, but was refuſed, without any reaſon; and that he pays to church and poor; and that his name is in the poor's-book.

Mr. Whitcombe ſaid, the bailiffs refuſed ſeveral votes for the petitioners, and admitted others in the ſame circumſtances for the ſitting-members: that he refuſed Thomas Leach, a miller, in St. George's fields, who rents 30 l. yearly, becauſe he did not pay to church and poor; and alſo refuſed Joſeph Oviatts, becauſe his name was not in the poor-rate, though he pays the rate in the place of his wife's father, who paid it before: the miller and Oviatts tendered their polls for the petitioners, but the bailiff refuſed them; though he admitted others in worſe circumſtances for the ſitting-members, who did not rent above 10 l. yearly, and did not pay to the church and poor.

That, upon this refuſal, the petitioners declared to the bailiff they would trouble him no farther, but refer the cauſe to the houſe of commons, and proteſted againſt his proceeding, and the poll was broke up: that ninety-four perſons, whoſe names he had in a liſt, were then coming to poll, and were hindered voting by this proteſtation: they all paid to the poor, and promiſed to poll for the petitioners, but he did not ſee any more than two of them tender their poll to the bailiff.

That, to juſtify the poll, and prove bribery on the petitioners, were called

Joſeph Skinner, who ſaid, the poll was adjourned till eight o'clock the third day, and not opened till two hours after: the bailiff ſent for the petitioners, and ſeveral polled for them that day.

Baily and Hall ſaid, they were preſent when the miller came to the poll, that Mr. Tench denied his poll, and Mr. Ruſh demanded it, and upon the miller's declaring he did not pay to the church and poor, the bailiff ſaid, he was not a pollable man, and that he durſt not poll him: whereupon Mr. Ruſh ſaid, we have no farther buſineſs here: this was what was wanting; Sir George, let us go; we will ſeek redreſs elſewhere.

John Burnham ſaid, he voted for the ſitting-members, but was offered a guinea by one Pocock to vote for the petitioners.

Edward Freeman ſaid, he voted for the petitioners, becauſe Mr. Iſaac Chitty lent him 4 l. on his note, payable on demand.

Samuel Cook ſaid, he was promiſed to be taken off the poors-book if he voted for the petitioners; he deſired to be for who he would, and inſtead of taking him off, they have doubled him.

That the ſitting-members inſiſted upon their majority, and objected to Sir George Matthews's qualification. That in the rental given in for ſuch qualification, amounting to 314 l. yearly, a houſe and lands at Twickenham, in Middleſex, valued at 160 l. *per annum*, are not of that value: and called

Timothy Child, the collector of the land-tax for Twickenham-pariſh; who ſaid, the ſaid houſe and lands in the time of ſerjeant Ryley, the former owner, were rated to the land-tax at 30 l. yearly only; and that now the houſe and lands, with the additional purchaſes, are rated together at 53 l. 10 s. yearly, and were never rated for more; and that all Sir George Matthews's eſtates in that pariſh are included in that rate, and produced the aſſeſſment to the land-tax, wherein Sir George Matthews appeared to be ſo rated.

The committee reſolved,

1. That John Lade, eſquire, is not duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

2. That Fiſher Tench, eſquire, is not duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

3. That Sir George Matthews, baronet, is not duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

4. That Samuel Ruſh, eſquire, is not duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

The ſaid ſeveral reſolutions being twice read, were agreed unto by the houſe.

Reſolved, that the election for the ſaid borough, is a void election.

May 8. A petition of Tho. Lant and Sam. Ruſh, eſquires, was read; ſhewing, that the 29th of April was appointed for an election for this borough: that the petitioners, John Lade and Fiſher Tench, eſquires, were candidates; but by corruption and other illegal practices of the bailiff of the borough, as alſo Mr. Lade and Mr. Tench . . . their agents, the ſaid Mr. Lade and Tench are returned in wrong of the petitioners: and praying &c.

Ordered, that it be heard at the bar of the houſe, on Thurſday come ſeven-night.

11th. Ordered, that it be heard on this day fortnight.

25th. The houſe proceeded in the hearing, and the counſel were called in, and the petition read; and the petitioners counſel examined ſeveral witneſſes touching the affirmation which was adminiſtered to the people called quakers, inſtead of the oath of abjuration.

And ſeveral ſections in the act of the 7th and 8th years of King William, cap. 34. and in the act of the 6th of Queen Ann, cap. 23. were read: the form of the affirmation adminiſtered to them was alſo read, and the counſel heard.

A motion being made and the queſtion being put, that the quakers, who made their affirmation in the form tendered to them, inſtead of the oath of abjuration, by the bailiff of this borough, upon the late election of members to ſerve in parliament for this borough, had a right to vote in the ſaid election.

It paſſed in the negative.

Ordered, that the merits of the ſaid election be heard again on Tueſday next.

June 1. Ordered, that it be adjourned to this day ſeven-night.

8th. The houſe proceeded on the ſaid hearing, and the counſel were called in, and ſeveral witneſſes were examined on the petitioners behalf.

Ordered to be heard again on this day ſeven-night.

15th. Ordered to be adjourned to this day ſeven-night.

22d. Ordered to be adjourned to Friday next.

25th. The houſe proceeded in the ſaid hearing, and the counſel were called in.

And the petitioners examined ſeveral witneſſes; and their counſel were heard.

And the ſitting-members counſel proceeded in order to make good the votes of William Thompſon, and ſeveral other quakers, which the petitioners counſel had objected to, touching whom the counſel on both ſides were heard.

Reſolved, that William Thompſon, by taking the ſolemn affirmation, in the form tendered to him, inſtead of the oath of abjuration, had a right to vote in the late election of members to ſerve in parliament for this borough.

Mr. Speaker acquainted the counſel with the ſaid reſolution.

And the ſitting-members counſel proceeded in order to make good other perſons votes, which had been objected againſt by the petitioners.

A motion was made to adjourn the farther hearing of the merits of the ſaid election, but it was diſagreed to.

Then the counſel were again heard, in order to make good other perſons votes objected to.

Ordered, the ſaid election be again heard on Tueſday next, at twelve o'clock, and nothing to intervene.

29th. The houſe proceeded in the ſaid hearing, and the counſel were called in; and the ſitting-members counſel proceeded to the making good ſeveral of the voters for them, and to the diſqualifying of perſons who voted for the petitioners.

To which the petitioners counſel were alſo heard, and then the counſel withdrew.

Reſolved, that * Morgan be not admitted to give evidence.

Then . . . . counſel on both ſides were called in again and heard, and being withdrawn,

The journal of 1702, in the caſe of Southwark, was read.

And a motion being made, and the queſtion being

ing put, that perſons inhabiting in the Mint, or rules of the Queens-bench in the borough of Southwark, and paying a rent of 10l. *per annum*, or upwards, have a right to vote for members to ſerve in parliament for the ſaid borough, though they do not pay ſcot and lot within the ſaid borough; but diſagreed to.

Mr. Speaker acquainted the counſel therewith.

And the ſitting-members counſel inſiſting, that they could diſqualify and take off from the petitioners poll a conſiderable number of perſons.

Ordered, the ſaid election be farther heard on Saturday next.

July 3d. The houſe proceeded in the hearing; and the ſitting-members counſel proceeded and examined ſeveral witneſſes for diſqualifying ſeveral of the perſons who voted for the petitioners.

And the petitioners counſel were heard by way of reply.

1. Reſolved, that John Lade, eſquire, is duly elected a burgeſs, to ſerve in this preſent parliament, for this borough.

2. Reſolved, that Fiſher Tench, eſquire, is duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

Jan. 23, 1723. A petition of Walter Bagenal, eſquire, was read; ſhewing, that the petitioner was a candidate at the laſt election of a repreſentative to ſerve in parliament for this borough; that John Lade, eſquire, by arbitrary proceedings, and illegal practices, procured himſelf to be returned for the ſaid borough: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

24th. A petition of Sir Fiſher Tench, baronet, was read; ſhewing, that the petitioner with John Lade, and Walter Bagnall, eſquires, were candidates at the laſt election of a repreſentative in parliament for this borough, where Mr. Lade, by ſeveral unprecedented and illegal proceedings, procured himſelf to be elected and returned in manifeſt prejudice of the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

STAFFORDSHIRE.

THIS county is in the north-weſt part of this kingdom, and was formerly joined with Salop under one ſheriff. It ſent knights to the parliament in the 28th of Edward I; and has ſo continued to do to this time. The memoirs relating thereto are few: no conteſt in parliament appears in the journals, nor any other matter relating to the election, but what follows.

D'Ewes Journal, 335. Dec. 4th, 1584. Upon motion made by Mr. Speaker, Mr. Edward Leigh, eſquire, one of the knights returned into this preſent parliament for the county of Stafford, and ſince that time, choſen to be ſheriff of the ſaid county:

It was ordered by this houſe, that the ſaid Edward Leigh may, with the good leave of this houſe, have liberty to abſent himſelf, in and about his neceſſary charge and ſervice in the ſaid office of ſheriffwick.

Upon this Sir Simon D'Ewes obſerves;

That hence it may be probably gathered, that neither her Majeſty, nor the houſe of commons, did conceive theſe two places to be incompatible, but that they might well ſtand, and be in one and the ſame man, at one and the ſame time; for her Majeſty did firſt make him ſheriff of the county of Stafford, not only after he was choſen, but returned a knight of the ſaid county alſo, which it is very plain ſhe could not be ignorant of; and therefore herſelf and the houſe of commons did both allow of his being made ſheriff, as a thing well agreeing with the privilege of his former place and the ſervice of that houſe; and did not therefore give him a final diſcharge, but only liberty of receſs, about his neceſſary affairs into the country, as in the foregoing caſe of ſickneſs, which being expedited, he might return again to that ſervice. For doubtleſs, if the ſaid houſe had conceived, that he had been utterly diſabled from his ſerving there by his new office, it would have been ordered, that a warrant ſhould have been ſent to the clerk of the crown to have ſent down a new writ into the ſaid county of Stafford, for a new election to have been made, as in the caſe of double returns, death, or the like, is uſed. Beſides, if her majeſty might have diſabled as many members from ſerving in that houſe, as ſhe ſhould, or could have made ſheriffs, it had lain in her power (and may lye in the power of any King or Queen of this realm for the time being) to have diſfurniſhed the houſe of commons at any time of all, or the greater part of the ableſt members thereof.

Againſt this opinion, the words of the very writ, by authority whereof the knights, citizens, burgeſſes, and barons of the houſe of commons are elected, hath been, and may be ſtill, objected; viz. *Nolumus autem quod tu, nec aliquis alius vicecomes dicti regni noſtri aliqualiter ſit electus &c.* which words were not in the writ during the reign of King Henry III. Edward I. Edward II. and the beginning of the reign of Edward III. but crept in afterwards by virtue of an ordinance of parliament upon ſome ſpecial occaſion to that end made, which is entered in *Rotulo Parliamenti de anno* 46 Edward III. numb. 13. And therefore the conſtant practice in many parliaments ſince to the contrary may well be admitted, and followed, as the greater and more ſwaying authority, which alſo appeareth in the aforeſaid precedent; the ſaid Mr. Leigh being allowed to maintain and retain both the ſaid places, and to ſerve in them without all manner of diſpute or queſtion.

Dec. 8, 1711. Ordered a warrant for a new writ for electing a knight to ſerve in this preſent parliament for this county, in the room of the honourable Henry Paget, eſquire, made captain of yeomen of guards.

STAFFORD Town.

THIS borough is ſituate within the county of that name, and was a borough at the time of the general ſurvey; and as ſuch was ſummoned in the 28th of Edward I. and ſo hath continued ever ſince, as other boroughs. As to its ancient method of election, I have not met with it; nor any memoirs, until ſince the Reformation (except the return for the county 28 Edw. II. which ſee in Appendix, Staffordſhire) in the journals; which contain thoſe here following. Brady, 12. Doomsday, f. 246. Prynne's 4th Regiſt. p. 1120.

March 22, 1623. Mr. Glanville reports from the committee of privileges and elections for this borough. —— A petition of Sir William Walter: complained that Mr. Dyall was returned, when he had the majority of voices.—No complaint againſt Mr. Cradock. The caſe was thus: a precept was ſent to the borough; came to the hands of Mr. 1 Journal, 745.

Dyatt——That morning went to the town-houſe, and went to an election, and upon the election Mr. Cradock had moſt voices.——Some queſtion, whether Sir William Walter, or Mr. Dyatt had moſt voices: but the committee found, that, being no public warning, no good election: neither Sir William Walter, nor Mr. Dyatt, duly choſen.——Mr. Cradock's election not duly choſen; — All agreed, that they ought to meddle with that *ex officio*, becauſe but one warning for both. —The committee of opinion, they ought to have a new election for both.

Ordered upon queſtion, that a new writ ſhall go down for a new election for two burgeſſes for this borough.

March 24th, 1689. A petition of Philip Foley, eſquire, was read; ſhewing, that the petitioner was duly elected for this borough; yet one Walter Collins, the mayor of the ſaid borough, did illegally return Jonathan Cope, eſquire: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

Oct. 6, 1690. A petition of the ſaid Philip Foley, (the ſame in ſubſtance with the former petition) was read.

Ordered, to be referred to the committee of privileges, to examine and report the matter, with their opinion.

Nov. 15, 1709. A new writ ordered for electing a burgeſs, in the room of Walter Chetwynd, eſquire, made maſter of the Queen's hart and buckhounds.

Dec. 2, 1710. A petition of Henry Vernon, junior, eſquire, was read; ſhewing, that the petitioner, Thomas Foley, and Walter Chetwynd, eſquires, were candidates at the election of members, to ſerve in parliament for this borough: that John Dancer, eſquire, the mayor of this borough, refuſed to poll a great number of legal voters, who demanded to be polled for the petitioner (who had a majority of legal votes) and hath unduly returned Mr. Chetwynd, who, by bribery, treats, and threats, got ſeveral votes, and deterred others from voting for the petitioner: and praying &c.

Alſo, A petition of ſeveral freemen, and ſons of burgeſſes of this borough, was read; ſhewing, that at the late election of burgeſſes, to ſerve in this parliament for this borough, Henry Vernon, eſquire, had a greater number of legal voters, than Walter Chetwynd, eſquire, and ought to have been returned with Thomas Foley, eſquire: but the mayor of the ſaid town arbitrarily refuſed to poll ſeveral for Mr. Vernon, whom he well knew had good right to vote; and hath falſly returned Mr. Chetwynd, in violation of the rights of this borough: and praying &c.

Ordered, that the merits of the ſaid election be heard at the bar of the houſe on the 20th of January next.

January 20th. Ordered to be heard on Tueſday next.

25th. The houſe proceeded to the hearing of the ſaid election; and the counſel were called in: and the ſeveral petitions of Mr. Vernon, and the burgeſſes of this borough, were read; and ſeveral witneſſes examined on both ſides: and being withdrawn, called in, and heard; and withdrawn again.

Reſolved, that the ſons of burgeſſes, and thoſe that have ſerved apprentices ſeven years in this borough, have a right, upon demand thereof, to be made burgeſſes of this borough.

The counſel were called in; and Mr. Speaker acquainted them with this reſolution: whereupon the counſel for the petitioners inſiſted, that they would proceed to add ſo many to their poll, as would make a majority for the petitioner.

Thereupon the counſel for the ſitting-member declared to the houſe, they were directed by their client not to give the houſe any further trouble: And then the counſel withdrew.

Reſolved, that Walter Chetwynd, eſquire, is not duly elected a burgeſs, to ſerve in this parliament for this borough.

That Henry Vernon, junior, eſquire, is duly elected a burgeſs, to ſerve in this parliament for this borough.

And ordered the return to be amended.

Oct. 18, 1722. A petition of Walter Lord Vicount Chetwynd, of the kingdom of Ireland, and William Chetwynd, eſquire, was read; ſhewing, that the petitioners, Thomas Foley, and John Dolphin, eſquires, were candidates, at the election of burgeſſes for this borough, that the ſaid Thomas Foley and John Dolphin by bribery, and other indirect practices, procured themſelves to be members for the ſaid borough, to the great prejudice of the petitioners: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Nov. 23. Ordered the report to be received on Tueſday next.

27th. Mr. Gybbon reported the matter of the ſaid election, as follows.

That the committee have examined the merits of the ſaid election, and the counſel for the petitioners inſiſted, that the right of election of members to ſerve in parliament for this borough, is in the mayor, aldermen, and capital burgeſſes, and ſuch other burgeſſes only who are ſons of burgeſſes born after their fathers were made burgeſſes, and in ſuch freemen who, by preſentment at a court-leet, according to the ancient uſage of the borough, have been or ſhall be ſworn burgeſſes, being all houſholders and liable to pay ſcot and lot, and reſident within the borough at the time of ſuch election.

For the ſitting-members it was inſiſted, the right to be in the mayor, aldermen, and burgeſſes reſident within the borough; and denied that any preſentment was neceſſary to the making of burgeſſes.

For the petitioners the counſel called,

William Feake, eſquire, who ſaid he was ſixty years old and upwards, and was born in the town; that his father came thither about 1643; was an attorney and deputy-ſteward, and well acquainted with the cuſtoms of the town; was mayor in the year 1677 and 1678, and inſtructed him in thoſe cuſtoms, and furniſhed him with the town books to inform himſelf, and from thence he took obſervations. That, in the year 1690, himſelf was deputy-ſteward of the town; and continued in that office twenty years; that he found in his obſervations, that there had been many breaches in the corporation in ancient times, in the manner of their electing a bailiff.

In the years 1676, 1677, and 1678, none were made burgeſſes but ſons of burgeſſes; ſuch ſons being houſholders in the town, and born there after their fathers were burgeſſes, and during the time of their fathers reſidence in the town; for if their father reſided out of the town, they had no right to be burgeſſes.

That the burgeſſes, the freemen, and commoners were upon different rolls, and had different privileges; he that had ſerved an apprenticeſhip had liberty to ſet up his trade, but had no right to be a burgeſs; that he never knew the mayor, of himſelf, take upon him to ſwear any perſon a freeman, or a burgeſs; that when the court-leet thought any one qualified they were generally preſented, and were then called upon to be burgeſſes; but he never knew any freeman demand to be a burgeſs.

That when he was deputy-ſteward, the mayor applied to him, to give it in charge to the jury of the court-leet, to preſent thoſe who were qualified to be burgeſſes, and they were accordingly preſented; and they always took it to be an invaſion upon the liberties of the people, if any were ſworn burgeſſes, who were not preſented by the jury; or if any foreigners were brought in, who had no right; and when the mayor has attempted it, it has been refuſed.

This he takes to be the conſtitution of the borough; and it is ſo according to his obſervations, and according to what he had from his father, and from all the ancient members of the town.

But ſaid the court-leet is always held before the high-ſteward, or his deputy, and never before the mayor and aldermen; and that the fines and amerciaments belong to the mayor.

That he never knew any refuſed to be burgeſſes, becauſe they were not preſented by the jury: that ſome mayors had taken upon them to act arbitrarily in admitting burgeſſes without a preſentment by the jury, but this practice they always looked upon to be an infringement of their liberties; and it was firſt introduced in 1692, or 1693, when Mr. Perry was mayor.

Mr. Edward Byrd ſaid, he was born in the town, and his father was town-clerk 40 years, and he remembers for 30 years paſt.——That ſons of burgeſſes, born from their fathers, were made burgeſſes, being houſholders within the town, and thoſe who have ſerved an apprenticeſhip to burgeſſes houſholders, and are themſelves houſholders, have been conſtantly preſented to the court-leet, and admitted burgeſſes; and upon every admiſſion upon ſuch preſentment, there is always a fine paid, which is generally 40 s. That ſome, who had no right, either as burgeſſes or freemen, have been admitted burgeſſes, paying a fine of 10 l. more or leſs; that he never knew that freemen had a right to be admitted burgeſſes unleſs they were preſented by the jury of the court-leet; and that there is not one inſtance, that ever any freeman demanded to be made a burgeſs of his own right, till 1710.

That the burgeſſes have greater privileges, than thoſe who are only freemen, or thoſe, who are only commoners, and not burgeſſes; viz. a burgeſs has a right of commoning for ſix beaſts; a freeman, but for four; and a commoner, but for two only; and they muſt all be houſholders, or they have no right of commoning.——That he has ſeen ſeveral preſentments by the jury, of perſons who have ſet up their trades, after having ſerved apprenticeſhips, without being admitted to be burgeſſes; and, upon ſuch preſentments, ſeveral have been ſworn burgeſſes: theſe preſentments are to the mayor, that ſuch perſons ought to be made burgeſſes, paying the uſual fine.——That they have been ſometimes amerced ten groats for opening ſhop without being burgeſſes; ſome preſentments have been to compel them to take up their freedom, when they ſet up their trade; and they have been amerced ſo much *per* month, for exerciſing trades without being admitted burgeſſes; 40 s. at leaſt, was always paid for a fine; and he has, in his time, known 10 l. and more, paid for a fine upon an admiſſion to burgeſs-ſhip.

That the mayor and burgeſſes have ſometimes made freemen without being preſented by the jury; that it was formerly the cuſtom, that all perſons, who were entituled to freedom, were preſented by the leet-jury; but this cuſtom has been diſcontinued near 20 years; and he alſo ſaid, that he having an order of the committee, which he produced, requiring the mayor of this borough, and ſuch other perſons, as had in their cuſtody any of the charters, by-laws, ordinances, conſtitutions, records, books, or public-writings, belonging to the borough, to permit the petitioners, or their agent, or agents, to inſpect the ſame; and the petitioners having appointed him their agent for the purpoſes of the ſaid order; he did, upon the 25th of November inſtant, at Stafford, ſerve Mr. Henry Walker, the preſent mayor, Mr. Edward Green, the town-clerk, Mr. John Higginſon, the late mayor, Mr. William Robins, one of the aldermen, and Mr. Henry Norman, chamberlain of the town, with that order, by delivering to them reſpectively a copy thereof, and that he required particularly to ſee the charter of King James I. the ordinances of Henry VII. the old book of ordinances of the corporation, and thoſe relating to the cuſtoms and uſages of the town.——They appointed him to come the next day, which he did, and then they ſhewed him ſeveral charters, but nothing of what he deſired, and ſaid, they could not tell where thoſe things were; only the town-clerk ſaid, he had ſent up to London the book of orders and ordinances; and the witneſs ſaid, he could get no account thereof, till the day before the hearing at the committee, when he received a letter from the town-clerk, that the books, he required a ſight of at Stafford, were then at Mr. mayor's chambers in the Inner Temple Lane, which he might there inſpect as the order required; but this, he ſaid, was too late for any inſpection that could be of ſervice to the petitioner, at the committee.

The petitioners counſel ſaid, if the order had been obeyed in time, they could have given evidence from the books and records of the borough, that the conſtitution of this borough is as they alledged.

That the counſel for the ſitting-members inſiſted, that the right of making of burgeſſes in the ſaid borough, is in the mayor, aldermen, and common-counſel, or the major part of them in common-council aſſembled; and that the right of election of members to ſerve in parliament is in the burgeſſes ſo made free.——That the preſentments of the jury of the court-leet are only for defaults of ſuch perſons, as open ſhops within the borough, and pretend to exerciſe the franchiſe of a burgeſs, without being admitted to burgeſs-ſhip; for which offences they are, upon ſuch preſentments, amerced as criminals; but that ſuch preſentments are not neceſſary to the making of burgeſſes.

This the counſel for the ſitting-members ſaid, they thought did in ſome meaſure appear upon the evidence given upon the petitioners part, and for farther proof they called,

Mr. Smith, who ſaid, that he has known this borough between 30 and 40 years: that upon the diſputed election in the year 1710, he inſpected the records of the borough, and then found, and he always

always took it to be true, that the right of making burgeſſes in this borough, is in the mayor, ten aldermen, and ten common-council-men, or the major part of them, in common-council aſſembled: that, during the time of his knowledge and memory, the cuſtom has been, that the perſons, deſiring to be burgeſſes, give in their names to the mayor, and he takes time to conſider of their right; and after that, the mayor ſummons the common-council, who examine the claims of burghſhip; and he that has a right to be a burgeſs, is ſworn; and he that has none, is rejected: that the common-council examine their rights, whether they claim as burgeſſes ſons, or as freemen, having ſerved ſeven years apprenticeſhip within the borough; and entries are made of the titles they claim by: and being aſked, whether perſons, who had ſerved ſeven years apprenticeſhip, did apply directly to the mayor and common-council, and not to the court-leet, in order to be burgeſſes? he ſaid, that he was many years deputy-ſteward to the late Earl Ferrers, lord high-ſteward of this borough; that there never was in his time, any cuſtom to apply to the jury of the court-leet for burgeſs-ſhip; nor had that jury any thing to do with the right of burgeſs-ſhip: That he knew, of his own knowledge, there is no qualification to be a burgeſs, but being the ſon of a burgeſs, or a freeman, having ſerved ſeven years apprenticeſhip within the borough; and he that has ſuch a qualification, has, by the cuſtom of the borough, a right to demand to be ſworn a burgeſs, and no others have a right: that none are burgeſſes, but ſuch as are admitted by the mayor and common-council.

That the names of thoſe admitted in the year 1710, were given in to Mr. Green, who was then mayor, in order to examine into their rights; and after ſome conſideration, the mayor ſummoned a common-council; and, upon examination, thoſe who had a right, were ſworn; and thoſe who had no right, were rejected; and ſaid, he believed, none were then admitted, but ſuch as had a right. That he takes the right of ſons of burgeſſes to be of ſuch ſons as were born after their fathers were made burgeſſes; and he took it to be ſo in 1710.

That the jury of court-leet had preſented ſeveral perſons that were freemen; who, after having ſerved ſeven years apprenticeſhip, had opened ſhops in the borough, without coming to be ſworn burgeſſes, and they had been amerced ten ſhillings *per* month, for every month they had exerciſed their trades, without being ſworn burgeſſes. That in all the time of his being deputy-ſteward, he never knew, nor heard, that the jury of the leet preſented any to be admitted to burgeſs ſhip; their preſentments are only for exerciſing trades, not being ſworn burgeſſes; and the lord high-ſteward has nothing further to do in relation to burgeſs-ſhip. Upon preſentments, they have been fined, and the fines go to the mayor; the perſons preſented, are ſent for by the mayor and common-council, and they ſwear them burgeſſes: after preſentment, ſome, without being ſent for, have gone to the mayor and common-council, and deſired to be ſworn; and that before 1710, he had gone to the mayor with ſeveral, who, without any preſentment, demanded to be ſworn burgeſſes; and thereupon the mayor ſummoned the common-council, and examined into their qualification; and thoſe, who could prove themſelves qualified, were ſworn; and thoſe, that could not, were rejected: that more freemen than burgeſſes ſons have been admitted upon ſuch demand, and examination.

That there have been no preſentments of late years; becauſe, if any perſon comes to the mayor and common-council and demands it, he is admitted, and ſworn a burgeſs, if qualified: and being aſked, whether any preſentment by the court-leet of a perſon to be a burgeſs, was ever looked upon to be a confirmation of burgeſs-ſhip, without an admiſſion by the mayor and aldermen? he ſaid, that the court of aldermen never took notice of any ſuch perſon as a burgeſs, till he came to demand his oath and was ſworn.

And alſo ſaid, that ſworn burgeſſes have greater privileges of commoning, than thoſe who are only freemen, and not ſworn; viz. a ſworn burgeſs has a right of common for ſix beaſts after the graſs and corn are cut; and a freeman, being a houſholder within the borough, has a right for four beaſts only: and being aſked, why they would not for this greater privilege be ſworn, without being compelled to it? ſaid, that it was becauſe upon being ſworn, they pay a fine of 40 s. to the corporation; and ſaid, that thoſe fines anſwered all charges of church and poor, and therefore they have no church or poor rates in the borough.

The ſitting-members counſel alſo produced a reſolution of this houſe, of the 25th of Jan. 1710; when it was reſolved, that the ſons of burgeſſes, and thoſe that have ſerved apprenticeſhips ſeven years in this borough, have a right, upon demand thereof, to be made burgeſſes of the ſaid borough.

The committee reſolved,

1. That the right of election of burgeſſes, to ſerve in parliament for this borough, is in the mayor, aldermen, and burgeſſes, reſient within the ſaid borough.

The petitioners counſel then alledged, that they would ſhew that the petitioners had a majority of fair and legal voters in this election.

And to prove a copy of the poll, they called

William Barker; who produced a paper, as a copy of the poll taken at this election; and ſaid, he went by the petitioners direction to the late mayor, and demanded of him a copy of the poll: that the mayor did not deliver him any; but ſaid, he would ſend a copy to my Lord Chetwynd, and that he had this copy from his lordſhip: that he knew the late mayor's hand, and believed the paper produced, as a copy of the poll, was ſigned by him, but did not ſee him ſign it; nor did he examine it with the original poll; nor could he ſay it was a true copy.

The committee not thinking they had ſufficient evidence to proceed on the ſaid paper, as a true copy of the poll, the counſel for the petitioners acquainted the committee, that they had nothing farther to offer.

Whereupon the committee reſolved,

2. That Thomas Foley, eſquire, is duly elected a burgeſs, to ſerve in this preſent parliament for the ſaid borough.

3. That John Dolphin, eſquire, is duly elected a burgeſs, to ſerve in this preſent parliament for the ſaid borough.

The ſaid three ſeveral reſolutions, being read twice, were agreed unto by the houſe.

Nov. 27, 1724. A petition of Walter Lord Chetwynd, of the kingdom of Ireland, was read; ſhewing, that the petitioner, and Francis Elde, eſquire, were candidates at the late election of a member, to ſerve in parliament for this borough, in the room of John Dolphin, eſquire, deceaſed: that Edward Green, eſquire, late mayor, Thomas Nicholls, eſquire, preſent mayor, with others of the common-council, did, ſome months after the vacancy happened, in the moſt arbitrary and partial manner take upon them, at different times, as they perceived it would ſerve the purpoſes of the ſaid Francis Elde, to make honorary burgeſſes, to vote in the intereſt of the ſaid Francis Elde; and did refuſe ſeveral perſons, who were intitled by birth and ſervice, to be burgeſſes of the ſaid borough, according to the reſolution of the houſe; and Thomas Nicholls, with thoſe of the common-council aforeſaid, did, in an illegal and unprecedented manner, disfranchiſe ſome of the old burgeſſes, without being heard in their own defence; and ſtruck ſeveral others out of the ſuit-roll, who had an undoubted right of voting, and had voted at former elections: That Thomas Nicholls, preſent mayor of the ſaid borough, who admitted great numbers to poll for the ſaid Francis Elde, having no right to vote at the ſaid election, he, the ſaid Francis Elde, procured himſelf to be declared duly elected by the ſaid mayor, and to be returned accordingly, in prejudice of the petitioner, who ought to have been returned: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion. Alſo,

Ordered, that it be an inſtruction to the ſaid committee, that they do hear the matter of the ſaid petition, upon Thurſday the 14th day of January next.

A petition of ſeveral ſons of burgeſſes and freemen within this borough, in behalf of themſelves, and ſeveral other ſons of burgeſſes and freemen of the ſaid borough, was read; ſhewing, that at the late election for a member, to ſerve in parliament for this borough, in the room of John Dolphin, eſquire, deceaſed, the Lord Viſcount Chetwynd, and Francis Elde, eſquire, were candidates: that the ſaid Lord Chetwynd had a greater number of legal votes, who voted for him, than the ſaid Mr. Elde, and ought to have been returned: that the mayor of the ſaid borough refuſed to take the poll of the petitioners, and a great many others, who he knew had a right to poll, and demanded the ſame for the ſaid Lord Chetwynd; but has falſely and maliciouſly returned the ſaid Mr. Elde: That the petitioners, with ſeveral others, ſons of burgeſſes and freemen, on demand, did, in a regular way, demand that right of Thomas Nicholls, preſent mayor, Edward Green, late mayor, William Winter, juſtice, together with ſeveral others, aſſembled in council; but were unjuſtly refuſed to be ſworn, tho' at the ſame time they ſwore many others, who had no right, becauſe they were to vote for Mr. Elde; as they accordingly did, in violation of the reſolution of the houſe, and the right of election, which was prejudicial to the petitioners: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Ordered, that it be an inſtruction to the ſaid committee, that they do hear the matter of the ſaid petition, upon Thurſday the 14th day of January next.

Jan. 13th. Ordered, that leave be given to the ſons of burgeſſes and freemen of this borough, to withdraw their ſaid petition.

20th. Ordered, the report to be received on Saturday morning next.

23d. A complaint being made to the houſe, that there had been ſome undue practices, in relation to the compromiſing the election for this borough, before the merits of the ſaid election were heard before the committee of privileges and elections;

Ordered, that the report from the committee of privileges and elections, touching the election for this borough, which was ordered to be received this day, be received on Thurſday ſevennight.

Ordered, that Thomas Nicholls, eſquire, mayor of the ſaid borough, do then attend this houſe.

Ordered, that Henry Walker, eſquire, do then attend this houſe.

Ordered, that Mr. Samuel Walker do then attend this houſe.

Ordered, that Mr. William Wintour do then attend this houſe.

Ordered, that Mr. Edward Green do then attend this houſe.

Ordered, that Mr. Richard Montford do then attend this houſe.

Ordered, that Mr. * Montford, junior, do then attend this houſe.

Ordered, that Mr. Ralph Williamſon do then attend this houſe.

Ordered, that Mr. Paul Smith do then attend this houſe.

Ordered, that Mr. Walter Palmer do then attend this houſe.

Ordered, that John Collins do then attend this houſe.

Ordered, that * Lees, practitioner in ſurgery, do then attend this houſe.

Feb. 4th. The houſe proceeded to take into conſideration the matter of the complaint, made to the houſe the 23d day of January laſt; that there had been ſome undue practices, in relation to the compromiſing the election for this borough, before the merits of the election were heard before the committee of privileges and elections.

And ſeveral witneſſes were called and examined, touching the matter of the ſaid complaint.

Reſolved, that it appears to this houſe, that divers indirect and corrupt practices have been uſed, in order to compromiſe the election for this borough, before the ſame was heard before the committee of privileges and elections.

Reſolved, *nemine contradicente*, that it appeared to this houſe, that Francis Elde, eſquire, a member of this houſe, has been guilty of the ſaid indirect and corrupt practices, highly reflecting upon the honour and juſtice of parliament.

Reſolved, *nemine contradicente*, that the ſaid Francis Elde, eſquire, be, for this ſaid offence, expelled this houſe.

A motion being made, and the queſtion being put, that it appears to this houſe, that Walter Lord Viſcount Chetwynd, of the kingdom of Ireland, who petitioned this houſe, complaining of an undue election and return for this borough, has been guilty of indirect practices, in order to compromiſe the election for the ſaid borough, before the ſame was heard before the committee of privileges and elections: it paſſed in the negative.

Mr. Gybbon reported from the committee of privileges and elections, the matter, as it appeared to them, touching the election for this borough, with the reſolutions of the committee thereupon, as follows.

It was agreed, that the right of election is in the mayor, aldermen, and burgeſſes, reſient within the borough, and that the ſons of burgeſſes, and thoſe that have ſerved apprenticeſhips ſeven years in the borough, have a right, upon demand thereof, to be made burgeſſes of the ſaid borough.

The poll was, for the ſitting-member, 207:
for the petitioner, 163.

The petitioner's counſel alledged, that they could diſqualify, upon different heads, ſo many of the ſitting-member's voters as would give the petitioner a great majority, without adding any to his poll, though they could add ſeveral, if there ſhould be occaſion, who had right to burgeſs-ſhip, and were refuſed.

They objected in the firſt place to 50 of the ſitting-member's voters, who, without any title, were made burgeſſes after the death of Mr. Dolphin, late member for this borough.

The counſel for the ſitting-member acknowledged, that 50 of his voters were admitted to burgeſs-ſhip after Mr. Dolphin's death; and they could not ſay nor prove, that any of them held any title.

That the committee came to the following reſolution.

1. That it is the opinion of the committee, that perſons, made burgeſſes of this borough, ſince the death of John Dolphin, eſquire, late member of parliament for the ſaid borough, not being ſons of burgeſſes, or not having ſerved ſeven years apprenticeſhip within the ſaid borough, had not a right to vote in the late election of a burgeſs, to ſerve in this preſent parliament for this borough.

The counſel for the petitioner alledged, that he had a majority upon the foot of this reſolution; and therefore it was not neceſſary to proceed upon their other objections.

And the counſel for the ſitting-member admitted the petitioner's majority upon this reſolution; and declared, they had no objections to the petitioner's poll.

2. Reſolved, that Francis Elde, eſquire, was not duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

3. Reſolved, that the right honourable Walter Lord Viſcount Chetwynd, of the kingdom of Ireland, is duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

The ſaid three reſolutions, being twice read, were agreed unto by the houſe; and the clerk of the crown ordered to amend the return.

April 16, 1717. Ordered a warrant for a new writ, for electing a burgeſs, to ſerve in this preſent parliament for this borough, in the room of William Chetwynd, eſquire, made a commiſſioner of the Admiralty.

STAMFORD.

Prynne's 4thRegiſt 1123.

THIS borough is ſituate within the county of Lincoln. It returned burgeſſes to parliament in the 26th, 28th, and 30th, of Edward the firſt, and in the 15th of Edward the ſecond; after which, it ceaſed until the 33d of Edward the third, when it returned two burgeſſes; and after intermitted ſending till the 12th of Edward the fourth. I meet with no memoirs of its elections before the Reformation: but, ſince that time, the Journals afford theſe following.

May 9, 1660. Mr. Turner reported from the committee of privileges and elections, touching the double return for this borough, that, upon examination of the fact, it appeared to the committee, that Francis Wingfield is duly choſen, to ſerve in this parliament for this borough, and ought to ſit: whereto the houſe agreed.

The houſe being informed, that the alderman of this borough was at the door, he was called in: and, being at the bar of the houſe, did there amend the return of the ſaid borough, and put out the name of Mr. Weaver, and inſerted the name of Mr. Wingfield, who was adjudged by the houſe to have a right to ſit.

July 6, 1661. Mr. ſerjeant Charleton reported from the committee for elections, touching the election for this borough, that the queſtion was, whether every freeman of the ſaid borough, or only ſuch freemen as paid ſcot and lot, had right of election: and that, upon the evidence, it appeared, that ſuch freemen only, as paid ſcot and lot, had right of election; and that William Montague, eſquire, and William Stafford, eſquire, had the majority of voices of ſuch freemen, as paid ſcot and lot: and the opinion of the committee, that they were duly elected, and ought to ſit in the houſe: whereto the houſe agreed.

March 27, 1677. A motion being made, that the petition of Mr. Hatcher, high-ſheriff of the county of Lincoln, exhibited to the committee of privileges and elections; ſetting forth, that he is duly elected for this town, he having himſelf * returned Henry Nowell, eſquire, as duly elected for the ſaid town:

* Sic orig.

Reſolved, that the petition of Mr. Hatcher, high-ſheriff of the county of Lincoln, exhibited to the committee of elections and privileges, touching the election for the ſaid borough, be rejected.

STEYNING.

THIS borough is ſituate within the county of Suſſex; and hath returned burgeſſes to parliament, as Mr. Prynne ſhews in his liſts, from the 6th of Edward the firſt. Doctor Willis writes, it made no returns until the 4th of Edward the ſecond: he ſeems miſtaken, becauſe Mr. Prynne hath wrote their names in the 6th of Edward the firſt; but then makes an intermiſſion of returns, until the 4th of Edward the ſecond. Mr. Prynne alſo writes, that it was ſometimes joined with Bramber. The method of election, before the Reformation, I have not met with any of; the memoirs ſince that time, are theſe.

Prynne's 4thRegiſt. p. 1123.
Willis, 1749. 57.
Prynne, ut ſupra.

Feb. 15, 1640. Reſolved, that Mr. Thomas Leeds, returned one of the burgeſſes for this borough, ſhall ſit as a member of the houſe, till the election be determined.

Oct. 25, 1680. A petition of Philip Gell, eſquire, was read.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

March 11, 1700. A petition of Charles Goreing, eſquire, was read; ſhewing, that the petitioner, and Sir Robert Fagg, were candidates at the late election of a burgeſs, to ſerve in this preſent parliament for this borough, in the room of Sir John Fagg, deceaſed: that the ſaid Sir Robert, by bribery, and many illegal practices, did endeavour to get a majority of voices for him; but the petitioner had the majority of legal voters for him, and he ought to have been returned; yet the conſtable of this borough, being threatned and over-awed by the ſaid Sir Robert Fagg, hath returned him, in prejudice of the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Ordered, that it be an inſtruction to the ſaid committee, that they do appoint the matter of the ſaid petition to be heard on this day fortnight.

19th. Ordered, that the hearing the merits of the election for this borough, which is appointed to be heard before the committee of privileges and elections on Tueſday next, be put off till Tueſday ſevennight.

April 9, 1701. Ordered to be reported to-morrow morning.

10th. Sir Rowland Gwynne, according to order, reported the matter, upon the ſaid petition:—That the right of election was agreed to be in the inhabitants, paying ſcot and lot, and not receiving alms.—The poll was, for Sir Robert Fagg 33, for the petitioner 30.

But the petitioner's counſel inſiſted, that they ſhould diſqualify as many from Sir Robert Fagg's poll, as would give the petitioner a majority; alſo, that there were treating and bribery for Sir Robert Fagg.—That, at the time of the poll, there were 8 excepted to, who voted for Sir Robert Fagg, viz. Wolgar, Longmore, Finch, Cox, Balcombe, ſenior, Reed, Goddard, and Milles; and at the ſame time, there were 4 excepted to for the petitioner; viz. Parſons, Killick, Hedger, and Hilman.

That there is a charity in this borough, called the White-horſe charity, of 5 l. *per annum*; and a certificate was produced, ſigned by the churchwarden, dated the 7th of March laſt; by which it appeared, that, at Eaſter, Groves, Bancombe ſenior, Read, Heaſman, Finch, Mills, Glover, and Goddard, had received of this charity.

Groom ſaid, that he, as overſeer of the poor, had delivered to John Mills, ſeveral parcels of corn, and 8 s. in money; but it was owned, that before the election, he had paid the value of it to the overſeers.

Marner ſaid, that Wolgar lived in part of an houſe, divided about ſix or ſeven years ago: that Willet had the other part; but it was owned, that Wolgar is headborough, and pays to church and poor: that Longmore is a ſervant to, and boards with, one Bowler, a carpenter; but ſome time before the election, he hired a little houſe; and believes he is in the poor's-rate.

Warner and Groome ſaid, Cox had an houſe and mill out of the borough, where he lives; but it was owned, he had an houſe of his own in the borough, with ſome goods in it: that he was overſeer, in reſpect of his living out of the borough; and excuſed from the rate, about four years ago, at his requeſt: it was acknowledged, he was in the preſent rate for the ſaid houſe, as an empty houſe: and Groom ſaid, he intended to aſk for it.

That as to threats and bribery, Parſons ſaid, he and ſeveral others went to Sir Robert Fagg's the evening before the election, being invited by Mr. Charles Fagg, and others; where was beef, mutton, and other proviſions for 40 men; but ſaid, there was no diſcourſe about the election.

Killick ſaid, he was at two entertainments at Sir Robert Fagg's (one of which Parſons ſpoke of, and the other a week before) where were about 13 voters; and Read aſked him his vote for Sir Robert Fagg, and told him, if he would ſo vote, he ſhould have work at 12 d. each day, and meat and drink: and Patching told him, if he would be for Sir Robert Fagg, he ſhould have a naile of beef, and a loaf, weekly: and Littington ſaid, if he would do ſo, there would be two rings; one for him, and one for his wife.

Mitchell ſaid, he had many offers by Read and Littington, on account of beef and bread; and had the ſame offer of rings.

For Sir Robert Fagg.—The counſel ſaid, they would juſtify their own votes, and diſqualify 8 of the petitioners: and firſt went on bribery.

Patching ſaid, Mr. Goreing came to him, and agreed to give him a guinea for a gun; and afterwards he aſked Mr. Goreing for the money; to which he anſwered, by aſking, how many guineas he ſhould give him to ſtand plum? and Patching anſwering five, Mr. Goreing put his hand in his pocket, and gave him a double Louis-d'or for a coffee-mill and his vote, in part of 5 guineas; but he never promiſed Mr. Goreing his vote: and Wallis offered him 5 l. for a jack, if he would vote for Mr. Goreing.

Grover ſaid, Mr. Hunt offered him 4 guineas for his vote; and Mr. Goreing being preſent, engaged to perform the promiſe. Hunt denied, he offered any thing for his vote; but ſaid, Mr. Goreing deſired him to offer 4 or 5 guineas for his vote, of which he told Grover.

J. Finch ſaid, Grover offered him 2 guineas for his vote, three days before the election; and there were ſix bottles of wine drank at his houſe, at Mr. Goreing's coſt; and that . . . who drank of it, but himſelf, voted for Mr. Goreing: but ſaid, Finch was excepted to, at the election, by Mr. Goreing, as having no vote.

Double ſaid, he ſaw Mr. Goreing give Gillick money; and he heard his wife ſay after, it was 40 s. and alſo gave their children 2 s. and 6 d.

Longmore ſaid, Mr. Goreing offered him work, if he would vote for him; and alſo 5 l. beforehand: and three or four days before the election, he drank wine and ſtrong drink, and did not pay.

Challen ſaid, he had a promiſe of work at Sir William Goreing's, if he would vote for Mr. Goreing.

Gray ſaid, Mr. Goreing offered to carry him a load of wood to Shoreham, if he would vote for him; and he uſed to pay 15 s. for ſuch carriage.

Holden ſaid, Mr. Goreing deſired his vote, and told him, he would oblige him; for a landlord might oblige his tenant: yet owned, he ſupped at Sir Robert Fagg's the night before the election.

Cox ſaid, Mr. Goreing bid him nineteen years purchaſe for an houſe, if he would give his vote: that the houſe was 53 s. yearly; and after would give him but 45 l.

That for Sir Robert Fagg, it was attempted to make good his votes on the poll; but the committee were not willing to hear any further evidence; ſo they only ſpoke to three or four.—Then the committee reſolved,

1. That Sir Robert Fagg is not duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

2. That Charles Goreing, eſquire, is not duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

The ſaid reſolutions being twice read, were agreed unto by the houſe.

Reſolved, that the late election for this borough, is a void election; and that a new writ be iſſued out.

Nov. 4, 1702. A petition of Charles Fagg, eſquire, was read; ſhewing, that Charles Goreing, and his agents, by bribes, counterfeit letters, and other undue practices, hath procured himſelf to be returned one of the burgeſſes, to ſerve in this preſent parliament for this borough, in wrong to the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Nov. 2, 1705. A petition of Sir Edward Hungerford, knight of the Bath, was read; ſhewing, that at the election of burgeſſes, to ſerve in the preſent parliament for this borough, the petitioner, Charles Goreing, eſquire, and Mr. William Wallis, were candidates: that Mr. Wallis, by bribery, and other corrupt practices, has procured himſelf to be returned one of the burgeſſes, in wrong of the petitioner, who was duly elected, and ought to have been returned in his ſtead: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Dec. 5, 1706. A petition of the ſaid Sir Edward Hungerford (the ſame in ſubſtance with the former) was read.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Nov. 24, 1708. A petition of William Wallis, eſquire, was read; ſhewing, that, at the laſt election of burgeſſes for this borough, the Lord Tunbridge, Robert Fagg, eſquire, and the petitioner, were candidates: that the Lord Tunbridge, by corruption and other undue practices, procured himſelf to be returned one of the burgeſſes for this borough, to the injury of the petitioner, who was duly elected and ought to have been returned: and praying &c.

Ordered to be heard at the bar of the houſe on the 18th of December: but did not come in courſe until

January 22d. When the houſe proceeded to the hearing the merits of the election for this borough.

The counſel on both ſides were called in; and the petition read: and the counſel were heard; and ſeveral witneſſes examined on both ſides. And being withdrawn,

Reſolved, that William Henry Lord Tunbridge, now Earl of Rochford, was duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

Feb. 5th. A petition of Harry Goreing, eſquire, was read; ſhewing, that at the laſt election of burgeſſes, to ſerve in this preſent parliament, for this borough, in the room of the Lord Tunbridge (called up to the houſe of peers) the petitioner, and the Lord Bellew, were candidates; and the petitioner was duly elected, notwithſtanding ſeveral illegal practices of the Lord Bellew and his agents; yet the conſtable (upon twice caſting up the poll) agreed, that the petitioner was duly elected, and made one proclamation of it, when the Duke of Richmond demanded a ſcrutiny; and half an hour afterwards, the conſtable made three proclamations, and declared the petitioner duly elected, and that he would return him: that the election and proclamation being over about noon, and the petitioner going out of town about 5 o'clock, hearing the market-bell ring, and enquiring into the meaning of it, and ſeeing a great number of people drawn together, ſent his clerk, and 2 or 3 gentlemen, to know what was the matter; who going into the ſeſſions-houſe, and finding the Duke of Richmond, the Lord Bellew, the conſtable, and moſt of thoſe who voted for the Lord Bellew, together; the petitioner's clerk tendered the indenture of return of the petitioner to the conſtable to ſign, which he ſaid he would not immediately do, but that he muſt leave it, and he would return it, but was reſolved to make a double return: all which irregular practices, and many others, tend to deſtroy the freedom of elections, and are contrary to an expreſs vote of this houſe: and praying &c.

Ordered, to be heard on Tueſday ſeven-night.

7th. A petition of the right honourable Richard Lord Bellew, was read; ſhewing, that at the election of a member, to ſerve in this preſent parliament for this borough, in the room of Lord Tunbridge, called up to the houſe of lords, the petitioner, and Harry Goreing, eſquire, were candidates; and the petitioner was duly elected, and ought to have been returned alone; but by bribery, menaces, and partiality of the conſtable of the ſaid borough, who polled ſeveral, who had no right, for Mr. Goreing, and refuſed others to poll for the petitioner, who had a right; and by other undue practices of Mr. Goreing, and his agents, he has procured an indenture to be annexed to the precept, as if he was elected, though the conſtable refuſed to ſign the indenture for Mr. Goreing, but ſigned the petitioner's, which ought only to be annexed to the precept: and praying, &c.

Ordered to be heard at the ſame time with Mr. Goreing's petition.

15th. The houſe proceeded to the hearing the matter of the ſaid election; and the counſel on both ſides were called in: the two ſeveral petitions were read, and the counſel were heard; and ſeveral witneſſes were examined in relation to the matter of the double return. And the counſel and witneſſes being withdrawn;

1. Reſolved, that Harry Goreing, eſquire, is duly returned a burgeſs, to ſerve in this preſent parliament for this borough.

2. Reſolved, that the further conſideration of the merits of the election be adjourned to Saturday morning next.

Ordered, that the clerk of the crown do attend to-morrow morning, to take off the file the indenture by which the Lord Bellew is returned a burgeſs for this borough.

18th. Ordered, that the Lord Bellew have leave to withdraw his ſaid petition.

Dec. 1, 1710. A petition of James St. Amand, eſquire, was read; ſhewing, that at the election of burgeſſes, to ſerve in this parliament for this borough, the petitioner, Harry Goreing, and William Wallis, eſquires, were candidates: that Mr. Wallis, by bribery and many undue practices, procured a majority of voices, ſome of which had no right to poll; and the petitioner had a majority of the legal unbribed votes, and ought to have been returned; but the conſtable, being Mr. Wallis's tenant, hath returned him and Mr. Goreing (who alſo uſed illegal practices to obtain votes) in manifeſt wrong to the petitioner, and the ſaid borough: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Feb. 17th. Mr. Freeman reported, from the ſaid committee, the matter of the ſaid election, upon the ſaid petition; viz. that the right of election was agreed to be in the conſtable and houſholders, inhabitants within the borough, paying ſcot and lot, and not receiving alms.——

The poll was, for Mr. Wallis, 51.
for the petitioner, 20.

For the petitioner, it was alledged, that he ſhould diſqualify 42 of Mr. Wallis's voters; viz. 30 for bribery, 10 for treats, and 2 for receiving charity: and called John Hunt, who ſaid, that 42 of the voters ſigned an inſtrument, inviting the petitioner to be a candidate, and engaged to vote for him; and they ſent it by him to the petitioner; and afterwards the major part of them voted for Mr. Wallis.

Streater ſaid, the following perſons voted for Mr. Wallis, who, before the election, gave them for their votes the following bribes: — George Goddard 5 guineas, and a promiſe to make it 6l.—Worgar 6l. Dendy and the witneſs (Streater) 7l. each.

Heaſman ſaid, the following perſons told him, they had theſe bribes for their votes for Mr. Wallis—— Dambrell 6 guineas. — Hillman a note for 4l. — Beard a bill of exchange for 7l.—Aylmer 50s. Rent diſcharged.—Bud and Greenfield's rents diſcharged. —Heaſman, the witneſs, of Mr. Wallis's ſervant, 5l. and Mr. Wallis promiſed him 50s. more. — Parſons, Ho-Bennet, Peters, Woolvern, Dennet, Hayler, Day, Lillington, Williams, Swain, Hanſon, and Cox, had each 7l. 10s. for their votes, of Mr. Wallis: that Nye ſaid, he had as good a peny for his vote as any, for he would not truſt: that 12 of theſe declared, they would have voted for the petitioner, had they not been ſo bribed: that Knight, an agent for Mr. Wallis, expended eight ſhillings upon Budd, Hillman, and Greenfield, to vote for Mr. Wallis: that Kelſey told him, Mr. Wallis promiſed him 7l. for his vote, and ſaid 7l. 10s. was the moſt he gave: that Mitchell ſaid, Bennet, junior, told him, he had his rent acquitted for his vote for Mr. Wallis.

Burguin ſaid, that Champion declared he would not have voted for Mr. Wallis, if he had not lived rent-free; and that Hunt told him he was diſcharged a year's rent, which is 30s. and Mr. Wallis pays his taxes, otherwiſe he would have voted for him.

Hunt ſaid, Burnet is only a lodger: that he keeps ſhop, but his mother kept houſe; and ſhe told the witneſs, Mr. Wallis promiſed to pay her a debt he owed her, if Bennet would vote for him, and therefore he did ſo: that Finch and Wood, in 1709, had Baron Hilton's charity, which is paid by the church-wardens, once in a year ſometimes, and ſometimes once in two years, to perſons in want: and this was the laſt time the ſaid charity was paid.

Hedger ſaid, Parſons told him, the night before the election, that he might have 5l. for his vote for Mr. Wallis; and the money was ready for him.

Mitchell and Streater ſaid, the night before the election, the following perſons, who voted for Mr. Wallis, were treated at Mr. Wallis's houſe, at Chauntry-green; viz. Creſly, W. Andrews, Bawcombe, J. Andrews, Gatford, Challen, Walder, Greenfield, J. Greenfield, Marſhall, Wood, and Knight: that Mr. Fuller lives at Chauntry-green, Mr. Wallis's tenant: that Mr. Wallis was at the expence of the treat, as they apprehended: that Mr. Fuller never entertained the townſmen ſo before.

For Mr. Wallis, the counſel called witneſſes as to the credit of Streater and Heaſeman.

Parſons ſaid, Streater told him, on the 20th of January laſt, that Hunt offered him a great many guineas to prove bribery in Mr. Wallis; and that he anſwered, he would have money, or would not come, for he would not be a rogue for nothing: that Streater told him, he could get the election for the ſitting-member, if he would: that Heaſeman, the morning after the election, declared, he had no money for his vote for Mr. Wallis.

To prove bribery and indirect practices on the petitioner's part, and attempts to take off Mr. Wallis's witneſſes, Parſons ſaid, Blackſan ſollicited his vote for the petitioner; and told him the petitioner would carry the election, right or wrong, for he was ſo great a man, he need but aſk, and have; and if any witneſſes came up againſt him, they would be confined.

Challen ſaid, that Hunt told him and Baker, Streater and Hedger, that if any of them would come up, and give evidence for the petitioner, he would look on it as great a kindneſs, as if they had voted for him: that Squire (who is dead) told him, he had 10l. for voting for the petitioner; and offered him as much to be for him.

Langley ſaid, Hunt offered him 10l. to vote for the petitioner; and told him, he was to have 50l. if he made him ſitting-member.

Knight ſaid, Champion, who voted for the petitioner and Mr. Wallis, aſked him to lend him 5l. and he aſking him how he ſhould be paid, he ſaid, that twenty of the petitioner's voters had 10l. each, and he would pay him, when he had his part.

That upon this evidence the committee reſolved,

That William Wallis, eſquire, is not duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

That James St. Amand, eſquire, is not duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

That the late election for this borough, as to the ſaid Mr. Wallis and Mr. St. Amand, is a void election.

Which ſeveral reſolutions (being twice read) were agreed unto by the houſe.

Ordered, that no new writ do iſſue, this ſeſſion, for the election of a burgeſs, to ſerve in this preſent parliament for this borough.

Feb. 29, 1711. A petition of William Wallis, eſquire, was read; ſhewing, that on the 16th day of February, the election day for this borough, the petitioner, and the Lord Viſcount Bellew, of the kingdom of Ireland, were candidates; that the agents of the Lord Bellew, by bribery, and other indirect practices, gained many of the petitioner's voters; and a noble peer's chaplain appeared in the borough eight days before the election, and in his grace's name promiſed 5 or 6 guineas a man, for ſuch as would vote for Lord Bellew; and before the election his grace himſelf came, and, in perſon, ſollicited votes for the ſaid Lord Bellew: that the petitioner had the majority of legal votes, and ought to have been returned: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Ordered, that it be an inſtruction to the ſaid committee, that they do in the firſt place examine the matter of the return, and report the ſame to the houſe.

March 20th. Mr. Freeman reported the matter relating to this return.—That the right honourable Richard Lord Viſcount Bellew of the kingdom of

Ireland, is named in the return as the perſon elected and returned for the ſaid borough.

That the petitioner's counſel admitted, the title of Viſcount was a miſtake in the return, and ſubmitted to have the miſtake rectified.

Thereupon the committee reſolved,

That at the late election of a member to ſerve in this preſent parliament for this borough, Richard Lord Bellew was the perſon elected, and deſigned to be returned, to ſerve for this borough; and the return ought to be amended:—To which the houſe agreed.

May 6, 1712. Ordered, that the report, concerning the ſaid election, be made on Thurſday next.

8th. Mr. Freeman reported the matter of the ſaid election: that the right of election was not controverted; and the poll was—

for Lord Bellew, 55.
for the petitioner, 26.

That the petitioner's counſel objected to all the Lord Bellew's voters, as bribed or treated: and called

John Davis, who ſaid, that at the time of the election, Mr. Thomas Pyke, an agent for Lord Bellew, going down to Steyning with his grace the Duke of Richmond, in his grace's coach, Pyke was aſked, how the election went? and he anſwered he could not tell now, but if my Lord could get the 500l. he had promiſed, he was ſure of the election.

Hobbs ſaid, about a fortnight after the election, Read, one of Lord Bellew's voters, told him, that 200 l. was left in Mr. Leeves's hands and 300 l. in Mr. Fagg's hands; and ſaid Lord Bellew was returned by a wrong title, and none of the money was diſtributed; but the Duke of Richmond, before the election, promiſed Read a proportion of that 500l. if he voted for Lord Bellew.

Bennet ſaid, the night before the election, 39 of Lord Bellew's voters, whom he named, and ſeveral of their wives, were treated at the George-inn, in Steyning: that the Duke of Richmond, and his chaplain Mr. Bradley, were there on Lord Bellew's behalf, and ſtayed with them till near twelve at night, when the witneſs came away; but they made him promiſe them to come again at 3 in the morning, which he did: the company had nothing to eat, but drank all night, and went away from thence to the poll; and he did not ſee any one aſk, or pay, any thing towards the reckoning, which he believed might come to 20 l. that none aſked his vote; and he voted for Mr. Wallis.

William Knight ſaid, Mrs. Burnet, who keeps the George-inn, told him, her landlord, Mr. Elſon, an agent for Lord Bellew, promiſed to pay her bills, by ſetting them off in her rent: that the Duke of Richmond aſked his vote for Lord Bellew; and the Duke and his chaplain came a week before the election; and Mr. Pyke, and ſeveral others, came down and attended the Duke from houſe to houſe round the borough, and were with the company at the George-inn the night before the election: that John Bennet told him, he could have 5 guineas for his vote for Lord Bellew, but for 4 he would vote for the petitioner: that Worger ſaid, he was promiſed 6 guineas to vote for Lord Bellew, and would for Mr. Wallis for the ſame ſum: that Hillman ſaid, he was obliged to vote for Lord Bellew, for he had 5 l. to vote for him at the former election, which he did not do; and they threatened to arreſt him for that money, if he did not vote for him now, but that he would vote for Mr. Wallis for 8 l: that Peters ſaid, he had promiſed to vote for Mr. Wallis, but had money to vote on the other ſide, and therefore voted for Lord Bellew: that the petitioner declared, he would give no money for votes.

Hanſon ſaid, he was at the treat at the George-inn the night before the election, and named 5 others for Lord Bellew not named by Bennet; and ſaid, there were about 40 in company, and treated with ale and wine to the time they went to the election; and, a night or two before the election, Mr. Bradley, the Duke of Richmond's chaplain, gave him two guineas to vote for Lord Bellew: that he complained to Mr. Bradley, he had been unkindly uſed, though he voted for him at the former election; and Mr. Bradley acquainting the Duke thereof, the Duke came to the witneſs's houſe; and he aſking his grace for 10 l. or 20 l. the Duke ſaid, Mr. Leeves ſhould give him any money to ſerve his occaſion; and he had 10 l. about a week after from Mr. Leeves, upon bond, wherein another was bound; and Leeves told him, there was like to be a petition, and when the noiſe of that was over, he ſhould have his bond: And ſaid, he had the two guineas and 10 l. to vote for Lord Bellew: that Worger ſaid, he had voted for Lord Bellew before for nothing, but now would have money, or would not vote.

Mitchell ſaid, that before the election, he ſued Hanſon for a debt, which with the charges came to 3 l. that Hanſon deſired him to ſtay till after the election, and he would pay him; and 2 or 3 days after the election, he brought him the money, and ſaid, he had it of Mr. Leeves.

Morland ſaid, Mr. Bradley aſked him, if he had been ſotting in bed all night, and ſaid, neither he nor the Duke had been in bed all night; and offered him 10 l. to a crown, the petitioner would loſe his election: that he ſaw the Duke of Richmond go from houſe to houſe, ſeveral times, the day before, and on the election day; but did not hear what he ſaid to the voters: that Mr. Bradley did the ſame, and ſeveral voters told the witneſs, he had promiſed them money, and if they had it not, they would vote for Mr. Wallis: that he heard ſeveral voters, before the election, aſk Mr. Wallis for money, but he declared, he would not give one ſix-pence, for he had been turned out before on a petition: that Hilman ſaid, the Duke had given him 5 l. for his vote at a former election, and the Duke ſaid, in caſe he would not vote now, the Duke would arreſt him and put him in goal; and Hilman ſaid, he had rather vote for the petitioner, and would do ſo, if the petitioner would indemnify him: that Bawcombe, one of Lord Bellew's voters, declared, he had 4 or 5 voters to diſpoſe of, but would not vote for either ſide without money: that Woolman, a voter for Lord Bellew, being aſked for his vote by the petitioner, aſked for money, and ſaid, he would vote for him for 5 or 6 guineas; but the petitioner declared, he would not give one peny. But being croſs-examined, ſaid, he was a cabinet-maker in London, and went down to Steyning to get a debt of 6 l. which Mr. Fagg had owed him three years, and went down with the petitioner, though ſhould have gone otherwiſe, if he had not went with the petitioner: that he has no acquaintance at Steyning, but the petitioner, and was with him when he aſked votes, and ſtaid at Steyning 6 or 7 days.

Mills ſaid, about 2 o'clock in the morning of the election-day, he and Richard Aylmer were going home from the Star, they met ſome of the agents for the ſitting-member, who carried Aylmer to the White Horſe, and got him to vote for Lord Bellew, though he had before promiſed the petitioner: on the election-day, he was in company with Mr. Bradley and Mr. Pyke; and then Mr. Bradley ſaid, he had 20l. or 30l. more to give for 2 votes, if there was occaſion, but there was no danger at that time: that the day before the hearing of the petition by the committee, he was in company with Pyke, and others, and it being ſaid, there was no ſwearing in it, Pyke replied, he would ſwear and lye too, but he would carry the election: that Worger, a preſbyterian, who voted for Lord Bellew, and is ſummoned as a witneſs for the petitioner, upon the petitioner's deſiring him to do, as he would be done by, anſwered, Neighbour, do not tell me, 6 guineas is better than that: that Hayter, who voted for Lord Bellew, ſaid, he would not vote for any one, without 5l. He ſaid alſo, that the petitioner was at the Star, and went away about 10, the night before the election.

For Lord Bellew.——Ghent ſaid, the petitioner, juſt before he went to Steyning, ſaid, he would certainly petition, if he had but three or four votes.

Hilman ſaid, he heard Knight ſay, he ſhould have an houſe, if he came to prove bribery for Lord Bellew, but he did not know Knight was a tenant to the petitioner, or that he aſked votes.

Mr. Trayton ſaid, on the 16th of October laſt, as ſteward to the Duke of Norfolk, he kept a court-leet and court-baron at Steyning, and went afterwards to keep an hundred-court for his grace; and whilſt he was there, one Mills, a ſadler at Steyning, ſent for him, and offered him a reward, he thinks, of 10 or 20 guineas, but did not name the ſum, if he would chooſe one Andrews conſtable; and Mills named the petitioner and his party, and made it plain, Andrews was in his intereſt; but he bid Mills go home, and mind his own trade: that Andrews and Dickenſon were returned, and the latter choſen; and he does not know any thing of Mills's being an agent for the petitioner.

Willet and Langley ſaid, Mills gave them, the night before the election, ſix-pence each, and 2 or 3 nights before, a ſhilling or eighteen pence each, to ſpend, and aſked their votes for the petitioner: they did not promiſe, but voted for Lord Bellew; and did not know, Mills ſollicited or aſked any other votes.

Pyke ſaid, Mills told him, he was ſorry the witneſs was out of the way, they had loſt an opportunity of a conſtable; and Mr. Lancaſter gave him 5 guineas, and promiſed 5 more, to get Andrews conſtable, for he had promiſed to return the petitioner: that Lancaſter lives under the petitioner, in an houſe the petitioner hires, and voted and took the poll for the petitioner: that the petitioner treated ſeveral people, particularly Aylmer: that he heard Mills ſay in company, the petitioner uſed him hardly, and becauſe all the gentlemen of the country appeared for Lord Bellew, he thought proper to vote for him, and oblige them rather than the petitioner, who had raiſed his rent, and would not give him a receipt for the land-tax, to keep him under: that 20 of the petitioner's voters are his own-tenants: that Knight ſollicited votes for, and is a manager for the petitioner, and brews good beer at the petitioner's expence; and on occaſion of this election, the petitioner ſhewed him the account Knight had given him for brewing, and ſaid he was ſorry he ſhould ſay any thing againſt him, for he had always done for him all he deſired: that Knight takes upon him to buy and ſell the borough; and had a 30l. note for his intereſt at a former election, and has treated ſeveral at his houſe, but would not charge the petitioner with it.

Kelſey ſaid, that Waller, one of the petitioner's voters, told him the day before the election, he would pay his rent to be for the petitioner; and therefore could not be for Lord Bellew.

Hunt ſaid, Hanſon, a voter for Lord Bellew, ſaid to him he could get nothing for his vote.

Whereupon the committee reſolved,

That Richard Lord Bellew, of the kingdom of Ireland, is duly elected a burgeſs to ſerve in this preſent parliament for this borough.

The reſolution of the 8th of December laſt, relating to lords of parliament, and lord lieutenants of counties, concerning themſelves in the elections of members to ſerve for the commons in parliament, was read: and the reſolution of the committee diſagreed to.

A motion was made; and the queſtion put,

That William Wallis, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for the ſaid borough: and diſagreed to.

Reſolved, that the election for the ſaid borough, is a void election.

Ordered, that no new writ do iſſue this ſeſſion for electing a burgeſs to ſerve for this borough.

March 30, 1715. A petition of William Wallis, eſquire, was read; ſhewing, that at the election for this borough, major-general John Pepper, Robert Leaves, John Middleton, eſquires, and the petitioner, were candidates: that by the corruption, and other undue practices, of the ſaid major-general Pepper, and Mr. Leaves, have procured themſelves to be returned for the ſaid borough, to the great injury of the petitioner, who ought to have been returned: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Feb. 22, 1716. The petition of William Wallis, eſquire, the ſame in ſubſtance with the laſt, was read again.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

April 9, 1717. Ordered, to be reported on Thurſday next.

11th. Mr. Hampden reported the matter of the ſaid election.

That the committee had examined the merits of the election,——

The poll was, for the ſitting-member, 62.
for the petitioner, 39.

It was proved, that 34 of the ſitting-member's voters received bribes for their votes from the ſitting-member a few days before the election; ſome had 5l. others 4 guineas each; and that ſeveral hogs, and ſome corn, were diſtributed to them by the ſitting-member's order.

Robert Hanſon ſaid, the ſitting-member threatened to make him leave his country, if he came up to give evidence againſt him.

That no body appeared to defend the ſitting-member's election, therefore the committee reſolved,

That Robert Leaves, eſquire, is not duly elected a burgeſs to ſerve in this preſent parliament, for this borough.

That William Wallis, eſquire, is duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

And ordered the return to be amended.

Oct. 18, 1722. A petition of William Wallis, eſquire, was read; ſhewing, that the petitioner, with Sir Henry Goreing, baronet, Sir Robert Fagg, baronet, major-general John Pepper, and John Gumley, eſquire, were candidates at the election of members to ſerve in parliament for this borough. The petitioner had a majority of uncorrupt votes, and ought to have been returned; but by bribery, and other indirect practices of the ſaid general Pepper and Mr. Gumley, who procured themſelves to be returned, to the manifeſt injury of the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

A petition of Sir Harry Goreing, baronet, was read; ſhewing, that at the election of members to ſerve in parliament for this borough, the petitioner, Sir Robert Fagg, baronet, John Gumley, eſquire, major-general John Pepper, and William Wallis, eſquire, were candidates: that general Pepper, Mr. Gumley, colonel Earle, and ſeveral other agents on their behalf, were guilty of bribery and other corrupt practices, in order to procure them, the ſaid general Pepper and Mr. Gumley, to be elected, and by ſuch corruption they were returned, to the great prejudice of the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.—Alſo

Another petition of Sir Harry Goreing, baronet, was read, ſhewing; that the qualification of general Pepper, and John Gumley, eſquire, was objected to at the time of the election; that the ſaid Mr. Gumley and general Pepper, and ſeveral of their agents, were guilty of bribery, and other corrupt practices, in order to procure them to be elected burgeſſes for the ſaid borough, and by ſuch corruption they were returned to the prejudice of the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

A petition of Sir Robert Fagg, baronet, was read; ſhewing, that at the election of members to ſerve in parliament for this borough, the petitioner, major-general Pepper, John Gumley, and William Wallis, eſquires, were candidates; that the ſaid general Pepper, and Mr. Gumley, and their agents, were guilty of bribery, and other corrupt practices, in order to procure themſelves to be elected burgeſſes of the ſaid borough; and they were accordingly returned, notwithſtanding the petitioner had a majority of legal votes: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.—Alſo

Another petition of Sir Robert Fagg, baronet, was read: ſhewing, that major-general Pepper, and John Gumley, eſquire, and their agents, were guilty of bribery and other corrupt practices, in order to procure themſelves to be elected burgeſſes of this borough; and they were accordingly returned, notwithſtanding the petitioner was duly elected by a majority of legal votes, and ought to have been returned; and the petitioner does object to general Pepper and Mr. Gumley's qualifications: and praying &c.

Ordered, they be referred to the committee of privileges and elections, to examine and report the matter, with their opinion.

Jan. 21. Ordered, that William Wallis, eſquire, have leave to withdraw his ſaid petition.

22d. Ordered, Sir Harry Goreing, baronet, have leave to withdraw his ſaid petition.

23d. Ordered, that Sir Robert Fagg, baronet, have leave to withdraw his ſaid petition.

Nov. 13, 1724. Ordered, a warrant for a new writ, for electing a burgeſs to ſerve in this preſent parliament for this borough, in the room of John Gumley, eſquire, made commiſſary-general of the muſters.

Dec. 5. 1724. A petition of Thomas Harriſon, eſquire, was read; ſhewing, that at the laſt election for a member to ſerve in parliament for this borough, the 23d of November, 1724; the petitioner, and John Gumley, eſquire, were candidates; that the petitioner had a conſiderable majority of legal votes, and ought to have been returned for the ſaid borough; but Mr. Gumley and his agents by bribery, by treating after the teſte of the writ, and other indirect practices, have deprived the petitioner ſitting in the houſe, by procuring an illegal return, in prejudice of the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

14. Ordered, that it be an inſtruction to the ſaid committee, that they do hear the matter of the ſaid petition, on the 19th day of January next.

Jan. 13th. The houſe being informed that John Gumley, eſquire, ſitting-member for this borough, did on the 10th day of December laſt, purſuant to the ſtanding order of the houſe of the 21ſt of November, 1717, leave with the clerk of the houſe the demand of the qualification of Thomas Harriſon, eſquire, who petitioned, complaining of an undue election and return for this borough; and that he had not yet delivered in to the clerk any papers of the qualification.

The demand of the qualification was read; and alſo the order of the 21ſt of November, 1717. And the clerk acquainted the houſe he had not received any particular of the ſaid Mr. Harriſon's qualification.

Ordered, that the committee of privileges and elections be diſcharged from proceeding upon the petition of the ſaid Thomas Harriſon, eſquire, he having neglected to deliver in his qualification within 15 days after the demand thereof, purſuant to the ſaid ſtanding order.

STOCKBRIDGE.

THIS borough is within the county of Hants or Southampton. Doctor Willis writes, it Willis, never ſent burgeſſes to parliament, until the 1ſt of 1749. 48. Queen Elizabeth: but it ſeems to me, that he has ſet the time too early; for I apprehend, the firſt ſummons will appear to be in the 5th of that reign; of which and the other memoirs relating to its elections and members, in that reſpect, I ſhall ſet down theſe following.

Jan. 22, 1562. For that burgeſſes be returned of this and divers other boroughs (ſee St. Jermyns in D'Ewes Cornwall, &c.) Mr. Speaker declared to the houſe, Journal, 80. that the lord ſteward agreed, they ſhould reſort into the houſe, and with convenient ſpeed to ſhew their letters patent, why they be returned in this parliament.

May 9, 1614. Mr. Fuller reported the caſe of Stockbridge.—That but 28 in the town that had true voice in the election. — That Friday morning appointed. — That then Mr. St. John had 21 voices, Mr. Giffard had . . voices. After . . . . . That the indentures were ſo made.—That the bailiff got the ſeal of the town into his hand, and returned . . . . . That a purſevant came thither, and arreſted ſome in the town with great extremity.— Divers letters, very threatning to that purpoſe ; whereof, one from Mr. Chancellor . . .

Sir Francis Goodwyn moveth, the bailiff of the town, and . . . . .

Sir Edward Hobby.—That two, by warrant from Mr. Chancellor of the duchy. — Moveth, to have the petition read.—To have the parties diſcharged ; and that they in their perſons may be heard in the houſe, having no counſel.

Sir Dudley Diggs moveth, Mr. Chancellor may be ſequeſtered.

Sir Oliver St. John ; That he may be ſent for by the ſerjeant that arreſted theſe perſons.

Mr. Mallet:—That it will be a great terror to the parties, if Mr. Chancellor ſit as a judge.—Moveth, if preſent, he may anſwer it at the bar.

Mr. Davys:—That Mr. Chancellor a Welſhman, —a counſellor of ſtate,— employed one of the ſtate for the ſtate, yet no help ; but now he muſt anſwer it.

Mr. Aſhley:—Miſdemeanor in the bailiff, in falſe returning one not choſen.—A purſevant ſent : 7 l. charges : Threatning letters : Poor petitioners arreſted.—Moveth, they be heard in perſon ; and Mr. Chancellor to hear them. That Mr. Chancellor anſwer it in perſon at the bar.

Sir Robert Phillips:—Queſtion now of undertaking.—That Mr. Chancellor an undertaker, contrary to the privileges of the houſe : that ground ſufficient againſt him by his letter and warrant.— Moveth, he may be ſecluded from the houſe, till he give ſatisfaction ; and that the parties may be heard, and they may have their charge.

Mr. Chancellor ſequeſtered by order of the houſe.

Sir A. Cope : That Mr. Chancellor ought to have been preſent, and heard the accuſation ; and that injuſtice not to ſuffer it.

Sir Herbert Crofts :—That Mr. Chancellor went out voluntarily : for may hear his accuſation : but after a debate, to be ſequeſtered. If after thought fit to queſtion him, if ten counſellors, to hear him at the bar. No cauſe to defer it till the recrimination of the other parties.

Sir Francis Goodwin:—That fit he ſhould go out voluntarily ; and ſo to keep out, becauſe matter ſufficient upon his letter and warrant, to proceed againſt him.—

That Mr. Chancellor, Sir William Cope, and . . . Shaplyne : — That they went about an election, but hindered by the . . . That they never heard any name of Sir H. Wallop.—That Mr. St. John had 16 inhabitants, and 5 freeholders.

That Sir . . . Giffard, for fear of revenge, had 22 voices, but deſired reſpite. — That Blower arreſted him, and would not ſuffer him to go home ; refuſed all bail.

That the bailiff after this —— an inmate, one bound over for ſtealing of ſheep.—That one Cook ſaid, he would bear out the bailiff, if it coſt him 100 l.—That he arreſted at Andover, having three children, and no wife——would not ſuffer him to go home ; ſtruck him down ; beat him ; rode after him, beating his horſe.—— Required fees by the purſevants.——That they have had of him for fees 6 l. 5 s.

That the bailiff told Shaplyne, his name already returned.—— That hath coſt him 6 l. and his horſe at pawn for it.

George Sawyer :—That he arreſted in the Middle-Temple, but durſt . . . . That Harbyn, a man of the warden of the Fleet, came down to Stockbridge, and arreſted him upon the chancellor's warrant.

That the purſevant.——

Harbyn, kneeling at the bar, confeſt he arreſted Edmonds, by Mr. Chancellor's warrant, and took 20 s. for fees ; and demanded 4 nobles for his maſter's fee.—— That he hath a gentleman's word to bring him the laſt day of the term.

Sawyer : —— That he demanded of him 33 s. 4 d.—That the ſurveyor of the duchy, at the election, gave threatning ſpeeches.—That Sir Richard Giffard had 22 voices, and Mr. St. John 21 voices.

For Harbyn, No cauſe to puniſh him, becauſe he was not to queſtion Mr. Chancellor's warrant. Sir Richard Giffard, Blower, and Cook, interrupters of the election.—— That Sir Walter Cope, by the generality of the town, was thought fit to be one.

Mr. Chancellor charged with his letter and warrant.

Ordered, the other letters to be brought to-morrow, by Mr. Fuller.

Gerard Bromley, the ſurveyor of the duchy, Peirce, a purſevant, that arreſted and beat him at Andover ; Walter Blower, the purſevant, and bailiff ; Cook and Dean ; to be ſent for by the ſerjeant, to be [here] to-morrow.

Mr. Gerard's man, that bound Shaplyne over to his good behaviour, to be here to morrow morning with the bond and warrant (by 7.)

Sir W. Cope excuſeth himſelf from all knowledge of any ſuch letter or warrant, as . . . .

To meet here to-morrow morning by 7 of the clock.

10th. Divers of Mr. Chancellor of the duchy his letters, divers affidavits. ——

Mr. William Fanſhaw : —— That the chancellor hath no power in elections. That the chancellor, in his younger time of good ſervice ; now, in his age, abuſed by bad ſervants.——That theſe letters were written by one that will ſell his maſter, and all for 20 s.——Loveday, who cauſeth Mr. Chancellor, not only in this, but in other things, concerning the King's profit in his woods, and in many other things——declareth many particulars——moveth, he may be examined ; and thinketh, it will fall out the chancellor free, ſave only, for ſitting his hand to that which Loveday brought to him : and that he and others of his men had undertaken for money, to have put in divers names, not returned.

Sir George Moor moveth, that in reſpect of the chancellor's age, and former ſervice, conſideration may be had of his age and ſervice ; and his man to be ſequeſtered, who thus miſleadeth him, and to give him a time.

Sir John Strangeways :—ſorry to ſee and hear that he doth this day——Lamentable, that this ſtate governed by a counſellor, that governed by his man.

Sir Jo. Sammes :—That till the time of Henry IV. no chancellor of the duchy. That that court eſtabliſhed only by Henry IV. fearing the joining it to the crown, might prove prejudicial to him, doubting his title to the crown.—That the officers of the duchy, 1900 l. *per ann.* would have no court of equity, or diſcretion, but the chancery.—Moveth the annexing the duchy to ſome other court of record.

Mr. Francis Moor:—that Mr. Chancellor, knight of the ſhire, where he born and dwelleth.——Juſtice and mercy commendable, and oft neceſſary:—liketh not to examine the ſervant, how far he hath miſſed his maſter:—liketh not the alteration of the courts of equity:—not poſſible to defend the cauſe, but extenuate the fault, by committing Shaſlyn, for the ill uſage of the ſurveyor, in the execution of his office.—If the cuſtom of the duchy to bind to good behaviour, and to appear in the duchy, then that ſufficient warrant.——Moveth, conſideration of his age, ſervice, &c. . . . .

Sir Robert Phillips:——That prepoſterous to excuſe before condemnation.—His letters, his acts: —to condemn by a publick act here, this proceeding:——to exclude him for a time: then a time for excuſe.

Mr. Haſkyns:——A preſcription of the chancellor's power in election, againſt the right of this houſe and kingdom.—State.—Greater power than able to reſiſt:—elected, not to be received:——that theſe letters brought to the chancellor ready written. ——Moveth, his man may juſtify, whether he had inſtructions from his maſter in theſe points.

Mr. Attorney:—alloweth the carefulneſs and conſtancy of the houſe in theſe miſgotten elections: for whatever entreth not well, ſitteth not well: —liketh not ſtumbling at the threſhold:—liketh the houſe's feeling of their own power; yet proceeding with moderation; ſpeaking ſharply, but concluding mercifully.——Conſidereth the perſon: a counſellor of ſtate, repreſenting the perſon of the King, as we here the commons; an ambaſſador in France.—— Good ſucceſs in the laſt treaty with France.—A counſellor's ſon, of great age.—The houſe in diſpoſition, noble and generous.—We live not in Plato his commonwealth, but in times, wherein abuſes have got the upper hand.—The preſcription of the chancellor to have the nomination of one of the burgeſſes in every of the duchy-towns:—yet hath been ſo in his remembrance.—Blanks:—yet ancient:—*error temporum.*—A bill to reform all theſe abuſes; whereat, he, though not a committee, yet attended; for attributeth all his fortunes to his means, by this houſe: moveth an entry.—A cenſure of ſequeſtration.—— A great part of greatneſs to remit.—*Velle, et poſſe, nobile.*

Mr. Bringes:—Feareth *ſcylla* and *charybdis.*—*Si non foret juſtitia periret Anglia.*—The greater the perſon, the more the offence.—Moveth a ſequeſtration, and then a further conſideration.

Mr. Davys:—Sorry of this queſtion here; yet ſithence queſtioned, wrong to the houſe, if we take no advantage of it.—Three good effects: caution to great ones hereafter, how to write: encouragement to freeholders to uſe their own right in elections: a good precedent in future ages, that this ſhall be puniſhed, in any, how great ſoever.—Aggravateth the circumſtances out of the letters.—An expreſs act of parliament againſt theſe letters by the King himſelf, (11 R. II.) to the prejudice of the realm, or hindrance of the proceedings at law.—— puniſhment of the party, as moderate as ſhall pleaſe. —The parties wronged, to be righted.——1. Mr. St. John.—2. Satisfaction to the electors for their coſts and damages.—A memorial of this to be entered in the books:—not to meddle with the ſecretary.

Mr. Brook:—An act to be entered here, with a recital of what hath been done; ſhewing our deteſtation of the offence.—To be ſequeſtered for a fortnight, or longer; the rather, becauſe he hath written to Mr. Speaker, and not acknowledgeth any thing, but juſtifieth any thing.—Satisfaction to the parties wronged by Mr. Chancellor, or ſome other: —to free them from all arreſts now, and till they come home.——Diſliketh proceeding againſt the ſecretary.

Mr. Serjeant Montague:—*Ex malis moribus, bonæ leges.*—This a fit ſubject for a neceſſary law.—In Richard the ſecond's time, all elections made by letters, which hindereth all new elections. That produced the ſtatute of Edward IV. to make them ineligible, which were not reſient in the towns.—— Wiſheth all made incapable, that ſhould come by letter, for the only way to bring in ſervitude.— Were his father, would cenſure him.——Suſpended the houſe for what time ſhall pleaſe.—To right the parties by reſtitution, without farther motion.

Mr. Aſhley:—Joy to the juſt to do judgment; more acceptable than ſacrifice.—What reſpect to mercy, now the queſtion.—That confeſſed by the complainants, the chancellor merciful; but if any arreſt by a purſevant, and all the other extremities uſed, mercy; he deſireth judgment, not mercy.—Great perſons break through the law, little ones catched. —This not fit for law-makers: An ill precedent. —Moveth (for ſo much as ſequeſtration not proportionable to the offence, nor will give the country Sic orig. receive ſatisfaction) that he anſwer it as an offender, as another perſon.

Mr. Attorney of the duchy:—Thought to ſpeak partially, therefore ſhortly.—Juſtifieth, that theſe parties not ſent for about the election, but for abuſing his Majeſty's commiſſioners and commiſſion.—— Moveth an examination of this, before the chancellor cenſured, or reſtitution awarded.

Sir Roger Owen:—That the eyes of Mr. Attorney his underſtanding may be ſealed up by his place. That this a kind undertaking. That the premiſes good, the concluſion not ſuitable. That his own hand condemneth him in his letters. That one of the cauſes of depoſing R. II. the * knights and burgeſſes. So in Henry the fourth's time, when he would have excluded all lawyers:—ſo Henry the ſixth. So Cromwell, in King Henry the eighth's time.—Juſtifieth Sir John Sammes his ſpeech for the duchy.——God not unjuſt, reſpecting perſons; for can judge of them: contrary for temporal gods.—* Of our lives and underſtandings.——Moveth, that the leaſt puniſhment, to have a new writ, and he to be excluded.

(Mr. Attorney) the heir apparent of eloquence: —Quitteth Sir W. Cope, and Sir H. Wallop:— yet moveth, that a new writ may go out, for a new election; and then, may be, they may be choſen again. —That penalties upon the ſheriff take not away the power of the houſe, but may put them out which are falſely returned.

Mr. Fuller:—That the chancellor prayed time, and hath now written it; yet thinketh fit he ſhould have time:—aggravated the fault of the bailiff.

Sir Dudley Diggs:—That when Mr. Speaker ſtandeth up; the others ſtanding up, ſhould ſit down.

Sir H. Crofts:—That—giveth all reverence to Mr. Chancellor. That moſt have gone too tenderly, none to the quick, but Sir R. Owen, with whom he concurreth.——Aggravateth the offence.—Sequeſtration, too ſmall a puniſhment.——Moveth, a new writ for a new election in his place: ſo a new writ to chuſe in Sir W. Cope, and Sir H. Wallop's caſe.—To ſhew mercy for the King's ſake, not to ſend him to the Tower; and not in hearing him at the bar, where only muſt be heard.—The bailiff that hath forged the return, to be alſo puniſhed.

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* See the 19th objection to Ric. II. Rot. Parl. 1 H. IV. m. 36.

Sir N. Smyth:—That Mr. Chancellor juſtifieth his letters by his letter this day.—That, till he acknowledge his error, no mercy to be ſhewed.

Mr. Thorp concureth with Sir H. Crofts.—

Sir Thomas Lake:—Now in hand with the puniſhment only.—Firſt to be heard at the committee: upon report of that, to be heard at the bar.

Mr. Finch:—That juſtice to hear him.—That that, which he requireth time for, is a by-matter; viz. binding over; and not the other matter, which appeareth,— us in his letters:—agreeth, that not fit to remain a member of this houſe.—That apparent, Mr. St. John lawfully elected.—Wiſheth all good to either of them elected: wiſheth either of them that ſhall miſs it, to have his place. Moveth, Mr. St. John may be returned.

Mr. Hitchcock:—That juſtice requireth he ſhould be heard, why we ſhould not give judgment againſt him; which ever done upon verdict or confeſſion, in caſe of treaſon or felony.——For the King's ſake not to have him to the bar.

Mr. Glanvyll differeth from Mr. Hitchcock.—That he muſt come to the bar.

Sir A. Cope:—That he may be firſt heard in his place, e'er called to the bar.

Sir H. Poole:—That one of the letters, read in his own preſence, and not denied. That he ought to have juſtice: muſt ſpeak at the bar: but wiſheth firſt he may be heard at the committee.

Sir William Walter moveth, he may receive an exemplary puniſhment. That he may be diſabled from this and all other parliaments, which he hopeth his age will of itſelf take order with.

Mr. Whiſton:—That Sir Stephen Proctor, the French company, and monopolizers of glaſs, heard at a committee.—Moveth the like for him.

Sir John Hollys:—Not fit for any man here to vow ſilence.—The faults ſufficiently underſtood, whereof, thinketh, he cannot clear himſelf from one. His firſt letter, and his letter to prove it.——Not here as a counſellor, but a knight of the ſhire; yet would not have him brought to the bar.—That if he deſire to be heard, he come to the bar, elſe not to come in reſpect of his age and place.

Sir Edward Hobby:—Not to hear him, except he deſire it.

Sir Edward Montague:—To have the order general, whether he ſhall be heard, or no; and then to be heard at his choice; if he will be heard, when he underſtandeth, that he muſt be heard at the bar.

Sir W. Cope:—That the chancellor deſireth to be heard; and that, till that be done, no cenſure can be juſtly made.

Sir George Moor concurreth with Sir Edward Hobby.

Sir Francis Goodwin:—To have the queſtion, whether he ſhall be excluded.

Mr. Serjeant:—The firſt queſtion to be, whether he ſhall be heard. 2dly, Whether at the bar or committee.

Sir Samuel Sandys:—That perſons near the chair have, as delinquents, anſwered at the bar. Never heard that any in this place, as a delinquent, hath anſwered for himſelf but at the bar.

Mr. Secretary acknowledgeth the fault, foully unworthy of the committee.—That his place and ſervice aggravate his offence. That his Majeſty hath heard of it, and much grieved; the lords of the council aſhamed of it.—That the King, but of the unworthineſs of the action, thought this morning to have puniſhed him; and will be found, that the puniſhment will be greater, than here mentioned. A meſſage from him, that, if this houſe will remit it to him, he will puniſh it ſo; as if this houſe ſhall not intercede for him, he will ſo puniſh him.

Sir Edward Gyles:—That fit to have him puniſhed here, and not remit it to the King.

Mr. Duncombe:—That Mr. Secretary's meſſage favouring of grace, trencheth much to the prejudice of the liberties of this houſe.

Sir Robert Phillips moveth, that he may be ordered to be heard here to-morrow, at nine of the clock, at the bar; and, if he do not ſo, then to be caſt out of the houſe, and a new writ to go out.

Sir John Bennet:—Not to deny to hear him, if he require it; yet tender, not to have him heard at the bar: if he come not at that time, to ſentence him, as contumacious.

Sir H. Crofts:——Not unmannerly to be ſilent upon the King's meſſage.—Moveth, a meſſage to the King, to ſhew our thankfulneſs to his Majeſty, for his meſſage.

Ordered upon the queſtion, that the final cenſure of this buſineſs be deferred till nine of the clock, to-morrow in the forenoon.

And that Mr. Secretary deliver a meſſage from this houſe to the King, to ſhew the thankful acceptation of the houſe of his Majeſty's meſſage; and that the houſe thinketh, notwithſtanding, fitting, to proceed here to the cenſure of him.

11th. Mr. Serjeant ſent to ſee if Mr. Chancellor of the duchy, without the door, brought word, none.—Whereupon, Mr. Secretary,—that faithfully, and with reſpect to the houſe, and the privileges thereof, he did the meſſage of the houſe.—That his Majeſty will ever highly prize the liberties of this houſe: with thanks for their courſe of juſtice now, or upon any, of what quality ſoever, for this or the like offence. That his Majeſty mindeth further to ſuſpend him from the council.—

Ordered, upon the queſtion, that he be removed; and a new writ for a new choice. The charge of the parties wronged, and the miſdemeanors of the bailiffs, purſevant, &c. to be referred to the conſideration of the committee for privileges.

Mr. Hackwill:—That not a new choice, and yet thoſe returned ought not to ſerve: for an undue return, and leaving to return the true parties choſen, by this means may keep us from our right Members.—

No queſtion, but Mr. St. John and Mr. Giffard duly choſen:—Thinketh the bailiff ought to be ſent for.— 29 Eliz. Mr. Fermor and Mr. Greſham returned. Exception to the return. The old indenture called for, and the other ſuppreſſed.—32 Hen. VI. Owndle returned knight for Rutlandſhire.——appeared upon examination, that Thorp elected: whereupon Owndle put out, and Thorp ordered to ſtand.—That a man choſen cannot wave:—if he choſen in another ſhire, then where reſident; otherwiſe cannot wave.—That a new writ ought to go in Sir H. Wallop's place, and Mr. St. John to ſtand.

Mr. Fuller :—That no indentures were here ſealed. —After a return made, no remedy without a new writ.

Sir A. Cope :—That the writ went to the bailiff and conſtable, where it ought to have been to the bailiff and burgeſſes.

Sir Samuel Sandys :—That the exception not material; for that the writ goeth to the ſheriff, and not to the ſheriff and freeholders, though they the electors. That Mr. Giffard's waver good, becauſe no burgeſs there. That Sir W. Cope's return good, upon the waver of Mr. Giffard.

Sir Robert Manſell agreeth with Mr. Hackwyll.—That having a freehold in the ſhire, he cannot refuſe to ſerve. That no choice of Sir W. Cope. That the bailiff confeſſed he got the names he had, by private ſolicitation.

Sir Roger Owen :—Clear the election of theſe, void :— to end that queſtion firſt.

Sir Robert Hitcham :—That the deciding this queſtion abſolutely, matter in law. That a burgeſs elected without conſent of the electors, cannot wave; with it, may refuſe to ſerve. That a knight of the ſhire, elected by conſent of the electors, viz. the freeholders, may refuſe.—That the firſt man elected, cannot be returned upon that writ; becauſe the contrary fully returned by the writ: therefore Sir W. Cope to continue till a new writ.

Sir H. Croftes :—That informed at the committee, that the election upon the Friday, when no mention of Sir W. Cope; ſo only Mr. St. John and Mr. Giffard choſen.

Sir Simeon Steward :—That no new writ go out, becauſe no fault in the ſheriff, by whom this is returned.

Sir Robert Gardiner :—That this houſe to fine the ſheriff for not returning the party rightly elected. That a new writ muſt needs iſſue.

Ordered, upon the queſtion, that the return of Sir W. Cope and Sir H. Wallop, not good.

Ordered, upon the queſtion, that a warrant ſhall iſſue for a new choice in their rooms.

Sir William Cope moveth, that all that is done in this caſe, may be regiſtered; and the order may by the committee of privileges be penned, conſidered of, and allowed, before it be entered.—Ordered, upon the queſtion.

And Sir William moveth, a mediation from the houſe to the King, to ſhew Mr. Chancellor mercy, and reſtore him to his council.

Mr. Alford ſeconded it; for that otherwiſe, the parliament being ſo great, we ſhall not proceed to examine the like fault in others for theſe preſſing letters.

Sir James Perrot—*accordant*—and to ſhew mercy, now juſtice is ſatisfied.

Sir H. Croftes :—Againſt Mr. Alford's reaſon.—Thinketh no puniſhment great enough.—For commiſeration ſhall be ready.

Mr. Alford to explain himſelf; that that, which he ſpake of, is only for letters.

Mr. Duncombe : — Againſt all ſuch meſſage for mercy, leſt ſhould impeach the King's judgment.

Mr. Aſhly moveth for a meſſage of mercy, but in due time to be.

Sir Ed. Sands :—Sir . . . Piggot, laſt parliament, told Mr. Speaker, at bar, the judgment greater to him, than if they had ſtruck off his head. How much greter here where a counſellor thus ſentenced. — Moveth for a meſſage, that we are doubly ſatisfied: 1. with the cenſure in this houſe, and then with his Majeſty's meſſage, for a further puniſhment.

Mr. Fuller moveth, this meſſage may ſtay till to-morrow.

Sir William Brereton :—To have this now ended by queſtion.

Sir George Moore :—Accordingly.

Ordered, upon the queſtion, that Mr. Secretary may return the humble thanks of the houſe, for his meſſage ſent by him this day; and that the houſe reſteth (for their parts) ſatisfied with the puniſhment themſelves have afflicted, and deſire no further puniſhment; but leave that wholly to himſelf.

May 17, 1661. Serjeant Charleton reported from the committee of privileges and elections, touching the double return for this borough, that Sir Robert Howard, knight, and Robert Phillips, eſquire, are returned by one indenture; and Henry Whitehead, and Sir Robert Howard, by another indenture: and the opinion of the committee, that the ſaid Mr. Phillips, being returned by the proper officer, ought to ſit until the merits of the election, touching the election, be determined: whereto the houſe agreed.

June 29. Serjeant Charleton reported from the ſame committee, touching the election for this borough; concerning which, the queſtion was, whether the bailiff had well adjourned the election; and the opinion of the committee, that the bailiff had well adjourned the ſame; and that Sir Robert Howard, and colonel Phillips, were well elected: whereto the houſe agreed.

Oct. 25, 1680. A petition of Henry Whitehead, eſquire, was read.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report it to the houſe, with their opinion.

Nov. 22. Mr. Treby reports from the ſaid committee, that they, having taken into conſideration the ſaid matter, had agreed upon the following reſolve.

That Henry Whitehead, eſquire, is duly elected a burgeſs, to ſerve in this preſent parliament for this borough: whereto the houſe agreed.

March 25, 1681. A petition of Henry Whitehead, eſquire, was read, touching the election for this borough.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion, to the houſe.

Oct. 28, 1689. A petition of William Strode, eſquire, was read; ſhewing, that upon the death of Oliver St. John, eſquire, who lately ſerved in this parliament for this borough, a writ did lately iſſue, for electing another member there; and that the 26th of September laſt was the day for the election; and the perſons in nomination, were William Montague, eſquire, and the petitioner: that the petitioner was then duly elected by the majority of the legal electors; yet the ſaid William Montague, by undue practices, prevailed with Richard Hews, conſtable or bailiff of the borough, to return the ſaid Montague, as duly elected; whereas he was not; and whereby the petitioner is deprived of the right of ſitting in the houſe: and praying &c.

A petition of William Reeves, and other burgeſſes, of this borough, was read; ſhewing, that this borough, is a borough by preſcription; and hath right to ſend two burgeſſes to parliament: that Oliver St. John, eſquire, one of the members of the ſaid borough, being lately dead, and a precept directed to the bailiff for electing another member, the 26th day of September was the day appointed for the election; when William Strode, eſquire, was duly choſen by the majority of the electors: but

William Montague, eſquire, and Richard Hews the bailiff, by bribery, and other undue practices, prevailed with ſome of the electors to vote for the ſaid Mr. Montague, whom the bailiff hath returned, in prejudice of the petitioner: and praying &c.

Ordered, that the ſaid petitions be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion to the houſe.

Nov. 15th. Mr. Grey reported from the ſaid committee, the matter upon the ſaid petitions.—That it was inſiſted, that the election of the ſitting-member was procured by bribery.

Reves and others ſaid, they were on Friday before the election at Hall's, an inn-keeper, and conſtable of the town, who declared (Mr. Montague being then preſent) to ſeveral of the electors, that whoever would vote for Mr. Montague ſhould have 4 guineas: but could not ſay, who ordered him ſo to do; only before that offer, the generality of the electors were for Mr. Strode: that they could name none, who had received money on account of the election; only one Odes, who voted for Mr. Montague, ſaid, he was promiſed 4 guineas, and had received part, of one Gatehouſe.

Odes, being called, denied he ſaid to that purpoſe; but owned, he borrowed 20 s. of Gatehouſe: and teſtified, that Packnal ſaid, he ſhould have 20 s. in hand, and 5 l. more, if he would vote for the petitioner.

Goſlin ſaid, he was promiſed 4 guineas by Gatehouſe to vote for Mr. Montague, and did ſo, and had his money in two payments; and Mr. Montague's ſteward ſaid, when he gave him the 40 s. it was for his charge in quartering ſoldiers.

Blatch denied, he had any money for his vote, nor was promiſed any; but ſaid, the gentleman gave him, of his good will for his charge in quartering ſoldiers, 40 s. and ſince, he has had 2 l. 6 s. of Mr. Montague's agent for his charges to London, if there was occaſion.

Roſe ſaid, he had 40 s. of Gatehouſe, but repaid it; and had ſince 46 s. for his charges.

Snow ſaid, Odes owned he had received 40 and 20 s.

For Mr. Montague it was inſiſted, that he was choſen by a majority, having 44. and Mr. Strode but 6, votes; and more money had been offered for Mr. Strode, than was alledged to be offered for Mr. Montague: and a paper was produced, ſigned by above 40 electors, dated 30th of October, 1689, amongſt whom was Goſling; the import whereof was, that the electors had choſen Mr. Montague, without any importunity: and Goſling owned the ſigning of it; but ſaid, it was not read to him, nor did he know the contents.

Robinſon ſaid, he read that paper to the ſubſcribers, particularly to Goſling: that he never, directly or indirectly, diſtributed money for voices for Mr. Montague, but paid Goſling 2 l. 6 s. for his charges; becauſe he heard there was a petition lodged againſt Mr. Montague: that Mr. Montague ordered him to pay money for quartering ſoldiers; and ſome few gentlemen met together after the election, and agreed upon it: that ſome was his own, and ſome Mr. Montague's money: that he believes the bill and charges of the election might amount to 200 l. that he paid money to ſeveral towards their charges to London; but denied, he paid any the day after the election. Blatch, being confronted with him, ſaid, he (Mr. Robinſon) paid him 40 s. the day after the election.

Goddard ſaid, that Pucknall offered him 6 guineas to vote for the petitioner, and promiſed the cryer a guinea to proclaim, that thoſe, who would ſo vote, ſhould have the like.

White, the cryer, ſaid, Pucknall offered him a guinea to proclaim, whoever would vote for Mr. Strode, he ſhould have 1 guinea in hand, and 5 guineas afterwards; but did not ſay he did it by Mr. Strode's orders: and he ſaid alſo, he was ſent by the bailiff and conſtable to invite Mr. Montague to come down, and to tell him they would chuſe him burgeſs.

Tongue ſaid, Hall offered him 6 guineas to vote for the petitioner: but Hall, being called, denied it; and ſaid, he never had ſuch a thought.

Samuel Hall ſaid, Pucknall offered him 10 l. to vote for the petitioner, and that Mr. Strode ordered him to do it.

Hewes the bailiff ſaid, he, and 5 or 6 others, invited Mr. Montague to be a candidate, and never had a farthing offered him.

The committee reſolved, as their opinion,

1. That William Montague, eſquire, is not duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

2. That William Strode, eſquire, is not duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

3. That the ſaid election of a burgeſs, to ſerve in this preſent parliament for this borough, is a void election.

The ſaid reſolutions being twice read, were agreed unto by the houſe.

Ordered, that Richard Hewes, the bailiff of this borough, Page Robinſon, * Gatehouſe, and Samuel Hall, be ſent for in cuſtody of the ſerjeant at arms, attending this houſe, for giving and taking bribes at an election of a burgeſs to ſerve in this preſent parliament for this borough.

The queſtion being put, that Thomas Pucknall be ſent for, in cuſtody of the ſerjeant at arms alſo; it paſſed in the negative.

Reſolved, that William Montague, eſquire, be diſabled from being elected a burgeſs, to ſerve in this preſent parliament for this borough.

The queſtion was put, that William Strode, eſquire, be diſabled from being elected a burgeſs for this borough; but diſagreed to.

A debate aroſe touching the disfranchiſing the ſaid borough for ever hereafter from ſending burgeſſes to parliament; and, inſtead thereof, to add two knights for the ſhire, to be choſen for the county of Southampton;

Reſolved, that it be conſidered on Monday next at 10 of the clock:—But not moved again.

Jan. 8th. A petition of the bailiffs and conſtables of this borough, was read; ſhewing, that William Strode, eſquire, having heretofore, and now, being candidate for burgeſs for this borough, did employ divers perſons to threaten ſome men, that, unleſs they would give their votes for him, it ſhould coſt them 200 l. or undo them; and that he would indict others in the Crown-office for crimes paſt, for which they have already ſuffered the cenſure of this honourable houſe; and particularly the bailiff the day before the election (though for doing nothing more than his duty) telling him, that he, and others, muſt to London again: and foraſmuch as ſuch threats do tend to induce perſons to vote contrary to their inclinations, and that it will be the undoing of ſuch as ſhall be again ſent up for to London and praying, that before any petition be received againſt the petitioners from Mr. Strode, or that they be put to any charge, touching the ſame, that Mr. Strode may be obliged (if he fails in the allegations he makes, and the townſmen prove themſelves innocent of what they are accuſed of) to pay all ſuch charges, as they by his means ſhall be put to; and that he may be obliged to uſe no ſuch threats, or menaces for the future.

Ordered, that the ſaid petition be rejected.

A petition of divers burgeſſes and inhabitants of this borough, was read; ſhewing, that the ſaid town is a borough by preſcription, and that upon their petition againſt Mr. Montague's return, and the irregularities committed there at the ſaid election, was by the houſe declared void, and Mr. Montague to be incapable to ſtand as a member: upon which, the 28th of December laſt was the day appointed for the election of another member in his ſtead, when William Strode, eſquire, was duly choſen by the majority of the legal electors: but notwithſtanding, Thomas Neale, eſquire, by indirect practices, with one Hall and Gatehouſe, hath prevailed upon Richard Hewes, the bailiff, to make an undue return of the ſaid Mr. Neale, though not legally choſen, to the prejudice of the petitioners: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

March 25, 1690. A petition of William Montague, eſq; was read; ſhewing, that he was elected and returned a burgeſs, to ſerve in this parliament for this borough, as by the records in the Crown-office appears: but being in execution, in the cuſtody of the marſhal of the King's-bench, at the time of the election, the marſhal ſcruples to give him the liberty he ought to have by privilege of parliament, to attend his duty there: and in regard therefore, that by law, notwithſtanding ſuch his execution, he is a perſon eligible to ſerve in parliament, and is ſo elected; he prayed, that his privilege of parliament may be allowed ſo long as it continues, and he be enlarged to attend his ſervice in the houſe.

Ordered, that it be referred to a committee, to examine the matter of the ſaid petition, and ſearch for precedents; and make their report thereof to the houſe: A committee was named accordingly, and empowered to ſend for perſons, papers, and records.

April 2. A petition of William Reeves, and others, burgeſſes of this borough, was read; ſhewing, that William Strode and Richard Whitehead, eſquires, were duly elected for the ſaid borough: but that the bailiff, Richard Hewes, hath returned William Montague, eſquire, in the ſtead of the ſaid Mr. Strode, though not duly choſen, in prejudice to the rights of the petitioners: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion, to the houſe.

May 5th. Mr. Charles Montague reported from the committee, to whom the petition of William Montague, eſquire, was referred.——That they had examined the matter of the ſaid petition, and alſo ſearched ſuch precedents or caſes, as they do conceive relative to this caſe: and the caſe and precedents are as follow ——

That it appeared by the books of the marſhal of the King's-bench, that William Montague, eſquire, did ſurrender himſelf to the ſaid marſhal on the 28th of January 1689. But, as to the time of his being charged in execution, by the *committitur* upon the judgment in the King's-bench, he is ſaid to be preſent in court, and charged in execution for the ſum of 5073 l. at the ſuit of John Lewknor, eſquire, on the 5th of February; but by the marſhal's books he is not charged till the 7th of February 1689.

That it appears by the record in the Crown-office, that a writ, bearing date February the 6th, 1689, being directed to the ſheriff of Southampton for electing members to ſerve in this preſent parliament; there is returned with it an indenture from this borough, dated February the 21ſt; wherein it is certified, that William Montague, eſquire, and Richard Whitehead, eſquire, are duly elected burgeſſes for Stockbridge to ſerve in this preſent parliament.

That they likewiſe conſidered, whether Mr. Montague, being in execution on the 5th or 7th of February, was capable of being elected on the 21ſt; and find, that my Lord Cook affirms, that all perſons are eligible, except aliens, minors, and perſons attainted of treaſon, or felony; and likewiſe, that Sir Trevor Williams, and others, did ſerve as members of the laſt parliament, though charged in execution before the dates of the letters of ſummons.

That, in the next place, they ſearched for precedents of the method of proceedings, which this houſe hath uſed in caſes of privilege, that did neareſt reſemble this; and in their enquiry they obſerved great diverſity in the precedents, according to the difference of times; the privilege of this houſe being leſs limited in ſome reigns than in others, and the method of freeing their members under arreſts very different; and therefore they thought fit to have them reported, according to the order of time wherein they happened.

In the 31ſt of Henry VI.—The caſe of Thomas Thorpe, ſpeaker of the houſe, which was thus, viz. the parliament having been adjourned at Reading, from the 12th of November, to the 11th of February, and thence to the 14th following, Richard Duke of York ſued Thomas Thorpe, the ſaid Speaker, in the Exchequer, and got a verdict and judgment againſt him for 1000l. damages, and 10l. coſts, between the ſaid 12th of November and 11th of February, and took and detained him priſoner in the Fleet; whereupon, when the parliament met, the whole houſe of commons preſented a petition for his enlargement; which, being entered in the parliament rolls, the committee ordered to be reported at large, as follows——

Requeſta facta per communes pro deliberatione prolocutoris ſui.

FAIT a remembrer que le quatorziſme jour de Fevever l'an ſuisditz, les communes per certeines de lour compagnions firent requeſt au Roy, & les Seigneurs eſpirituelz & temporelz en le dit parlement eſteantz qu'eux peuſſant avoir & enjoyer totz les tielz libertes & privileges comeount eſte accuſtoméz, & d'auncien temps uſez pur venantez au parlement, & concordaunt à meſmes les libertes & priviledges, que Thom. Thorpe lour commune parlour, & Walter Rayle, membres de la dit parlemont, adonques eſteantz in priſon, peuſſent aller allour large & liberte pur le boon eſploit du dit parlement. Rot' Parliam' 31, 32 *Hen.* VI. No. 25, 26.

Parliam' 31 *Hen.* VI.

Declaratio facta ex parte ducis Ebor. contra deliberationem prædicti prolocutoris.

ITEM, The Friday the 15th day of February, it was opened and declared to the lords ſpiritual and temporal, being in the parliament-chamber, by the counſel of the Duke of York, that where Thomas Thorpe, the Monday the day of, the 31ſt year of the reign of King Henry VI. came to the place of the biſhop of Durham, and thence and there to be, and bear away, certain goods and chattles of the ſaid Duke's againſt his will and licence; and thereupon the ſaid Duke tamed and took an action by bill in Michaelmas term laſt paſt, againſt the ſaid Thomas in the court of Exchequer, according to the privilege of the ſame court, forſomuch as the ſaid Thomas was one of the court; by which privilege he ought to be enpleted in that court of Exchequer in ſuch caſes, and in none other court: to the which bill the ſaid Thomas wilfully appeared, and had divers days to imparle at his requeſt and deſire, and to the ſaid bill and action anſwered and pleted, not guilty; whereupon there was awarded in the ſaid Exchequer a *Venire Facias* to the ſheriff of Middleſex, returnable in the ſaid Exchequer; and there by the jury that paſſed between the ſaid Duke and the ſaid Thomas, it was found, that the ſaid Thomas was guilty of the treſpaſs contained in the ſaid bill; and the ſame jury aſſeſſed the damages to the ſaid Duke for the ſaid treſpaſs to 1000 l. and for his coſts 10 l: and thereupon judgment was given in the ſaid Exchequer; and the ſaid Thomas, according to the courſe of law, was committed to the Fleet for the fine belonging to the King in that behalf; and thereupon it was prayed humbly, on behalf of the ſaid Duke, that it ſhould like their good lordſhips, conſidering that the ſaid treſpaſs was done and committed by the ſaid Thomas ſince the beginning of this preſent parliament; and alſo the ſaid bill and action were take and tamed, and, by proceſs of law, judgment thereupon given againſt the ſaid Thomas, in time of vacation of the ſame parliament, and not in parliament time; and alſo, that if the ſaid Thomas ſhould be releaſed by privilege of parliament, o'er the time that the ſaid Duke be ſatisfied of the ſaid damages and coſts, the ſame Duke ſhould be without remedy in that behalf; that the ſaid Thomas, according to the law, be kept in ward to the time that he hath fully contented and ſatisfied the ſaid Duke of his ſaid damages and coſts.

The lords ſpiritual and temporal, not intending to impeach or hurt the liberties and privileges of them that were commons for the ſaid commonalties of this land to this preſent perliament, but legally after the courſe of law to miniſter juſtice, and to have knowledge what the law will weigh in that behalf, opened and declared to the juſtices the premiſes; and axed of them, whether the ſaid Thomas ought to be delivered from priſon, by force and virtue of the privilege of parliament, or not? To which queſtion, the chief-juſtice, in the name of all the juſtices, after ſad communication, and mature deliberation had among them, anſwered and ſaid ——

"That they ought not to anſwer to that queſ-
" tion, for it hath not yet been uſed aforetime,
" that the juſtices ſhould in any wiſe determine of
" the privileges of the high court of parliament;
" for it is ſo high and mighty in its nature, that it
" may make law, and that that is law, it may
" make no law; and the determination and know-
" ledge of that privilege belongeth to the lords of
" the parliament, and not to the juſtices." But as for declaration of proceeding in the lower courts in ſuch caſes, as writs of *ſuperſedeas* of privileges of parliament be brought and delivered, the ſaid chief-juſtice ſaid, "There be many and divers *ſu-*
" *perſedeas* of privilege of parliament brought
" into the courts, but there is no general *ſuperſe-*
" *deas* brought to ſurceaſe all proceſſe; for if there
" ſhould be, it would ſeem that this high court of
" parliament, that miniſtereth all juſtice and equi-
" ty, ſhould lett the proceſs of the common law,
" and ſo it ſhould put the partys complainant with-
" out any remedy, forſomuch as actions at com-
" mon law be not determined in this high court
" of parliament: and if any perſon that is a mem-
" ber of this high-court of parliament be arreſted
" in ſuch caſes as be not for treaſon or felony,
" or ſurety of the pleas, or for a condemna-
" tion had before the parliament, it is uſed
" that all ſuch perſons ſhould be releaſed of ſuch
" arreſts, and make an attorney, ſo that they may
" have their freedom and liberty freely to intend
" upon the parliament."

After which anſwer and declaration it was thoroughly agreed, aſſented, and concluded by the lords ſpiritual and temporal,

That the ſaid Thomas, according to law, ſhould remain ſtill in priſon for the cauſes aboveſaid, the privilege of parliament, or that the ſame Thomas was Speaker of the parliament, notwithſtanding: and that the premiſes ſhould be opened and declared to them that were comen for the commons of this land: and that they ſhould be charged and commanded in the King's name, that they, with all goodly haſte and ſpeed, proceed to the election of another ſpeaker.

The which premiſes, foraſmuch as they were matters in law by the commandment of the lords, were opened and declared to the commons by the mouth of Walter Moyle, one of the King's ſerjeants at law, in the preſence of the biſhop of Ely, accompanied with other lords in notable number; and there it was charged and commanded to the ſaid commons, by the ſaid biſhop of Ely in the King's name, that they ſhould proceed to the election of another ſpeaker with all goodly haſte and ſpeed; ſo that the matters for which the King called this his parliament might be proceeded in, and this parliament take good and effectual concluſion and end.

That the King himſelf was not preſent during this ſeſſion, but the Duke of York did all things in this parliament by a ſpecial commiſſion from the King as followeth; viz.

De procedendo in parliamento.

Ro. Parl. 31 H. VI. R. 1. N. 24.

Memorandum, pro eo quod dominus Rex, qui præſens parliamentum ſuum nuper apud Reding inchoavit et tenuit, et uſque 14 diem Februarii, anno dicti domini Regis 32 apud palatium ſuum Weſtm' adjornari ordinavit, propter certas juſtas et rationabiles cauſas in eodem parliamento, in perſona ſua, intereſſe non potuit: idem dominus Rex de aviſamento et aſſenſu concilii ſui quaſdam literas patentes ſub magno ſigillo ſuo ſignatas coram dominis ſpiritualibus et temporalibus in præſenti parliamento dicto quarto decimo die Februarii exiſten' legi fecit in hæc verba:

Henricus, dei gratia, Rex Angliæ et Franciæ, et dominus Hiberniæ, omnibus ad quos præſentes literæ pervenerint, ſalutem. Sciatis, quod cum, pro quibuſdam arduis et urgentibus negotiis, nos, ſtatum et defenſionem regni noſtri Angliæ et eccleſiæ Anglicanæ contingentibus, quoddam parliamentum noſtrum nuper apud Reding teneri, et uſque 14 diem hujus inſtantis menſis Februarii ad palatium noſtrum Weſtm' adjornari ordinavimus: quia vero dicto parliamento noſtro, propter certas juſtas et rationabiles cauſas, in perſona noſtra non poterimus intereſſe: Nos de circumſpectione et induſtria cariſſimi con-

ſanguinei noſtri Ricardi Ducis Ebor' plenam fiduciam reportan', eidem conſanguineo noſtro ad parliamentum prædictum nomine noſtro tenend', et in eodem procedend', et ad faciend' omnia et ſingula quæ pro nobis, et per nos, pro bono regimine et gubernatione regni noſtri prædicti, ac aliorum dominiorum noſtrorum eidem regno noſtro pertinen' ibidem fuerint faciend', necnon ad parliamentum illud faciend' et diſſolvend' de aſſenſu concilii noſtri plenam tenore preſentium committimus poteſtatem, dantes ulterius de aſſenſu ejuſdem concilii noſtri tam univerſis et ſingulis archiepiſcopis, epiſcopis, abbatibus, prioribus, ducibus, comitibus, baronibus, et militibus, cum omnibus aliis quor' intereſt ad parliamentum noſtrum prædictum conventur', ſcilicet tenore preſentium, firmit' in mandatis, quod ibidem conſanguineo noſtro intendant in premiſſis in forma prædicta. In cujus rei teſtimonium has literas noſtras fieri fecimus patentes. Teſte meipſo apud Weſtm' 13 die Februarii, anno regni 32. Per ipſum Regem et concilium.

That the committee had likewiſe before them a private act of parliament, 1 H. VII. wherein is ſet forth,

Rot. Parl. 1 H. VIII. N. 26.

That where Richard, ſometime Duke of York, by the excitation, ſtirring and moving of one Thomas Colt, eſquire, being nigh of counſel with the ſaid late Duke, grievouſly maligned againſt Thomas Thorpe, for the true and faithful ſervice that he had done and owed to the ſaid late King Henry VI: and thereupon the ſaid late Duke affirmed a bill of treſpaſs againſt the ſaid Thomas Thorpe, in the court of the King's Exchequer, ſuppoſing by the ſame bill, that the ſaid Thomas Thorpe ſhould have taken from the ſaid Duke divers goods and chattles to the value of 2000 l. where in truth the ſaid Thomas Thorpe never took no ſuch goods of the ſaid Duke's, only by the commandment of the King, the ſaid Thomas Thorpe arreſted certain harneſs and abiliments of war of the ſaid Duke; to which action the ſaid Thomas Thorpe, by the ſpecial labour and untrue means of the ſaid Thomas Colt was condemned to the ſaid Duke in 1010 l. &c.: and after that the ſaid Thomas Thorpe was with the ſaid King Henry VI. in the field of Northampton, and there was taken priſoner; and after was cruelly, and contrary to all law and conſcience, beheaded and put to death, in Heringy Park.

That there are ſeveral other precedents in the time of Henry VI. and Edward IV. where members arreſted and taken in execution, ſitting the parliament, were obliged to procure acts of parliament for their enlargement, viz.

Rot. Parl. 8 H. VI. N. 57.

William Lark, menial ſervant and attendant on William Milrede, one of the citizens of London for the parliament of 8 Henry VI. was arreſted at Weſtminſter whilſt attending there on his maſter ſitting the parliament; and upon the petition of the commons, there was a ſpecial act of parliament for his enlargement.

9 H. VI. N. 9.

There was the like act of parliament for enlargement of Walter Clerke, burgeſs of Chippenham in Wilts.

14 Ed. IV. N. 55.

Another for William Hyde, burgeſs of Chippenham.

17 Ed. IV. N. 35.

Another for John Atwill, burgeſs for Exeter.

All which were arreſted and taken in execution during the parliament, and their attendance of the houſe, yet releaſed by ſpecial acts of parliament: — But in the time of Henry VIII. the houſe proceeded by another manner, as in the caſe of

1 Hen. VIII. 34.

George Ferrers, who being arreſted during the parliament, was ſet at liberty by the ſerjeant: and the ſheriffs of London, for refuſing to deliver him, were ſent to the Tower.

Holinſhed, p. 1582.

Another precedent that the committee conſidered was, the caſe of Chamond, as reported by my Lord Dyer, as followeth;

35 Hen. VIII.

Dyer, 59.

35 H. VIII. Trewinard was arreſted upon an exigent at the ſuit of Skewis: and a writ of privilege of parliament iſſuing forth to Chamond, ſheriff of Cornwall; ſetting forth, that Trewinnard was a burgeſs; and declaring the cuſtom of the privilege of parliament, the ſheriff ſet him at liberty: Upon this, the executors of Skewis brought an action againſt Chamond the ſheriff: to this he demurred; and, upon this demurrer, theſe three points were argued.

1. Whether privilege be grantable in this caſe, where a burgeſs of parliament is arreſted in an exigent.

2. Whether, if privilege be grantable, the party ſo ſet at liberty ſhall be, for error, diſcharged from the execution of the plaintiff, or only during the parliament.

3. Admitting that privilege is not allowable in this caſe, whether the writ and warrant of the King proceeding from parliament, be not a ſufficient excuſe and diſcharge for the ſheriff againſt the plaintiff.

For the firſt it was alledged, that foraſmuch as the King and the whole realm had an intereſt in the body of every one of the ſaid members, the private intereſt of any particular man ought not to be regarded; for it is a maxim, *quod majus dignum trahit ad ſe minus dignum*, as was adjudged in the caſe in 6 Edward IV. That, if a man was condemned in a treſpaſs or re-diſſeiſin, and in execution for a fine to the King, if he was outlawed of felony, his body ſhould not be impriſoned at the ſuit of the party, becauſe the King had an intereſt in his body.

And it is concluded, that the court of parliament is the higheſt court, and has more privileges than any other court of the realm.

And that, in every caſe, without any exception, every burgeſs is privileged againſt arreſts at the ſuit of any ſubjects: and this caſe is the better, foraſmuch as the execution was ſued during the parliament: In which caſe the plaintiff was at liberty to ſue execution of his body, or of his lands or goods: and alſo every privilege is by preſcription; and every preſcription that is for the advantage of the commonweal is good, though it be prejudicial to any private perſon. Therefore in the time of Edward IV. it was held a good preſcription to dig in the ground of any man near the ſea to make bulwarks againſt the King's enemies. —That that was the argument in my lord chief juſtice Dyer.

That they likewiſe obſerved by the record that the parliament was firſt ſummoned, and began 16 January, 33 Hen. VIII. was prorogued to 22 January, 34 Hen. VIII. and afterwards to 14 January, 35 Hen. VIII. That the bill there brought by *Skewys verſus Trewynard*, was in *Mich.* 31 H. VIII. two years before the ſummons of the parliament. That the exigent awarded againſt him after judgment, was dated 30 June, 35 Hen. VIII: that his rendring himſelf was 12th November, 35 Henry VIII. about two months before the ſeſſions began, on January the 14th, 35 Hen. VIII. So that the granting a writ of privilege on 22d of February, 35 Hen. VIII. was contrary to the practice in Thorpe's caſe.

That there is likewiſe obſervable, a ſpecial clauſe in the writ of privilege, that iſſued forth at this time, and runs thus;

Cum ſecundum conſuetudinem in regno noſtro Angliæ, hactenus obtent' et approbat' domini, magnates, et milites comitatuum, et cives et burgenſes civitatum et burgorum ad parliamenta noſtra de ſummonitione venientes, ſeu venire intendentes, aut in eiſdem circa ardua negotia, ſtatum et utilitatem regni noſtri prædicti concernentia, attendentes, ſub protectione noſtra liberi, &c. Hil. 39. Hen. VIII. Rot. 39. in B. Regis.

And that thereby, privilege is not limited to *eundo, morando et redeundo,* but is allowed to them that deſigned to come up to parliament, *venire intendentes.*

Moore's Reports, p. 340. That the next caſe, in time, is Thomas Fitzherbert's caſe, which is thus reported by Moore, viz.

Fitzherbert, 35 Eliz. was arreſted in execution on the third of February, at ſeven of the clock in the forenoon; and, at 10 of the clock in the forenoon, was elected burgeſs for Newcaſtle under Line, to ſerve in parliament, which was to meet on the 19th of February: And the houſe of commons did agree, that foraſmuch as he was arreſted before he was choſe burgeſs, he ought not to have the privilege of the houſe: My Lord Cooke, who was then Speaker, alledging the caſe of Thorp, who being Speaker of a parliament in the time of Henry VI. adjourned by prorogation, the Speaker was arreſted in execution, at the ſuit of the Duke of York: And the parliament meeting again, it was reſolved, that the Speaker ſhould not have privilege; but they elected a new Speaker.

D'Ewes Journal, p. 479, 490, 502, 516, 518. That that caſe is likewiſe related by Sir Simon D'Ewes: who ſays, he was arreſted two hours after his election, but before his indenture was returned to the ſheriff:

Upon which matter there grew two queſtions;

Firſt, whether Mr. Fitzherbert was a member of the houſe.

Secondly, admitting he were; yet whether he ought to have privilege.

The judgment of the houſe was, that Thomas Fitzherbert was, by his election, a member thereof; yet he ought not to have privilege in three reſpects;

Firſt, becauſe he was taken in execution before the return of the indenture of his election.

Secondly, becauſe he had been outlawed, at the Queen's ſuit; and was in execution for her Majeſty's debt.

Thirdly, and laſtly, in regard that he was ſo taken by the ſheriff, neither *ſedente parliamento,* nor *eundo,* nor *redeundo.*

The next precedent is that of Sir Thomas Shirley, 1 *Jacobi,* as follows; viz.

Ibid. 39. The parliament, 1 *Jacobi,* was ſummoned to meet on the 19th of March; and the 15th of March, 4 days before the parliament met, Sir Thomas Shirley, who was elected burgeſs for Steyning in Suſſex, was arreſted and committed to the Fleet.

Ibid. Upon a motion made on his behalf, the houſe ordered, that Mr. Speaker's warrant ſhould iſſue to the clerk of the Crown, for a writ of *Habeas Corpus,* to deliver the body of Sir Thomas Shirley into the houſe on Tueſday following, March 22, 1603.

It appeared on the examination of the fact, that the execution was taken forth the 30th of January 1603, a day before the teſte of the writ; and was delivered to the ſerjeant the 11th of February, before Sir Thomas was elected. The heads of the debate on this occaſion appear upon the Journal; and Ibid. 58. it there appears, that the debate concluded with appointing a committee, to conſider of all the doubts and queſtions in the caſe, 27 March, 1604.

Upon the report of the committee, the houſe Ibid. 108.
ordered, that Sympſon, at whoſe ſuit Sir Thomas Shirley was committed, and the ſerjeant that arreſted him, ſhould be committed to the Tower; and that they would hear counſel, and all parties upon theſe three points, viz. 1. Whether privilege were to be allowed, ſince execution was taken out before the parliament ſat.

2. Whether the action was diſcharged.

3. Where the loſs ſhould lye, 9 April 1604?

The arguments of the counſel, and the prece- Ibid. 128.
dents they uſed, appear in the Journal. Upon reading which, three queſtions were put, viz.

1. Whether Thomas Shirley ſhould have privi- Ibid. 131.
lege

2. Whether preſently, or defer it till further order

3. Whether we ſhall be petitioners to his Majeſty, according to former precedents, for ſome courſe of ſecuring the debt of the party, and ſaving harmleſs the warden of the Fleet? all reſolved in the affirmative.

A bill for ſecuring Sympſon's debt, was twice Ib. 135,
read; and committed 17 April 1604. The ſame 144, 148.
read a third time, and paſſed; ſent to the Lords, 21 April 1604.

A bill for relief of plaintiffs, where the defendants in execution are ſet at liberty, altered in the ſtyle, and ordered to be engroſſed, 27 April, 1604.

On the 2d of May, a motion was made, to appoint a committee, to conſider of all ſuch precedents as ſhall be offered in the particulars of Sir Thomas Shirley's caſe of privilege; and there are the copies of ſeveral records in your journal.

Reſolved, that Sir Thomas Shirley be preſently delivered: and

Ordered, upon the queſtion, that a writ of *Habeas Corpus* be preſently awarded, for bringing of his body, being priſoner in the Fleet, into the houſe to-morrow, at 8 o'clock in the morning; and accordingly a warrant, containing the effect of the order, under the ſpeaker's hand, was directed to the clerk of the Crown.

1. On the 4th of May a petition was tendered, and read in the houſe, to be exhibited to his Majeſty, for the royal aſſent to Sir Thomas Shirley's bill, preſently to be had; but it was not approved, nor thought fit by the houſe, to proceed in that manner, being (as was conceived) ſome impeachment to the privileges of the houſe; the petition itſelf is entred in the Journal, and is according to thoſe acts that paſſed in the time of Edward IV. But the houſe reſolved, that a *Habeas Corpus* be awarded, as before.

But the warden of the Fleet denied to execute the writ of *Habeas Corpus,* before the royal aſſent was procured to the bill for ſecurity of Sympſon and himſelf; and was committed to the ſerjeant, May the 7th, 1604.

The ſame day an act for new executions to be Ibid. 209.
ſued after the parliament, when the defendants &c. was read a third time, and paſſed.

The warden continuing obſtinate, and refuſing to deliver Sir Thomas Shirley, unleſs he would give ſecurity; it was ordered to commit him cloſe priſoner Ibid. 213.
to the Tower.

2. To ſend the ſerjeant to-morrow, ſitting the court, to require the delivery of Sir Thomas Shirley, 8 May, 1604.

The ſerjeant returneth from the Fleet, ſays, the warden's wife refuſes to deliver him. Mr. ſecretary

p. 207. Herbert reports, that his Majeſty, upon reading the precedent of Ferrers, was graciouſly pleaſed to leave it to their liberty, to proceed in the caſe of Sir Thomas Shirley, as they thought fit, 9 May 1604.

The firſt bill for ſecuring the debt of Sympſon, being found faulty, after it had paſſed both houſes, a new bill was drawn, and paſſed the houſe in one day.

Sir Roger Aſton delivered from the King, that, p. 219. *in verbo principis*, he will give his aſſent at the end of the ſeſſions, 10 May 1604.

p. 222. The warden and his wife continuing obſtinate, the houſe committed him to the priſon of Little-Eaſe within the Tower, 11 May 1604. and upon the 15th cauſed Sir Thomas to be delivered; and he was inſtantly admitted to ſit in the houſe.

p. 232. That there were but three caſes ſince the ſtatute of King James, that the committee were acquainted with.

The firſt is the caſe of Sir William Bampfield, as follows; viz.

Saturday the 9th of April, 12 Jac. I. Sir John Strangeways moved, that Sir William Bampfield, burgeſs for Bridport, is committed by my Lord Chancellor ſince the time of the ſummons of parliament, but before his election; and prays the direction of the houſe: which is referred to the committee for privileges.

Thurſday the 14th of April, 12 Jac. Mr. Fuller reports Sir William Bampfield's caſe: that he was committed before his election, for a contempt, for not accepting the offer of Sir George Wentworth: and thereupon the queſtion was put, whether Sir William Bampfield, committed after the ſummons, and before his election, for a contempt, ſhall have his privilege.

And ordered, upon the queſtion, that he ſhall have his privilege by writ of *Habeas Corpus*.

The ſecond is that of Sir John Prittyman; viz.

The parliament was prorogued from the 10th of November 1674, to the 13th of April 1675.

The 14th of April 1675, information being given to the houſe, that Sir John Prittyman, a member of this houſe, is detained a priſoner in the King's-bench;

Ordered, that the marſhal of the King's-bench do bring Sir John Prittyman to-morrow morning to this houſe, together with the cauſe of his being detained in priſon from the attendance of this houſe. 15 April 1675.

The marſhal of the King's-bench being called in to give an account of the order ſent to him, and, having given an account why he had not at preſent obeyed that order, the matter was referred to the committee of privileges.

20th of April 1675. "Reſolved, that Sir John "Prittyman be delivered out of the cuſtody of the "marſhal of the King's-bench, to attend the ſer-"vice of this houſe.

"Reſolved, that Sir John Prittyman be deli-"vered from ſuch cuſtody, by ſending the ſerjeant "at arms attending on the houſe, with the mace, to "bring him to the ſervice of this houſe."

The third is that of Sir Robert Holt, viz.

The 16th of February 1676, information was given to the houſe from Sir Robert Holt, a member of the houſe, that he was detained a priſoner in the Fleet at the ſuit of Mr. Edmund Prideaux, and thereby hindered from attending the ſervice of the houſe. Alſo a petition of Mr. Prideaux, was tendered and read; and a debate ariſing thereupon,

"Reſolved, that the matter of Sir Robert Holt, "his caſe, being taken in execution and detained "priſoner in the Fleet, and thereby hindered from "attending the ſervice of the houſe, be referred "to a committee."—16 Feb. 1676.

Feb. 22, 1676. Reſolved, that the matter of Sir Robert Holt's caſe, being detained in priſon in the Fleet in execution, and thereby hindered from attending the ſervice of this houſe, be referred to the committee of elections and privileges; and they are to ſearch precedents in the caſe.

The 2d of April, 1676, "Reſolved, that Sir Ro-"bert Holt be delivered out of the cuſtody of the "warden of the Fleet, to attend the ſervice of this "houſe."

"Reſolved, that Sir Robert Holt be delivered "from ſuch cuſtody, by ſending the ſerjeant at "arms attending this houſe, with the mace, to "bring him to the ſervice of the houſe."

Reſolved, that the matter of the ſaid report be taken into conſideration on Friday morning next. But never delivered, by reaſon of Mr. Montague's death.

May 26, 1691. A petition of Anthony Rowe, eſquire, was read; ſhewing, that he being duly elected a burgeſs for this borough, yet nevertheleſs the bailiff hath returned Thomas Jervoiſe, eſquire, not having ſo many qualified votes as the petitioner, in manifeſt prejudice of the petitioner's right: and that ſeveral of thoſe voices the ſaid Mr. Jervoiſe had, were obtained by undue practices and threats: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report it, with their opinion.

Oct. 31. A petition of the ſaid Anthony Rowe, eſquire, in ſubſtance the ſame with the former petition, was read.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Nov. 7. Ordered, that Mr. Rowe have leave to withdraw the ſaid petition.

Dec. 1, 1693. A petition of Henry Dawley, eſquire, was read; ſhewing, that the petitioner was duly elected to ſerve for this borough: but the bailiff of the ſaid borough hath unduly returned Anthony Rowe, eſquire, who was altogether a ſtranger there; and many other votes were obtained for him by extravagant gifts: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

18th. Ordered, that it be reported on Wedneſday next.

20th. Sir John Darell reported, from the ſaid committee, the matter upon the ſaid petition.

The petitioner allowed Mr. Rowe to have the majority; but alledged, it was obtained in an ill manner: and called

Hall and Caſeley; who ſaid, that Clark, ſervant to Mr. Neal, after Mr. Whitehead's death, but ſome time before the election, came to this borough, and brought a letter to recommend Mr. Rowe: that at a meeting of the burgeſſes, the letter was read; and Clark declared, that ſeveral burgeſſes ſhould have a ſack of wheat: and Caſeley ſaid, it was only promiſed to ſuch as voted for Mr. Rowe.—— Caſeley alſo ſaid, Mr. Rowe (about a month before the election) ſent for him, and told him, if he would vote for him, he would give him a conſiderable parcel of money: that Bainton, who voted for Mr. Rowe, ſaid, if the bailiff would vote for Mr. Rowe, it ſhould be worth to him 20 l: that the bailiff ſaid, Mr. Neale had deputed him to receive the borough rents, which are about 5 l. and that he was ſure of ſomething: but owned, the bailiff, for the time being, had for three or four years received the ſaid rents.

Webb ſaid, Mr. Neale had promiſed to be kind to him; and he and Mr. Rowe offered to be godfathers to his child, though he had not any way obliged them, or was any ways related to them.

Ken ſaid, he heard White ſay, if he voted for the petitioner, there was only a pot of ale and a toaſt; but, if he voted for Mr. Rowe, he ſhould have 5 l.

Joan Webb ſaid, the bailiff's wife came to her, and aſked, what ſhe ſhould do with the mace that was to ſeal the return? for ſhe thought, ſhe was 10 l. out of pocket, and would not deliver the mace till ſhe had her money: that Beaton, Mr. Rowe's man, ſaid, his maſter would expend 40 or 50 l. rather than loſe the bailiff and the conſtable.

For Mr. Rowe, was produced Mr. Neale's letter, in which no wheat was mentioned: and called

Clark; who ſaid, he had no direction from Mr. Neale to ſpeak of any wheat to the burgeſſes; but at Eaſter, being at Stockbridge, he heard complaints of unequal diſtributions of beef that his maſter yearly gave the town; and it was declared, that they had rather have it in wheat; of which he (Clark) informed Mr. Neale; who ſaid, it was equal to him, whether it was in beef or wheat: and on the 25th of September, he called at this borough, and delivered the letter; and after told them the anſwer about the beef; but denied its being promiſed to ſuch who voted for Mr. Rowe.

White ſaid, he was not preſent when the letter was read, being then ſick in his chamber; and knew nothing of the wheat before-mentioned.

Charles Caſeley ſaid, he was preſent when the letter was read; but he heard nothing of the wheat.

White ſaid, Lord Delawar offered him 5 l. yearly to vote for the petitioner; but no money offered him to vote for Mr. Rowe; nor did he aſk for his vote: that he drew out a pin of ale at the election for his neighbours: that he did not keep a publick-houſe, but paid 1 s. and 9 d. exciſe for it, and never was paid any thing for it.

Townſend ſaid, the bailiff uſed to gather the town-rents, whether friends to Mr. Neale, or no.

Randal ſaid, Caſeley declared, he believed Mr. Rowe would not come, and that he ſhould wait no longer; and that he had money of Mr. Dawley.

Elizabeth Hedges ſaid, that Mrs. Webb declared to her, that neither Mr. Neale nor Mr. Rowe had offered any money, and why ſhould Mr. Dawley petition: and when ſhe was going to London, ſhe ſaid, it was not as going before a juſtice of the peace; it was only to tell a lye, and that would throw out Mr. Rowe. But

Thomas Webb ſaid, that Elizabeth Hedges, upon a difference between her and Pucknall, ſaid, ſhe would throw out Mr. Rowe herſelf; and that they could be all undone: that Hedges was much for, Mr. Rowe, and ſaid, ſhe would undertake, if Webb would be for Mr. Rowe, the bailiffs ſhould have 30 guineas, and he 15.

Upon the whole, the committee reſolved,

That Anthony Rowe, eſquire, is duly elected a burgeſs, to ſerve in this parliament for this borough.

The ſaid reſolution being twice read, was diſagreed to by the houſe.

Reſolved, that Henry Dawley, eſquire, is not duly elected a burgeſs, to ſerve in this parliament for this borough.

Reſolved, that the ſaid election for this borough, is a corrupt and void election.

Reſolved, that a bill be brought in for diſabling this borough to ſend burgeſſes to ſerve in parliament for the future: and that a committee be appointed to prepare and bring in the ſame.

January 8. Mr. Smith (according to order) preſented to the houſe a bill, to diſable the ſaid borough to ſend burgeſſes to ſerve in parliament for the future: and the ſame was read the firſt, and ordered to be read a ſecond time, on Thurſday morning next.

12th. Ordered, that the ſaid bill be read a ſecond time, on Wedneſday next.

17th. Ordered, that the ſaid bill be read a ſecond time, on Wedneſday next.

25th. Ordered, that the ſaid bill be read a ſecond time, on Wedneſday next.

31ſt. Ordered, that the ſaid bill be read a ſecond time, on Monday next.

Feb. 5th. Ordered, that the ſaid bill be read a ſecond time, on Wedneſday next.

7th. The ſaid bill was read a ſecond time.

Ordered, that the ſaid bill be committed.

A petition of the bailiff, conſtables, and other inhabitants of the ſaid borough, was read; ſhewing, that the petitioners are ſenſible of the high diſpleaſure of this houſe, occaſioned by certain irregularities committed by ſome members of the borough: that the petitioners hope the houſe will not uſe ſuch ſeverity to the burgomaſters, they being reſolved for the future, in all difficult caſes, to conſult the gentlemen of the county thereabouts: And praying, that the bill may be withdrawn, and that the ancient frame and conſtitution of the ſaid borough, in ſending members to parliament, may not be altered.

Reſolved, that the ſaid petition be rejected.

Another petition of the bailiff and inhabitants of the ſaid town was read; ſhewing, that the ſaid town is an ancient borough, time out of mind; and that the petitioners are much afflicted, that any circumſtances of the late election have brought them under the diſpleaſure of the houſe: and praying, that they may be heard by their counſel, at the bar of the houſe, before the bill to diſable the ſaid borough from ſending burgeſſes to ſerve in parliament for future, do paſs into a law.

Reſolved, that the ſaid petition be rejected.

21ſt. Ordered, that the committee, to whom the ſaid bill is committed, be revived; and that they have power to ſend for perſons, papers, and records.

March 8th. Mr. Smith reported from the ſaid committee, that they had made ſeveral amendments, which they had directed him to report.

Ordered, that the ſaid report be conſidered on Thurſday next.

15th. Ordered, that the ſaid report be conſidered on Tueſday next.

20th. Ordered, that it be conſidered on Thurſday next.

22d. The houſe conſidered the ſaid report, and the amendments made by the committee were read throughout, and then one by one; and on the queſtion ſeverally put, agreed unto by the houſe; and other amendments made thereto.

Ordered, that the ſaid bill be engroſſed with the amendment of "*Rumſey.*"

March 26, 1694. Ordered to be read a third time on Wedneſday next.

28th. Ordered to be read a third time on Friday next.

30th. Read a third time; and an engroſſed clauſe was offered, as a rider, that the next election ſhould be at Baſingſtoke: agreed to.

Queſtion, That the bill do paſs, diſagreed to.

April 19th. A motion being made for a warrant, for making out a new writ for the election of a burgeſs, to ſerve in this parliament for this borough; it paſſed in the negative.

Nov. 12th. The like motion was made.

Ordered to be conſidered to-morrow ſevennight.

20th. The houſe conſidered the ſaid motion, and ordered a warrant for a new writ.

Dec. 7, 1695. A petition of Nicholas Bacon and Hugh Goddard, on behalf of themſelves and other inhabitants of the ſaid borough, was read; ſhewing, that the petitioners are inhabitants and freemen of the ſaid borough, and thereby are qualified to give their voices for members to ſerve in parliament for this borough: that in the choice of Anthony Sturt and John Venables, eſquires, to ſerve in this preſent parliament, there were very undue and corrupt practices uſed; by which (as they conceive) they are unduly elected, and ought not to ſerve as members for the ſaid borough: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Nov. 2, 1705. A petition of Anthony Burnaby was read; ſhewing, that Sir John Hawles, Sir Edward Lawrence, knights, and the petitioner, were candidates; at the election of burgeſſes, to ſerve in this parliament for this borough: that Sir John Hawles and Sir Edward Lawrence, knights, (both unknown to the ſaid borough, till the ſaid election) did by themſelves and agents, by bribery and other illegal practices, procure ſeveral of the electors to vote for them, who otherwiſe would have voted for the petitioner; and they were thereupon returned in wrong to the petitioner, and violation of the laws of the country: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

March 3, 1713. A petition of James Earl of Barrymore, of the kingdom of Ireland, and Sir Richard Vernon, baronet, was read; ſhewing, that the petitioners, Richard Steel, and Thomas Brodrick, eſquires, were candidates at the election for this borough: that Mr. Sterl and Mr. Brodrick, by bribery and other illegal practices, by themſelves and agents, have procured themſelves to be returned for this borough in wrong to the petitioners, who doubt not but to prove they ought to have been returned for the ſame: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

12th. A complaint being made to the houſe of three printed pamphlets, one entitled, *The Engliſhman, from Saturday, January* 16, *to Tueſday, Jan* 19, 1713-14, wherein is printed a letter to The *Engliſhman*, to which is ſubſcribed the name Richard Steele; another entitled, *The Criſis*, in the title page whereof it is ſaid, by Richard Steele, eſquire; and the other entitled, *The Engliſhman*, being the cloſe of a paper ſo called, in the title page whereof it is alſo ſaid, by Richard Steele, eſquire; as containing ſeveral paragraphs tending to ſedition, highly reflecting upon her Majeſty, and arraigning her adminiſtration and government;

The ſaid pamphlets were brought up to the clerk's table.

Whereupon, the journal of the 25th of November, 6 *Annæ Reginæ*, relating to the complaint of a book, wrote by Mr. Aſgill, then a member of the houſe, was called for, and read: And alſo the journal of the 13th of December, 8 *Annæ Reginæ*, relating to the complaint of two ſermons, preached by Doctor Sacheverell, was called for, and read.

Ordered, that Richard Steele, eſquire (a member of the houſe) do attend this houſe in his place to-morrow.

13th. Mr. Steele attending in his place (according to order) ſeveral paragraphs in the ſaid printed pamphlets were read: and Mr. Steele deſiring time till Thurſday next, to be heard touching the ſame:

Ordered, that it be further conſidered on Thurſday.

18th. The order of the day being read for conſidering the ſaid printed pamphlets; and Mr. Steele, appearing in his place, owned, he wrote and publiſhed the ſaid pamphlets: and the ſeveral paragraphs complained of being read, and a debate ariſing upon the method of proceeding;

The journals, in relation to the caſe of Mr. Prynn, of 15 July, 13 Car. II. was read: and alſo the caſes, in relation to Mr. Aſgill, and Dr. Sacheverell, were read.

Reſolved, that Mr. Steele do now proceed to make his defence upon the charge given againſt him.

And he proceeded accordingly; and was heard in his place, and withdrew.

Reſolved, that a printed pamphlet, intitled, *The Engliſhman*, being the cloſe of the paper ſo called; and another pamphlet, entitled, *The Criſis*, written by Richard Steele, eſquire, a member of this houſe; are ſcandalous and ſeditious libels, containing many expreſſions highly reflecting on her Majeſty, and upon the nobility, gentry, clergy, and univerſities, of this kingdom; maliciouſly inſinuating, that the proteſtant ſucceſſion in the houſe of Hanover is in danger under her Majeſty's adminiſtration; and tending to alienate the affections of her Majeſty's good ſubjects, and to create jealouſies and diviſions among them.

Reſolved, that Richard Steele, eſquire, for his offence in writing and publiſhing the ſaid ſcandalous and ſeditious libels, be expelled the houſe.

April 17, 1714. Ordered, that the committee of privileges and elections be diſcharged from proceeding upon the petition of the Earl of Barrymore and Sir Richard Vernon, complaining of an undue election and return for this borough: and that they have leave to withdraw the ſame.

19th. Ordered, a warrant for a new writ for electing a burgeſs for this borough, in the room of Richard Steele, eſquire, expelled this houſe.

July 15, 1717. Ordered, a warrant for a new writ for electing a burgeſs to ſerve in this preſent parliament for this borough, in the room of Martin Bladen, eſquire, made one of the commiſſioners of trade and plantations.

SUDBURY.

THIS is an ancient borough, and a mayor town, in the county of Suffolk. It was incorporated by Queen Mary, and began to return members to

Willis, 1749. 53.

to parliament, *anno* 1 Eliz. which privilege it hath ever ſince retained. The corporation conſiſts of a mayor, recorder, ſix aldermen and twenty-four common-council-men. The memoirs relating to its elections, which I have met with in the journals, are theſe following

Dec. 8th, 1640. Mr. Maynard reported from the committee for privileges, that the queſtion did ariſe between Mr. Brampton Gurdon, who pretended he was choſen, though not returned, and Sir Robert Crane, who was returned a burgeſs for the town of Sudbury *com. Suffolk.* —— Heard witneſſes on both ſides: and the committee was ſatisfied with the witneſſes on Sir Robert Craine's behalf; and are of opinion, he is duly elected.

May 3, 1660. Mr. Turner reported from the ſaid committee, touching the double return for this borough, the opinion of the committee, that Mr. Joſeph Brond and Mr. John Gurdon are returned by the proper officer; and ought to ſit until the merits of the cauſe upon the double return be determined: whereto the houſe agreed.

18th. Mr. Turner reported, from the ſaid committee, the caſe upon the double return for this borough, that upon examination of the fact it appeared, that John Gurdon and Joſeph Brond, eſquires, being returned by one indenture, are duly elected, and ought to ſit; and that the other indenture, whereby Robert Cordell, eſquire, is returned, be withdrawn: whereto the houſe agreed.

May 17, 1661. Serjeant Charlton reported from the ſaid committee, touching the double return for this borough, that Iſaac Apleton, eſquire, and Thomas Walgrave, eſquire, are returned by one indenture; and Sir Robert Cordell and Sir Thomas Barnardiſton, knights, by another indenture: and the opinion of the committee, that Mr. Apleton and Mr. Walgrave, returned by the proper officer, ought to ſit, until the merits of the cauſe touching the ſaid election, be determined: whereto the houſe agreed.

Feb. 27, 1698. A petition of John Cateſby and William Cook, gentlemen, and others, free burgeſſes of this borough, on behalf of themſelves, was read; ſhewing, that Sir Jervas Elwes and Mr. Gourdon were candidates, at the election of a burgeſs, to ſerve in this parliament for this borough, in the room of Sir Thomas Barnardiſton, deceaſed; and Mr. Gurdon, by bribery and other undue practices, procured himſelf to be returned, in wrong to the petitioners: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Feb. 14, 1700. A petition of ſeveral freemen of this borough, on behalf of themſelves, and others, freemen of the ſaid borough, was read; ſhewing, that at the laſt election of members to ſerve in parliament for this borough, the mayor refuſed to poll great numbers of legal voters, when they offered for John Little, eſquire; but the ſame voters were allowed good, when they offered to poll for Sir Jervois Elwes and Sir John Cordell; and many were admitted to poll, who had no right to vote; by which means, the burgeſſes had not liberty to elect Mr. Little according to their inclination: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Oct. 24, 1702. A petition of George Daſhwood, eſquire, was read; ſhewing, that at the late election of burgeſſes, to ſerve in this preſent parliament for this borough, the petitioner had the greater number of qualified votes: but Benjamin Carter, the mayor, refuſed the votes of ſeveral legal voters for the petitioner; and polled ſeveral that had no right for Joſeph Haſkenſtyles, eſquire: and by other partial and arbitrary proceedings of the ſaid mayor, Mr. Haſkenſtyles hath procured himſelf to be returned, in manifeſt wrong of the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Jan. 5th. Ordered, the report to be made on Thurſday next.

7th. Ordered, the report to be made on Tueſday next.

12th. Ordered, the report to be made on Thurſday next.

14th. Ordered, the report to be made on Tueſday next.

19th. Mr. Bromley reported, from the committee, the matter upon the ſaid petition, thus:

For the petitioner, it was inſiſted, that the mayor and town-clerk were partial: that he had a majority of good voices: and that the ſitting member, or his agents, had been guilty of bribery, and other indirect practices.

That the right of election was agreed to be in the freemen not receiving alms: that by a copy of the poll it appeared, that the ſitting member had a majority of 15 againſt the petitioner; to 32 of whoſe votes the petitioner objected, that they were not qualified to vote by reaſon of their receiving alms, or non-age, or polling twice, or not being freemen. They alſo delivered in a liſt of 35, who, they inſiſted, were good votes for the petitioner, and were refuſed to poll.

Hereupon a queſtion ariſing, as to the admiſſion of thoſe to their freedom, who had a right to demand it, evidence was heard on both ſides to that point: and the committee reſolved,

1. That the ſons of freemen born after their fathers were made free, and thoſe that have ſerved an apprenticeſhip in this borough, have a right to vote in the election of members, to ſerve in parliament for this borough, without any admiſſion in form to their freedom, or taking the oath of freemen.

Then they went through the liſt; and gave evidence as to the freedom of moſt in it, and waved the reſt.

As to the partiality of the mayor and town-clerk, bribery, and other ill practices, they then called

Mr. Hull, who ſaid, the mayor declared that none ſhould vote, unleſs his name was enrolled according to a late order of the corporation to oblige all freemen to enroll themſelves; and refuſed ſeveral for want of enrollment, who had voted for 30 years: and that ſeveral for Mr. Haſkenſtyles were enrolled, after they had polled: and that the mayor cauſed to be ſet down, in a by-paper, 40 or 50 diſputable votes, and then would ſet down no more; and when the poll was over, the mayor put his hat on a ſtick, and cried, "An Elwes! A Styles!" and there was great rudeneſs offered to the petitioner: and it was generally enquired, who the voters were for, before the enrollment was ſearched, whether they were free.

Belgrove ſaid, he offered himſelf four times to poll for the petitioner ſingly; and the mayor ſtruck him, and bid the conſtable and ſerjeant carry him to goal.

Robert Soul ſaid, he was allowed by the mayor, as an inſpector for Mr. Daſhwood; yet the mayor abuſed him, and pulled him by the hair, becauſe he objected to John Smith's polling, who was not free.

Fletcher ſaid, that Thomas Foſter offered to vote for the petitioner two or three times; and inſiſting on his right, the mayor ſaid, in the court publickly, right or wrong, he ſhould not poll: and Sir John Cordell ſwore, he ſhould not poll.

Bowtell ſaid, he offered to poll ſingly for the petitioner; and was ſtruck and abuſed in court.

Bantock ſaid, he offered to poll for Mr. Daſhwood; and the mayor refuſed him, becauſe he was an apprentice, which he did not deny; but ſaid he was born free, and was 23 years of age.

Till ſaid, he was at the election, but not a freeman; and ſaw a man, whoſe name he had forgot, offer to poll for the petitioner, and was refuſed; but inſiſting on his right, the mayor, at Sir John Cordell's deſire, threatened to ſend him to goal, and afterwards he polled for the ſitting-members.

Goſling and others were examined; and ſaid, that Sir John Cordell, who married Mr. Haſkenſtyles's daughter, and Golding, a barber of London, were agents for Mr. Haſkenſtyles at this election.

Rook ſaid, that Thomas Hall deſired his and Mr. Pink's votes for the ſitting-members; and put two 5 s. pieces into his hand; which he refuſing, he took them from him, and put them into Pink's hand, who promiſed to vote for the ſitting-members.

Lagden ſaid, one Edward Woodward aſked him, John Haſle, and others, to be for Mr. Haſkenſtiles: and Sir John Cordell gave him 2 s. 6 d. ſince Whitſuntide; and deſired to make an intereſt for his father, and promiſed him another 2 s. 6 d. on the ſame account: that he ſaw Woodward receive one 2 s. 6 d. and he told him, he had another, and ſhould have a breakfaſt, and 10 s: and Muſketts and Woods told him, they had received each 2 s. 6 d. part of 40 s. which was to be diſtributed.

Sommerſett ſaid, he received 20 ſhillings of Samuel Golding, in London, to go down and vote for Mr. Haſkenſtyles: that he gave Golding a note for the money; but Golding promiſed, if he voted for Mr. Haſkenſtiles, it ſhould be deſtroyed; otherwiſe he muſt repay it: that he did ſo poll, and the note was torn; and after had 5 s. more of one Derby who lived at Sir John Cordell's.

Robert Goulding ſaid the ſame: and alſo that Woodward and Webb had 20 s. each, on the ſame condition; and, the Wedneſday following, about 12 freemen had 5 s. each, at Sir John Cordell's, of Samuel Golding.

Webb affirmed the ſame as to himſelf: and ſaid, he would have been for the petitioner, but could not get any money from Mr. Cole.

Jones ſaid, Smith went round the town, and offered 5 s. each, to two or three hundred freemen: but could not ſay, he ſpoke to them of the election; only he ſaw a liſt of their names, and, as he paid them, croſſed them out. It was obſerved, Smith had not been proved an agent for Mr. Haſkenſtyles. He alſo ſaid, Sir John Cordell aſked him to be a witneſs againſt the petitioner, but did not ſay to what; and told him, he would pay a debt of 10 l. which he owed to Mr. Cole's client: and Mr. Ray, the ſteward, told him, he would put him out of the pariſh rate, if he would come up with him; which, he underſtood, was to be a witneſs againſt Mr. Daſhwood: that two guineas were offered to Robert Olive, to be a witneſs for Mr. Haſkenſtyles; but it was not ſaid to what; and Olive ſaid, he could ſay nothing.

That, for Mr. Haſkenſtyles, the counſel recriminated; and called Mr. Penn, who ſaid, that Mr. Daſhwood and Mr. Cole came to his houſe, about the 18th of May, and aſked his vote: that Mr. Penn anſwering, they had two good members already, Mr. Daſhwood replied, if they would chooſe him, he would give 200 l. towards making the river navigable, and 200 l. more for a workhouſe: that Mr. Penn anſwered, by a propoſal to pay the money down; and the petitioner ſaid, he did not know, but he might before he was 24 hours older: that Daniel Hoſie was by, when it was ſaid; and he being examined, ſaid the ſame.

Paris ſaid, that upon the May, as he remembered, his brother told him, the petitioner had given him a bill of 200 l. drawn upon Mr. Hayes, payable within ten days; and the money was to be kept till the election was over, and then applied towards making the river navigable: that he knew the petitioner's hand, and is confident it was ſigned by him; and he carried the bill to Mr. Hayes's chamber; where he ſaw the petitioner, and was told, he might come, three or four days after, for the money: but he returned the bill to his brother.

Gurling ſaid, that in May laſt, the petitioner and Mr. Cole came to his houſe; and the petitioner aſked him, if he had heard the parliament was come home, Sic orig.
and deſired his vote and intereſt: that he told him, he thought it would be to no purpoſe for him to be a candidate, for work was ſcarce, and poor people would not be againſt them, who employed them; whereupon the petitioner ſaid, he would give ſuch a gift among the poorer ſort, as ſhould oblige them, and he would oblige the others by giving 200 l. towards making the river navigable; and offered to pay the money into his hands; but he recommended him to Mr. Paris: and Mr. Cole ſaid, if they queſtioned the money, he would give his note for it: the petitioner then ſaid, "the town "is poor, let us make the beſt of it;" and Gurling objecting to it as bribery, he anſwered, if he got into the houſe, let them get him out, if they could.

Sparrow ſaid, he had 2 s. of the petitioner, for his journey to this town, being ſeven miles: that Eaſterſon of Colcheſter received 10 s. 6 d. but could not ſay, who gave it.

Berrill ſaid, he lived about three miles from Sudbury; and the petitioner, about a fortnight before the election, gave him 3 s. for his journey, to prove his freedom; and he had two days entertainment at one Wade's: that many buſhels of wheat being diſtributed, and he not having any, he had 3 s. in lieu of a buſhel of wheat, which was given to others.

Woods ſaid, he had half a guinea of an unknown gentleman, to vote for the petitioner, Mr. Wade being in the next room; and he voted for him on that account: and the petitioner told him, he had given five guineas to be laid out in wheat, to be diſtributed.

Bunion ſaid, he had half a guinea from an unknown gentleman, to vote for the petitioner, Wade being in the yard, when it was given him, and therefore voted for him; otherwiſe ſhould have been for the ſitting-members.

Muſkin ſaid, he had 10s. in like manner, Wade being preſent, and brought the gentleman with him: that he offered his vote for the petitioner and Mr. Haſkenſtiles; and was treated on the election day on the petitioner's account.

Bower ſaid, the petitioner and Wade aſked his vote, and the petitioner ſaid, he would be as kind to him as any of the others; and a little before the election, Mr. Wade and an unknown gentleman met him, and aſked, if he was as good as his word; and gave him 10s; upon which he engaged his vote, and did vote; otherwiſe he would have voted for the ſitting-members.

J. Hemſted ſaid, he lived 7 miles from the town, and on Whitſun-Tueſday he went to the petitioner's, and had 3s. and told him, if he did * not vote for him, he would give him 6s. for the 3s: that on the election-day, he had 5s. of Wade, and half a dozen of beer, having told him, he would not otherwiſe be for the petitioner.

* Sic orig.

Thomas Hemſted ſaid, he was preſent when his brother had the 3s.

Thompſon ſaid, he had half a guinea from an unknown perſon, to bear his charges from Colcheſter: the perſon did not engage his vote for any one; but he had before engaged to the petitioner.

Spring ſaid, Wade gave him 3s. to go for his brother, who was out of town, and he afterwards received 5s. of Cole for his brother, who came 24 miles; and Mr. Daſhwood promiſed to gratify him.

The committee thereupon reſolved,

That Joſeph Haſkenſtiles, eſquire, is not duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

That George Daſhwood, eſquire, is not duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

The ſeveral reſolutions, being twice read, were agreed to by the houſe.

Reſolved, that the election of Joſeph Haſkenſtyles, eſquire, a burgeſs to ſerve in parliament for the ſaid borough, is a void election.

Reſolved, that it appears to the houſe, that Benjamin Caſtor, late mayor of this borough, was, at the laſt election of burgeſſes to ſerve in parliament for this borough, guilty of great violence and many indirect practices, contrary to the rights and privileges of this houſe.

Ordered, that the ſaid Benjamin Caſtor be, for his ſaid offence, taken into cuſtody of the ſerjeant at arms attending this houſe.

Feb. 22. A petition of George Daſhwood, eſquire, was read; ſhewing, that, a writ having iſſued for electing a burgeſs for this borough, the petitioner, and Joſeph Haſkenſtyles, eſquire, were candidates: that, at the election the mayor refuſed ſeveral who offered their votes for the petitioner, and duly qualified: and admitted ſeveral for Mr. Haſkenſtyles, who had no right to vote: that Mr. Cateſby and others, by threats, and other indirect practices, prevailed upon ſeveral to vote for Mr. Haſkenſtyles; and deterred others from voting for the petitioner: that ſeveral of Mr. Haſkenſtyles's agents were guilty of bribery, and other indirect practices; and procured ſeveral votes for him thereby: that notwithſtanding theſe illegal proceedings, the petitioner had a majority of legal votes; and ought to have been returned: but Mr. Cateſby hath returned Mr. Haſkenſtyles, to the petitioner's prejudice: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Nov. 10, 1703. A petition of George Daſhwood, eſquire, was read; ſhewing, that at the election of a burgeſs, to ſerve in this parliament for this borough, the petitioner, and Joſeph Haſkenſtyles, eſquire, were candidates: whereat John Cateſby, the mayor, admitted ſeveral undue votes for Mr. Haſkenſtyles; and refuſed to take the votes of divers qualified perſons, who offered to vote for the petitioner; and the ſaid Cateſby, with Thomas Fermin, John Fenn, Thomas Burket, Thomas Pariſh, and Joſhua Greggs, by threats and other indirect practices, prevailed on ſeveral to vote for Mr. Haſkenſtyles; and deterred others from voting for the petitioner: and Mr. Haſkenſtyles's agents procured many voices by bribery: notwithſtanding which, the petitioner had a majority of legal votes; and ought to have been returned: but the mayor has returned Mr. Haſkenſtyles in wrong tothe petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Dec. 4th. Ordered to be reported on Monday next.

6th. Mr. Bromley, according to order, reported the matter upon the ſaid petition, as it appeared to the committee, as follows. —— That by the petitioner's counſel it was inſiſted, that the right of election was only in the ſons of freemen, born after the fathers were made free; in ſuch as have ſerved ſeven years apprenticeſhip within the borough, or made free by redemption.

That for Mr. Haſkenſtyles it was inſiſted, that beſides the perſons qualified, as aforeſaid, thoſe that have ſerved as clerks to attorneys, within the borough, by virtue of ſuch ſervice were free, and had a right to vote at elections.

The ſitting-member's counſel called,

Mr. Carpenter and Mr. Ray, who ſaid, ſuch as had ſerved clerks to attorneys in the borough, and had no other right, had been admitted to vote at ſeveral elections, within forty years paſt, and were never refuſed.

For the petitioner, was called Mr. Cole, who ſaid, he had ſerved an attorney in the ſaid town as his clerk; but he purchaſed his freedom. He acknowledged, his maſter died before his time was out; though, had it been otherwiſe, ſuch ſervice would not have entitled him to his freedom. He owned, attorneys have voted at former elections, and never had been refuſed: yet he thought, it was only matter of favour, not of right.

1. The committee reſolved, that the right of election of burgeſſes, to ſerve in parliament for this borough, is only in the ſons of freemen, born after fathers were made free; and in ſuch as have ſerved ſeven years apprenticeſhip, or are made free by redemption.

That upon the poll the numbers were

for Mr. Haſkenſtyles, 365.
for the petitioner, 344.

But for the petitioner it was alledged, it appeared by the poll, that one had polled twice for Mr. Haſkenſtyles, which would reduce his poll to 364, and gave him a majority by 20 only.

That they then proceeded to take off and diſqualify ſeveral, who had polled for Mr. Haſkenſtyles; as being no freemen, or not having ſerved ſeven years apprenticeſhip, or not being the ſons of freemen; as receiving alms, as obtained by bribery, or treats.

Some witneſſes ſpoke to ſeveral perſons having voted for Mr. Haſkenſtyles, who had not ſerved ſeven years apprenticeſhip: and 13 were admitted, ſo.

Other witneſſes ſpoke to ſeveral others, who were not ſons of freemen; ſix of whom were admitted, not to be ſo.

Six more were excepted to, as receiving alms: and no anſwer given.

As to bribery; a letter was produced by Gilſon, directed to him by Sir John Cordell, who married Mr. Haſkenſtyles's daughter, to make what intereſt he could for Mr. Haſkenſtyles, upon the former election being made void. Gilſon ſaid, he received 16 s. from the innkeeper at the George, to make intereſt; and 5 s. from Sir John Cordell; and ſo did others.

Merrill ſaid, Sir John Cordell ſent to him to be for Mr. Haſkenſtyles; which he refuſing, unleſs ſomething was given him, Sir John gave him 2 s. 6 d. and bid him not ſpeak of it; and Sir John told him, if the election was not prolonged three or four days, the petitioner would carry it: that it was continued three days; whereas at other Times, it had been finiſhed in one. The witneſs ſaid, ſome freemen came from Ipſwich, to vote for the petitioner; but Mr. Cole, his agent, refuſing to entertain them, and pay for their horſes, they voted for Mr. Haſkenſtyles; his friends, &c. paying for their horſes, and giving them money for their charges.

Tyler and Bantock ſaid, they intended to have voted for the petitioner; but their maſters deſired them to vote for Mr. Haſkenſtyles, and gave them 5 s. each.

Evidence was given of ſeveral freemen, who lived at Colcheſter, and were treated on Mr. Haſkenſtyles's account.

That they then endeavoured to add four to the petitioner's poll; two of which were allowed; and two others excepted to, as almſmen.

It was ſaid, the voters for Mr. Haſkenſtyles had liberty to come in at a private door for their convenience, when the others came to the bar with difficulty; and evidence was given of rudeneſs on both ſides.

Some ſpoke as to money offered to perſons, to charge the petitioner with bribery.

For Mr. Haſkenſtyles it was inſiſted, that it did not appear, Sir John Cordell had any direction to concern himſelf for Mr. Haſkenſtyles, who was invited to be a candidate; and was ſo indifferent, that he was not preſent at the election.—As to the 16 s. given to Gilſon, they ſaid, it was before the writ came, and for his loſs of time, he being a labourer.—That as to the charge of bribery and treating, they endeavoured to recriminate: and called

Alliſon; who ſaid, Bouncer told him, he had 10 s. to be for the petitioner, or would have been for Mr. Haſkenſtyles.

Several ſaid, 20 perſons were treated at Underwood's, during the election: that they were directed to go thither by Cole, an agent for the petitioner: that Underwood told them, there was nothing to pay; and deſired their votes for the petitioner.

Others ſaid, 20, who came from Colcheſter, were entertained at Buck's, ſome of whom had horſes provided for them; and ſome of them ſaid, they had ſtaid at home, had not their charges been paid.

They then proceeded to diſqualify ſome, who voted for the petitioner; 5 of whom were given up; and anſwers given to the reſt.

That in reply, the petitioner's counſel called evidence to the credit of the witneſſes for Mr. Haſkenſtyles: and called

Underwood; who denied, that any perſons were treated at his houſe, during the election, on the petitioner's account; that thoſe, who eat and drank, paid their reckonings; and beſides the petitioner told him, a week before the election, if he drew any drink, he would not pay for it.

Rook ſaid, he was at Buck's, and heard him tell the Colcheſter men, they were to pay for what they eat and drank; and that he paid 7 s. 6 d. and one Kent 9 s. having an horſe there.

The committee reſolved,

That Joſeph Haſkenſtyles, eſquire, is not duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

That George Daſhwood, eſquire, is duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

The ſaid reſolutions being twice read, were agreed unto by the houſe: and the return ordered to be amended.

Nov. 2, 1705. A petition of George Daſhwood, eſquire, was read; ſhewing, that Sir Jervas Elwes, the petitioner, and Philip Skippon, eſquire, were candidates at the election of burgeſſes, to ſerve in parliament for this borough; and the petitioner was duly choſen by a majority of legal voters from Mr. Skippon, and ought to have been returned: that Mr. Cock, the mayor, refuſed to poll ſeveral legal voters for the petitioner, and admitted ſeveral unqualified perſons to vote for Sir Jervas and Mr. Skippon, who by their agents, Thomas Man, Thomas Pariſh, and others, procured many votes by bribery, and other indirect means; and the ſaid mayor, before the books were cloſed, or the election declared, refuſed a ſcrutiny of the poll, though it was ſeveral times demanded by the petitioner and others; and hath wrongfully returned Sir Jervas and Mr. Skippon: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report it, with their opinion.

Dec. 6. Ordered, that Mr. Daſhwood have leave to withdraw the ſaid petition.

Nov. 25, 1708. A petition of Thomas Canham, eſquire, was read; ſhewing, that at the election of burgeſſes, to ſerve in this parliament for this borough, Sir Harvey Elwes, Philip Skippon, eſquire, and the petitioner, were candidates: that Sir Harvey Elwes uſed divers unlawful practices to get votes, and procure himſelf to be returned by Mr. Benjamin Carter, the mayor; who acted illegally, in denying ſeveral perſons to vote for the petitioner, and allowing others to vote for Sir Harvey Elwes, who had no right; and committed other undue and arbitrary proceedings, and has unjuſtly returned the ſaid Sir Harvey; although the petitioner ought really to have been returned, he having a majority of votes: and praying &c.

Ordered, that it be heard at the bar, on the 15th day of March next.

April 27, 1726. Ordered a warrant for a new writ, for electing a burgeſs for this borough to ſerve in this preſent parliament, in the room of William Wyndham, eſquire, made lieutenant-governor of Chelſea-hoſpital.

County of SUFFOLK.

THIS county is ſituate in the circuit called the northern circuit of this kingdom. It returned members to parliament in the 22d of Edward the firſt; and has continued ſo to do ever ſince. The memoirs of its elections do not appear in the Journals, until ſince the Reſtoration; of which are theſe following.

March 1, 1672. A petition of Sir Samuel Barnardiſton, baronet, complaining of an undue carriage in the ſheriff of this county, in the election of a knight to ſerve for this county: but there being no return yet made,

Ordered, that the ſheriff of this county do make his return of the election for this county.

4th. A petition of the Lord Huntingtower was read; complaining of a double return made by the ſheriff of this county, in wrong of the petitioner, who was duly elected to ſerve in parliament as knight of the ſhire for the ſaid county, and ought to have been ſingly returned.

Reſolved, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

A petition, in behalf of Sir Samuel Barnardiſton, baronet, was read; complaining of a double return, made by the ſheriff of this county, in wrong of the petitioner, who was duly elected to ſerve in parliament as knight of the ſhire for this county, and ought to have been ſingly returned.

Reſolved, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Oct. 31, 1673. A petition of Sir Lionell Talmach, baronet, was read; complaining of a double return, made for this county, in prejudice of the petitioner's right, who was duly choſen and ought to have been returned to ſerve as knight of the ſhire for this county.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Jan. 7th. A petition of Sir Samuel Barnardiſton, baronet, was read; complaining of a double return made by the ſheriff of this county, in wrong of the petitioner, who was duly elected to ſerve in parliament as knight of the ſhire for this county, and ought to have been ſingly returned.

Reſolved, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Feb. 17. Ordered to be reported on Thurſday morning next.

19. Sir Thomas Meres reported from the committee of privileges and elections, the ſtate of the caſe, and evidence on both ſides, in the matter of the election for this county; and the votes of the committee, as followeth.

That Sir Samuel Barnardiſton is well elected a member in this preſent parliament for this county.

That the ſheriff of the county do withdraw, and take off the file, the return of Lord Huntingtower.

To theſe votes the houſe agreed; and ordered the ſame accordingly.

Jan. 26, 1688. A petition of Sir Samuel Barnardiſton, baronet, complaining of an undue election and return of a knight of the ſhire, to ſerve in this preſent convention for this county, in prejudice of the petitioner, was read.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

April 1, 1690. A petition of Sir John Playters was read; ſhewing, that he was elected for this county by the majority of legal votes: but by ſeveral indirect practices, in making ſeveral hundred freeholders ſince the teſte of the writ, and polling ſeveral voices that were not qualified to elect, having no freehold in the county, Sir Samuel Barnardiſton hath obtained himſelf to be returned for the ſaid county, in prejudice of the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

County of SURREY.

THIS is a large county, ſituate near the metropolis of England; being only ſeparated therefrom, in one part, by the Thames. It has been repreſented in parliament from the 22d of Edward the firſt; and was joined with the county of Suſſex under one ſheriff. I meet with no memoirs, relating to conteſted elections in parliament, till ſince the Revolution: which here follow.

Nov. 25, 1695. A petition of Edward Harvey, eſquire, was read; ſetting forth, that at the election of knights of the ſhire for this county to ſerve in this preſent parliament, Sir Richard Onſlow, Denzill Onſlow, eſquire, and the petitioner, were candidates to be elected; and the petitioner had a majority of votes of ſuch as had a right to poll, and ought to have been returned as one of the knights of the ſhire, together with the ſaid Sir Richard; but the high-ſheriff of the county hath returned the ſaid Denzill Onſlow, in wrong to the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Jan. 16. Mr. Solicitor-general reported from the ſaid committee, the matter upon the ſaid petition.—That the committee appointed a day for hearing the merits of the ſaid petition: and the counſel for the petitioner objected to ſeveral of the ſitting-member's votes, as no freeholders: in anſwer to which, the counſel for Mr. Onſlow inſiſted, that exception could not now be made, they having ſworn themſelves to be freeholders.

Whereupon the committee reſolved,

That evidence ought not to be admitted to diſqualify an elector, as no freeholder, who, at the election, ſwore himſelf to be a freeholder.

The counſel for the petitioner, being acquainted therewith, ſaid, the other exceptions they had would not reduce the votes for the ſitting-member ſo as to give the petitioner a majority: wherefore the committee reſolved,

That Denzill Onſlow, eſquire, is duly elected a knight, to ſerve in this preſent parliament for this county: whereto (it being twice read) the houſe agreed.

June 9, 1711. Ordered a warrant for a new writ, for electing a knight to ſerve in this preſent parliament, in the room of the honourable Henage Finch, eſquire, who is made maſter of the Jewel Houſe.

Nov. 21, 1715. Ordered a warrant for a new writ, for electing a knight to ſerve in this preſent parliament for this county, in the room of Sir Richard Onſlow, baronet, made one of the tellers of the Exchequer.

SUSSEX.

B. P. R. 171. THIS county is ſituate on the ſouth-weſt borders of the kingdom: and was formerly joined with Surry in the ſheriffſhip. It has returned knights of the ſhire from the 22d of Edward the firſt: but no memoirs appear of any conteſted election in parliament until ſince the Revolution; when theſe following appear.

Nov. 30, 1695. A petition of Robert Orme, eſquire, was read; ſhewing, that by reaſon of ſeveral unlawful practices, done by Francis Wyat, eſquire, high-ſheriff of this county, on behalf of Sir John Pelham, and Sir William Thomas, before and at the election of knights of the ſhire to ſerve in parliament for this county, the ſaid high-ſheriff hath returned the ſaid Sir John Pelham, and Sir William Thomas, duly elected, in prejudice of the petitioner, who was a candidate at the ſaid election: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report it, with their opinion.

Nov. 2, 1705. A petition of Sir Henry Peachy, knight, was read; ſhewing, that at the laſt election for knights of the ſhire for this county, the petitioner, Sir George Parker, lieutenant general Lumley, and Morley Trevor, eſquire, were candidates; and Mr. Trevor and the petitioner had the majority of legal votes, and ought to have been returned: but the high-ſheriff (who acted very partially at the election, and made ſeveral unneceſſary adjournments, in favour of Sir George Parker) hath returned Sir George with Mr. Trevor, in wrong to the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

July 8, 1712. Ordered a warrant for a new writ, for electing a knight of the ſhire for this county, in the room of Charles Everſfield, eſquire, made treaſurer and paymaſter of the Ordnance.

April 1, 1724. Ordered a warrant for a new writ, for electing a knight of the ſhire for this county, in the room of Henry Pelham, eſquire, made ſecretary at war.

TAMWORTH.

THIS borough is ſituate within the counties of Stafford and Warwick: and both ſheriffs (as Willis, 1749. 51. Doctor Willis writes) make the return upon two different writs. It never ſent members to parliament until the 5th of Queen Elizabeth, as appears by the Journal; and of which, and other ſubſequent memoirs, relating to the election, I am authorized to write as follows.

D'Ewes Journal, p. 80. Jan. 22, 1562. For that burgeſſes be returned of divers boroughs, not lately returned in the Chancery, viz. the boroughs of Tregoney, St. Jermynes, and Maws, in Cornwall, the borough of * Minkhedy in Somerſetſhire, the borough of Tamworth in Staffordſhire, &c. Mr. Speaker declared to the houſe, that the lord ſteward agreed they ſhould reſort unto the houſe, and with convenient ſpeed, to ſhew their letters patents, why they be returned into the parliament.— But nothing further appears.

* Minehead.

Nov. 22, 1669. A complaint being made of ſome neglect or miſcarriage, committed by Mr. Serjeant Flint, a member of this houſe, in detaining in his hands the writ for electing a member to ſerve for this town, whereby the election has been delayed;

And one Mr. Ferrers being called in, and heard at the bar of the houſe what he could inform in this matter:

And being withdrawn;—and Mr. Serjeant Flint being by the command of the houſe withdrawn, and the matter debated, the houſe being of opinion, that there was a miſcarriage in this matter by the ſaid Mr. Serjeant Flint; who being called into his place, Mr. Speaker, by the command of the houſe, having given him a reprehenſion for the ſame, and ſo was excuſed.

March 26, 1670. Serjeant Charleton reports from the committee of privileges and elections, the ſtate of the caſe, touching the election for this borough, between the Lord Clifford, and Mr. Ferrers, and the evidence on both ſides: and that the queſtion upon the whole matter was, whether the right of election be in the bailiffs and 24 capital burgeſſes, or in the populacy and burgeſſes at large: and that the opinion of the committee was, that the right of election was in the bailiffs and 24 capital burgeſſes, and not in the populacy, and that the Lord Clifford had the majority of voices of the bailiffs and capital burgeſſes; and that therefore the committee had paſſed theſe reſolves; viz.

1. That Mr. Ferrers is not duly elected.
2. That the Lord Clifford is duly elected.

Both of which were, upon being twice read, agreed to by the houſe: and the return ordered to be amended.

March 24, 1680. A petition of John Turton, eſquire, touching the election for this borough, was read.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

March 24, 1689. A petition of Thomas Guy was read; ſhewing, that the petitioner was duly elected for this borough; but the bailiff, by divers undue practices, declared Sir Henry Gough to be duly elected, though the petitioner had the majority of legal votes; and hath ſince returned him with Mr. Biddulph, in prejudice to the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Dec. 12, 1698. A petition of Sir Henry Gough, knight, was read; ſhewing, that at the election of burgeſſes to ſerve in this parliament for this borough, the majority of votes, duly qualified, were for the petitioner; and he ought to have been returned: but the bailiffs of the ſaid borough refuſing to poll the petitioner's due voters, and admitting others unqualified to poll againſt him, by adjourning the poll when ſeveral voters for the petitioner demanded to be polled, without the petitioner's conſent; and by other undue practices, returned John Chetwynd, and Thomas Guy, eſquires, as burgeſſes, in wrong to the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

March 13th. Ordered, that the report be made on Friday next.

17th. Sir Rowland Gwyn (according to order) reported the matter on the ſaid petition.

The committee have examined the election: and upon the poll the numbers were—for Mr. Guy 221.—for Mr. Chetwynd 193.—for the petitioner 184.

The firſt matter in conteſt was the right of election.—The petitioner's counſel inſiſted, it was in all ſuch as have freeholds, or pay ſcot and lot, within the borough: the counſel for Mr. Chetwynd and Mr. Guy denied that the freeholders had any right.

The petitioner called Aſhley, who ſaid, he had known the borough about 30 years, and freeholders were always accepted; and ſome freeholders, that lived at Wiginton, have voted: but Aſhley hath been removed out of the borough 7 years.

Latimer ſaid, at Sir Thomas Thynne's and Sir Andrew Hacket's election he voted as a freeholder, he not then paying ſcot and lot, but a widow, living in his freehold: that the freeholders, who lived out of town, then voted; and though a conteſt, and his vote excepted to by one Allen, then town-clerk, as not paying ſcot and lot, yet he was admitted as a freeholder; and has heard, that the freeholders voted at Lord Clifford's election.

Backhouſe ſaid, he had known the borough 30 years, and had been at all elections in that time: that the freeholders were admitted at Sir Thomas Thynne's and Sir Andrew Hacket's election, though non-reſident in the borough, particularly Mr. Vaughton of Wiginton: and agreed with Mr. Latimer, that he was admitted as a freeholder, though excepted againſt for not paying ſcot and lot: and at the laſt election, no out-freeholder was excepted to, but they voted for all the candidates.

Buckland ſaid, the non-reſident freeholders voted at Sir Thomas Thynne's election; and named ſeveral, who then voted, and at other elections ſince.

In anſwer, the counſel for the ſitting-members produced the journal of the 26th of March, 1670, wherein the right of election was reſolved to be in the bailiff and 24 capital burgeſſes, and not in the populacy: and called Vaughton, who ſaid, he had known the elections from 1661; Wright, who ſaid, he had lived in the borough 51 or 52 years; Glover, aged 70—acquainted with the elections ſince 1667; and Mr. Baynton, who had known the borough 30 years:

Theſe ſpoke to ſeveral elections ſince 1661; and ſaid, the right was in the bailiffs and capital burgeſſes, ſcotters, and lotters; nor did the out-freeholders claim right of voting till 1679, when Lord Weymouth, then Sir Thomas Thynne, was candidate.

Glover ſaid, that he had two landlords; who, though they lived but one mile off, and were out-freeholders, did not claim to vote: but at Sir Thomas Thynne's election, one Powell was bailiff, and a ſervant to Sir Thomas Thynne, and admitted all to poll who would; amongſt the reſt, the out-freeholders voted, and have continued to vote ſince; but they never looked upon them to have right; and have been complained of.

Mr. Vaughton ſaid, one Jordan, who was bailiff with Powell, would not ſign the poll at Sir Thomas Thynne's election, becauſe he thought the out-freeholders had no right.

Dilke ſaid, he could not tell whether the out-freeholders were polled by the agreement of the candidates; but the ſitting-members deſired the poll might be taken by themſelves, which was done.

Whereupon the committee reſolved,

1. That the right of election of burgeſſes, to ſerve in parliament for this borough, is in the inhabitants, paying ſcot and lot, and in ſuch perſons, who have freeholds within the ſaid borough, whether reſident, or not.

Then the counſel for the petitioner proceeded to diſqualify ſeveral, who had voted for the ſitting-members: and called

Lee, and others; who gave evidence againſt Pyner, Keeling, Hare, Green, Needham, Haydon, Bateman, and Vale; to which no anſwer was given.

Alſo they, or one of them, ſaid, Mr. Guy did not pay ſcot and lot, nor was in any levy:—Cox was ſervant to his mother, and ſhe was in the levies:—Smith's mother acknowledged, ſhe was houſekeeper; but it was owned he was a batchelor, and in the levies.—That John Haſledine, Samuel Orton, and Thomas Orton, live in the ſame houſe; but it was owned, Samuel Orton paid ſcot and lot:—that Taylor and Wilcox live together, and Wilcox paid to levies, but Taylor did not:—that George and Francis Wright were inmates to widow Watkins: that George was in no levies before the election; but it was owned, Francis and the widow did pay to the levies jointly.—

That John Jordan lived with his father, and was in no levies before the election:—that Birche's rent did not commence till Michaelmas; and one more voted for that houſe:—that the houſe Watkins lived in, at the time of the election, was but 16 s. *per annum*; and though he was charged to the conſtable's levy, he never paid it.

That Thomas Taylor, junior, and Francis Wright live with Watkins in the ſame houſe;—yet owned, they did pay to the levies, and the houſe had been divided two or three years:—that Thomas Vaughton lived in the ſame houſe with Arthur Alcock, having but one door to the ſtreet; though it was owned, Vaughton paid ſcot and lot, and was an houſekeeper:—that the two Woodcocks and Heath live all in one houſe, in which there is but one outward door, but two doors into the yard; but that Woodcock was in the poor's levy till July:—Litchfield lived in the ſame houſe with two others, but before the election was in the conſtable's levy, for one peny:—that Vaughton, junior, lived with his father; and a little before the election, his father complained, that John, his ſon, did not pay the levies; yet it was owned, he was in the poor's levies before:—that Adams, Oſborn, and Sherman are inmates, there being but one outward door; yet it was owned, they paid to one or more levies:—that George Nock and Smith are both inmates to Richard Bateman; but believes, they were all in one levy for one peny, or two-pence, each:—that George Pricard and George Spencer both live in one houſe; though owned, they are charged in the levies, yet Spencer did not pay in all:—that Done and Sadler live in the ſame houſe; but owned, they were both in the conſtable's levy:—that Haſledine is an inmate, and he lives with one Mobbes, in the ſame houſe; but both pay to levies:—More lives with his mother; though it was owned, he was in moſt levies:—that Maſon and Danks live both in the ſame houſe, have ſeparate doors; and thinks, both pay levies:—that Vincent lives with Mrs. Murray; but is in the levies.

That Cooper, junior, lives with a widow, and pays to the conſtable: that Machan lives with Mr. Green; but both pay levies.

Robinſon is an inmate, and he and Middleton live together, one on one ſide of the entry, and the other on the other; but both pay to levies.

That Ford and Norman live together, having but one door into the ſtreet; but both pay to levies; however Norman did not vote: — Williams and Glover livein one houſe; but both pay to levies.

Smith, and Harding, junior, live in one houſe, divided about the time of the election, and both pay to levies.

That Fenton and Kelſey live together; and Fenton paid to the conſtable's levy one peny, or two-pence.

Taylor and Keeling live together; both pay; and have charity.

That Keeling lives with widow Charity; but both pay: that Hartwell is an inmate to Allen; but was rated.

That Wood, ſenior, lives with Silveſter, is very poor, and believes was not rated ſince the election; but owned, he had been a capital burgeſs twenty years.

Piccard lives with his mother; but both rated; and he is now bailiff: that Membry is very poor, and lives with his mother.

That Mr. Chetwynd, the ſitting-member, voted as a freeholder; but is not ſo.

That Bateman had only a leaſe for years: that Mr. Wagſtaff owned, he had ſold his freehold to Dawes; and did not pay ſcot and lot; but Ford, the tenant, did.

That the petitioner's counſel alledged, there had been fraud in rating poor people, in order to make them voters: and it was ſaid by witneſſes,—

That Briggs was rated for 1696, and 1697, to the conſtable's levy; but did not pay: that Proudman was only rated to the conſtable: — that Vale pays only 2 s. yearly for a town-houſe; yet was charged 2 d. or 3 d. in the conſtable's rate, but did not pay.

That they went next on alms: and it was ſaid, that Prine had Mitchell's charity in 1698, and Cheadle's in 1697:—that Browning had charity in 1696, and the two next years: — that Blyth is put down as almſman in the births and burials, and lives in a ſort of an almſhouſe; but voted, becauſe rated to the conſtable:—that Egginton had Ferrer's charity 1696, Mitchell's in 1697, Gough's in 1691; but rated: — Drayton had Mitchell's in 1697, and Gough's and Mitchell's in 1698; but rated: Boyce had Vaughton's in 1697, and Ferrer's in 1698: that Alcock had Ferrer's in 1696, Mitchell's in 1697, and Gough's in 1698: Keeling had Reppington's 4 years, being 5 s. yearly: Eades had Mitchell's in 1697, Cheadle's in 1698: Key had Mitchell's in 1697; but rated to the conſtable one peny or two-pence: — Meaſon had Mitchell's in 1697, and Ferrer's in 1698: — Kelſhall had Cheadle's in 1698: Cock received Ferrer's charity in 1696, and Mitchell's in 1698: Milner had Cheadle's for 14 years; but it was owned, he was ſexton, and it was in conſideration of his being concerned in the diſtribution: —Fletcher had Ferrer's in 1696; but is rated.

As to adjourning the poll, the petitioner's counſel called Lee and Backhouſe; who ſaid, the election for this borough was in July; and that elections for parliament-men always uſed to be determined in one day, and this time, though the petitioner proteſted againſt it; though ſeveral perſons, viz. Nock, Thompſon, Egginton, Allen, and Gregory, who had a right, were preſent, and ſome of them offered to be polled for the petitioner, but they were not admitted to poll, and none were preſent to poll for Mr. Chetwynd and Mr. Guy: but the bailiff, though the petitioner proteſted againſt it, contrary to the advice of the deputy town-clerk, did, between 5 and 6 o'clock in the afternoon, adjourn the poll till next morning, when ſeveral perſons were admitted to poll for Mr. Chetwynd and Mr. Guy, and the petitioner.

That, before the adjournment, the bailiff's ſon broke the peace, and puſhed and hindered the petitioner's voters: and at the adjournment, Mr. Chetwynd had not above one voice more than the petitioner; and before the books were cloſed, the bailiff aſked one or more, who they were for? and they ſaying for Sir Henry Gough, the bailiff ſtaid a quarter of an hour before he adjourned, and then ſhut up the books and refuſed to poll them; and the petitioner declared if he could not be righted there, he would endeavour to be, in another place: that Shipton, a man of 100 *l. per annum*, was allowed to be a vote, till he declared he voted for the petitioner; and then the bailiff ſaid, another had polled for that houſe: that Shakeſpear, who offered for the petitioner, was refuſed, Mr. Chetwynd ſaid, it was not the right man; and after his brother came and voted for Mr. Chetwynd: Bell, junior, was refuſed; and Egginton was ſet down on the poll though abſent.

Sir Robert Burdet gave the ſame evidence as to the adjournment.

In anſwer; Mr. Chetwynd's and Mr. Guy's counſel called ſeveral witneſſes, who ſaid, Cox was an houſekeeper, and rated in 1698 before the election: Smith paid to the poor in 1697 and 1698: Samuel Orton rated for 20 years: Thomas Orton had paid equal taxes with his father: Haſledine was rated, and was a freeholder: Taylor paid to the poor in April laſt: Wilcox has been rated many years: the two Wrights, the ſtock was between them: —— Jordan had joint trade, and paid equally with his father to the levies; and is highly charged for a ſhop which he hath had 6 or 7 years: — Birch has paid 12 months to the poor:—Watkins was charged in the conſtable's levy in 1697 and 1698: Taylor, junior, had paid to the conſtable's rate before the election:—Vaughton, junior, pays to all: the two Woodcocks were in the conſtable's rate: —Heath pays to church and poor, and conſtable, that theſe three live in the ſame houſe, but have diſtinct doors within a court. — Litchfield pays conſtable and poor, and has been rated 6 or 7 years. —— John Vaughton paid the poor nine years, and is diſtinct in the levy. — That Adams had paid the conſtable ſeveral years before the election. — Oſborn's houſe is diſtinct from Adams's, though in the ſame yard:—Nock and Smith were in all rates, and their dwellings diſtinct from Bateman's, and pay rent apart: Piccard paid all rates, till he was overſeer: — Spencer paid to the conſtable's rate in 1697: —— Done has paid to the poor a year and half. —— Sadler has paid the conſtable's rate: —— Haſledine, junior, pays both conſtable's and poor's rates:—That Moor has paid conſtable's and poor's rates this twelve month: — Teat paid to the poor and conſtable: —— and Plat voted for Mr. Chetwynd and Sir Henry Gough: —— Maſon pays all taxes:—Danks voted for both: —Vincent pays all taxes:—Cooper pays to the conſtable and poor:— Menſham pays the conſtable and church: — Williams pays all levies: —Glover voted for the petitioner:—Ford paid the poor's rate in 1697.

Vaughton ſaid, Ford's name was not interlined when he gave the rate to Lee, but was ſo when he received it again:—That Smith had paid poor and conſtable's rate 2 or 3 years, and had been overſeer: —Harding paid all levies 2 years:——Fenton paid theſe 12 months: —Taylor has paid the conſtable's rate:—Keeling paid both poor and conſtable's before the election, as did Hartwell: —Wood, ſenior, is a capital burgeſs: Piccard is now bailiff, pays all levies, and is a freeholder: —— Membrey paid to church, poor, and conſtable, before the election: —Wagſtaff is a freeholder: —Briggs and Prowdman rated; but cannot ſay, whether they pay:—— Vale pays, and is a freeholder.

That the evidence, produced in anſwer to thoſe charged with receiving charity, ſaid,

Prince paid the conſtable's rate, only—as did Smith, Browning, and Blyth; but it was owned, they had charity:—Edginton is a freeholder: — Drayton and Boyce though they have charity, pay to church and conſtable:— Latham pays all rates: —Alcock receives charity:—Keeling is a freeholder:— Eades and Keeling paid conſtable's rate:— As to Maſon no defence: Kelſhaw pays to conſtable; as doth Cook, and alſo to the church:—owned, Miller hath monthly bread:—— Saunders has charity.

That the counſel for Mr. Chetwynd and Mr. Guy inſiſted, that 75 of the petitioner's votes had no right, whereof 16 were given up:— And they called Bateman and others (as to the reſt) who ſaid,

Bell had charity in 1697:— Garnet had bread in the church, but was clerk, and in the ſame circumſtances with Milner:—Haſlehurſt had charity; as had the two Robinſons, Taylor, and Woodcock, though this laſt was one of the ſerjeants:——Allen was rated,—but Thompſon ſaid at the election, that he had taken the eſtate, and paid the arrears; and voted for the ſame houſe:— Drayton was out of town, four months before the election:—That Gregory and Whiſton are not rated, nor freeholders: — and as to Alcoſt it was admitted: Alcock paid to church, poor, and conſtable's rates:—Adams no houſekeeper, yet paid rates: — Betts doth pay: — Ballard, Danks, Flemming, Glover, and Gilbert, are inmates; but rated:—Heath and Haſledine live in a back yard and pay:—Kendal and Keen are rated:——Moor is no houſekeeper; but rated: — Matchet is an inmate:—Plat lives in a back-yard, but pays to church and conſtable:—Seal is a tabler: —Uby a lodger, but rated: — Woodcock an inmate but pays:—Wilcox a boarder:—— Egginton a minor:— Willington a truſtee for his ſiſter; as was Vaughton, Cumberford, Broch, and Cook, who voted for Mr. Chetwynd, and the petitioner: Spurry and another, freeholders between 10 s. and 20s. yearly.

As to thoſe not admitted to poll,

Vaughton ſaid, the books were ſhut, before Egginton demanded to poll:——Bateman ſaid the ſame:—Pyner was refuſed an hour or two before: Nock was not in court, as they ſaw:—Thompſon not preſent, but polled next morning: — and when the books were ſhut at night, Mr. Chetwynd had two majority:—— Though Humphrey Allen was rated in all levies, Thompſon paid the arrears:—— Gregory was no freeholder, nor rated, nor claimed to poll:—Shipton was refuſed, becauſe another had polled for the ſame houſe as a freeholder: That Shakeſpear voted as a freeholder.

As to the adjournment, Vaughton, capt. Dilkes, and others, ſaid, the poll began about 11 in the morning: that the bailiff and recorder being both aged men, and the bailiff having not dined was quite tired about 6 o'clock; and then at the requeſt and advice of the recorder, as well as for his own eaſe, he adjourned the poll after three proclamations in the hall, and at the croſs, not knowing but there might be others to poll; and there was a diſturbance, ſeveral being drunk and quarrelling amongſt the petitioner's voters.

Bateman and Moore ſaid, none demanded to poll till the books were ſealed; nor was there (as they heard) any exception to the adjournment.

That the counſel for Mr. Chetwynd and Mr. Guy proceeded as to irregularity.

Vaughton ſaid, Lord Weymouth's bayliff threatened Oſborn, that if he would not vote for the petitioner, he would turn him out of his eſtate.

Tebb ſaid, he being arreſted the day before the election, one Brookes offered him 20 s. towards his diſcharge, if he would vote for the petitioner; which was paid him, and was the reaſon of his ſo voting: but owned, he put his hand to a note about Brookes, but doth not know the contents: that he thought the money given him; but it is now demanded of him.

Baynton and Vaughton ſaid, Brookes was a ſollicitor for the petitioner. Vincent ſaid, he and ſeveral others were treated on the petitioner's account.

Moore ſaid, he was ſued for 5 l. by one Sheppard, becauſe he would not vote for the petitioner.

The petitioner's counſel, in reply, called Lee and others, who ſaid, Bell lived by himſelf: Garnet is pariſh-clerk, and rated.—Haſlehurſt is rated: Robinſon, ſenior, a freeholder, and Robinſon, junior, is rated; as is Taylor:—Woodcock has charity, as ſerjeant:—Charles Wilcox is a ſerjeant alſo:—— Allen is rated; and had a crop on his ground after Thompſon entered on the eſtate: Drayton is a magiſtrate and freeholder: Gregory's landlord paid for him at the election:—— Whiſton's houſe in another's name, but Whiſton paid all levies:—— Machet paid in 1697: Seal paid in 1698: Willington, Vaughton, and Shipton, are called in court, as freeholders.

Lee ſaid, Tebb owed his ſiſter 5 or 6 l. and he had ſeveral proceſſes upon him, and Brookes, hearing he was in town, ſent to demand the 20s.

That the petitioner at laſt admitted Mr. Guy to be elected.———And the committee reſolved,

2. That Thomas Guy, eſquire, is duly elected a burgeſs, to ſerve in this parliament, for this borough.

3. That John Chetwynd, eſquire, is not duly elected a burgeſs, to ſerve in this parliament for this borough.

4. That Sir Henry Gough, knight, is duly elected a burgeſs, to ſerve in this parliament for this borough.

The ſaid four reſolutions, being twice read, were agreed to by the houſe: and the return ordered to be amended.

Dec. 1, 1702. The houſe being informed, that there is a new writ iſſued to the ſheriff of the county of Stafford only, for the election of a burgeſs, to ſerve in parliament for this borough, whereas the borough is alſo within the county of Warwick;

Ordered, that the clerk of the Crown do make out a *ſuperſedeas* to the writ lately made out, and directed to the ſheriff of the county of Stafford only; and that Mr. Speaker do iſſue his warrant to the clerk of the Crown, to make out a new writ directed to the ſheriff of the county of Warwick, and another to the ſheriff of the county of Stafford, for the electing a burgeſs to ſerve in this preſent parliament for this borough.

Nov. 3, 1705. A petition of Richard Swynſen, eſquire, was read; ſhewing, that the petitioner was duly elected a burgeſs, to ſerve in this preſent parliament for this borough; but by the undue practices of one of the bailiffs of the ſaid borough, and Joſeph Girdler, eſquire, ſerjeant at law, the ſaid bailiff hath declared the ſerjeant duly elected; and hath returned him with Thomas Guy, eſquire, in wrong to the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame with their opinion.

Oct. 18, 1722. A petition of Richard Swynſen and J. Jarvis, eſquires, was read; ſhewing, that the petitioners and the honourable Francis Willoughby, eſquire, and Samuel Bracebridge, eſquire, were candidates at the election of members of parliament for this borough; and that the petitioners had the majority of lawful votes, and ought to have been returned burgeſſes for the ſaid borough: and the ſaid Mr. Willoughby and Mr. Bracebridge, by bribery and other illegal practices, procured themſelves to be returned to the detriment of the petitioners: and praying &c.

Ordered, it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Dec. 21. Ordered, it be an inſtruction to the ſaid committee, that if they cannot go through the cauſe touching the election for this borough, this afternoon, they do ſit and proceed in the ſame to-morrow morning.

Jan. 16th. Ordered, that it be reported on Tueſday next.

22d. Ordered, that it be received to-morrow morning.

23d. Mr. Gybbon reported the matter concerning the ſaid election, as follows.

That the petitioners counſel waved the matter as to Mr. Jarvis, and admitted Mr. Willoughby to be duly elected.

That the election was diſputed between Mr. Swynſen and Mr. Bracebridge, and the right of election was controverted.

For the petitioner it was inſiſted, that this is a borough by preſcription; that the right of election is in the inhabitants paying ſcot and lot, and not receiving alms.

For the ſitting-members it was inſiſted, that the right of election is in the inhabitants paying ſcot and lot, and ſuch freeholders who have freeholds in the borough, whether reſident in the borough, or not.

The petitioner's counſel called,

Charles Wilcox, Fiſher Littleton, eſquire, and ſeveral others, who ſaid, that for upwards of 50 years paſt, ſome of them of their own knowledge, and ſome by hearing ancient inhabitants who are dead, declare, that formerly the freeholders who were not inhabitants in the borough, did not vote in elections; that the freeholders were firſt brought in about forty years ſince, to carry Sir Thomas Thynne's election, by Powell his ſteward, who was then one of the bailiffs; but they were objected to and oppoſed by the other bailiff, who refuſed to ſign the return; and alſo by the inhabitants: and were alſo oppoſed at the next election and taken in a by-paper. They owned they had voted ever ſince, and had cauſed the majority which made the election, but the inhabitants always objected to their voting.

For Mr. Bracebridge was called,

Twigg, who ſaid, the freeholders had voted in all elections for 60 years paſt.

Butler and Buckland ſpoke for 20 years paſt, and ſaid, that in all elections in that time, freeholders had voted, and ſometimes made the majority, ſo that thereby the election was carried.

The petitioner's counſel admitted, that the freeholders had voted ſince the revolution in the year 1698; but argued againſt their voting as an innovation on the rights of the borough, and inconvenient in reſpect of multiplying freeholds.

That the ſitting-members counſel denied, that any ſuch inconvenience had appeared, and inſiſted on the freeholders right to vote; and that there was no room to vary the former reſolution of the houſe of the 17th of March 1698, when it was reſolved the right of election was in the inhabitants paying ſcot and lot, and in ſuch perſons as had freeholds within the borough, whether reſident within the borough, or not.

Whereupon the committee reſolved,

1. That the right of election of burgeſſes to ſerve in parliament for this borough is in the inhabitants, being houſholders, paying ſcot and lot, and not receiving alms.

The poll was For the ſitting-members, 176.
For the petitioner, 117.

That the petitioner's counſel objected to 85 of the ſitting-members voters, and objected bribery and illegal practices; and ſaid, they ſhould add eight to the petitioner's poll.

It was admitted, thirty-nine voted for the ſitting-member as freeholders.

Humphry Wolferſton and Richard Bateman ſaid, ſeven others who had voted for the ſitting-members did not pay ſcot and lot within the borough, at the time of the election; and that ſeven others were not inhabitants within the borough at the time of the election.

Bateman, Mr. Littleton, and Croſland ſaid, ten others were inmates and not houſholders in the borough, at the time of the election; nineteen voted for the ſitting-member who were certificate-men as appeared by the certificates, and the poll.

Three were objected to as bribed voices; and Solomon Bott, one of them, ſaid, he was over-rated in the poors rate; and complained he could get no abatement till he had promiſed his vote for the ſitting-member, and then he was ſet off from 2 s. to 9 d. which is as his neighbours pay.

In anſwer, the overſeers ſaid, that Bott upon producing his certificate, was rated equally with his neighbours.

Bateman and Littleton ſaid, that Thomas Elton had owned he had a bad debt of 5 l. 19 s. owing to him by Robert Whitby, paid by the agent of the ſitting-member to vote for him.

But Elton and Whitby, being examined, both affirmed that Whitby paid the debt himſelf.

Mr. Wolferſton ſaid, that Laurence Spooner owned he gave his vote for the ſitting-member, becauſe two of his agents had promiſed him 3 l. 10 s. to put out his ſon apprentice.

To add to the petitioner's poll eight perſons; it was proved by

William Nicholls, Thomas Baily, and others, that four of thoſe eight were formerly rated, and paid to church and poor, but were left out of the rates juſt before the election, and they offered their votes for the petitioner; and that the other four offered their ſaid votes for the petitioner, and were refuſed, becauſe they were only in the church-rate, or in the conſtable's levy, and not in the poors rate.

Standford Wolferſton, eſq; one of his majeſty's juſtices of the peace, ſaid, that when the poll was about three parts over, ſome of the petitioner's agents came to him in the hall, and deſired him to go down, and aſſiſt in bringing up the voters, who were hindered coming up by the rudeneſs of the bailiff's officers; that going out accordingly, thoſe officers ſhook their halberts over his head; threw him down ſtairs, and cried out, "down with the Round-heads, no Hanoverians:" that in the fall his brains had been knocked out, if a voter of the ſitting-member had not caught him in his arms.

That John Parker and William Cock were two of thoſe officers who aſſaulted and abuſed him, and uttered the words aforeſaid.

That for Mr. Bracebridge to juſtify eleven of the voters objected to, and againſt adding ſeven to the petitioner's poll, were called

Samuel Dawes, overſeer of the poor, who ſaid, two of thoſe objected to, for not being rated in the poors rates, had, about a month before the election, demanded to be rated, but were refuſed by him; becauſe it ſhould not be ſaid he was partial.

William Beech and Davis proved, that three of theſe objected to as inmates, were houſholders and paid their levies.

Samuel Buckland and Samuel Dawes proved, that ſix of the certificate men had, ſince their certificates, been put into public offices of the pariſh, and had ſerved thoſe offices; but one of them was not put into office till ſome time after the election.

That Samuel Dawes ſaid, that ſome of thoſe the petitioner would add to his poll, was, upon their own application, on account of their poverty, left out of the poors rates ſeveral months before the election; that another never was rated, and that two others were left out by conſent of the pariſh.

The ſitting-member objected to thirty-one of the petitioner's voters.

It was admitted for the petitioner, that 15 of thoſe were certificate men, two others were proved to be ſo, and two others admitted bad votes.

Buckland and Dawes ſaid, 12 others were inmates (who voted for the petitioner) but Dawes owned afterwards that four of them were houſeholders, and had diſtinct tenements, though in the ſame yard.

Francis Moſs ſaid, that John Heath gave him two guineas to vote for the petitioner, but ſaid, he gave a note to repay 40 s. of the money.

The petitioner's qualification was objected to.

The particular given in amounts to 789 l. 19 s. yearly, and conſiſts of the capital meſſuage and demeſne-lands in Swynfen, and other lands in the petitioner's poſſeſſion, being

	per ann.		
Fee ſimple, valued at	£. 400	0	0
Other lands, alſo fee ſimple, let to ſeveral tenants	166	4	0
	566	4	0

Which eſtate he owned to be ſubject to a charge of 6,500 l.

The reſt of the particular contains certain cloſes, alſo fee-ſimple in Swynfen, called Longbridge cloſes, let at 9 *l.* *per annum*. The prebend of Wedford being a leaſehold eſtate for two lives abſolute, one whereof is the petitioner's own life, conſiſting of tythes and dues particularly ſpecified,

Amounting to -	£. 253	15	0
Total - - - -	789	19	0

To which laſt mentioned tythes and cloſes the petitioner derives his title by conveyance from his ſiſters, executed in the beginning of March laſt, in conſideration of 1,700 *l.* paid.

It was objected, that payment of the conſideration money was not proved, nor did the particulars given in ſpecify the names of the witneſſes to ſuch payment.

But the perſons who were witneſſes to the receipt given for the money were named,—They alſo objected the charge upon the eſtate in hand, and that the eſtate was much over-valued at 400 *l.* *per annum*: and called

Thomas Woodſhaw, who 32 years ſince, rented one of the farms at 26 *l.* a year; and that old Mr. Swynſen in his time never valued the eſtate in hand at more than 300 *l.* *per annum*.

That it has been improved very much ſince that time, and the witneſs ſaid, he knew of 20 or 30 acres of marſh land, which is now worth 20 s. *per* acre by the improvement, and was before worth very little.

He ſaid there were other improvements which he could not ſpeak to: that the whole was about 700 acres in hand, and was tythe free; and what was not improved, he valued at 10 s. each acre; but could not ſay what number of acres were improved, and what were not.

That the rental given in was a qualification, over and beſides the new-purchaſe.

The petitioner called,

Standford Wolferſton, eſquire, who ſaid, he was well acquainted with the eſtate in the petitioner's poſſeſſion, had often viewed and admired the improvements made upon it; that it is 700 acres, lies near Litchfield, and, according to the rate in that country, is worth 17 or 18 s. *per* acre; ſome parts of it 30 ſome 50 s. *per* acre: that any farmer would give 600 *l.* a year for it; and he was poſitive it might be let for 550 *l.* yearly.

Mr. Wyatt ſaid, he was well acquainted with the eſtate in poſſeſſion of the petitioner: that it is much improved within theſe 20 years, and is worth 580 *l.* a year or more.

He named one particular farm which was formerly let at 26 *l.* a year; and had been ſo improved, that 75 *l.* a year had been offered for it and refuſed; becauſe 78 *l.* was inſiſted on.

William Green ſaid, the lands in the petitioner's poſſeſſion are worth more than 550 *l.* a year.

He ſpoke alſo to ſeveral particulars of the lands, and proved they were let at the rents ſpecified in the rental, amounting to 166 *l.* 4 *s.* *per ann.*

That upon the whole the committee reſolved,

2. That the honourable Francis Willoughby, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for this borough.

3. That Samuel Bracebridge, eſquire, is not duly elected a burgeſs to ſerve in this preſent parliament for this borough.

4. That Richard Swynſen, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for this borough.

The ſaid four reſolutions being twice read, were agreed unto by the houſe; and the return ordered to be amended.

TAVISTOCK.

Willis's N P. 1749. 16. Prynne's 4th Reg. 1131.

THIS borough is ſituate within the county of Devon. Dr. Willis writes, it returned burgeſſes to parliament, in the 23d and 33d of Edward I. and 19th of Edward II. with which laſt Mr. Prynne begins, and then ceaſed until the 4th of Edward III: ſince which time it hath conſtantly returned. In the 27th Henry VI. they were choſen in the county-court: after which I meet with no memoirs relating to their election, until ſince the reſtoration; when in the journals of the houſe of commons I meet with theſe following.

April 27, 1660. Mr. Turner reported from the committee of privileges and elections, upon the double return for this borough, that William Ruſſell and George Howard, eſquires, are returned by the portreve, under the common ſeal; and W. Ruſſell and Elias Crymes, eſquires, by the burgeſſes, in the name of themſelves and of the portreve, but without the hand and ſeal of the portreve: and the opinion of the committee, that George Howard, eſquire, ought to ſit in this houſe, until the merits of the cauſe, touching the ſaid double return, be determined: Whereto the houſe agreed.

May 23d. Mr. Turner reported from the ſame committee, in the caſe of the ſaid double return, that upon examination of the fact, the queſtion appeared to be, whether the freeholders alone, or the freeholders and inhabitants of this borough, had right to elect members to ſerve in parliament: and that the committee were of opinion, that the freeholders and inhabitants at large have right to elect; and that George Howard, eſquire, who is returned by one indenture, having a greater number of voices than Elias Crymes, who is returned by another indenture, is duly elected, and ought to ſit: whereto the houſe agreed; and the clerk of the Crown, the ſame day, amended the return.

May 16, 1661. Serjeant Charleton reported from the ſaid committee, touching the return for this borough, that George Howard, eſquire, and Sir John Davy, are returned by the * mayor and burgeſſes, by one indenture; and William Ruſſel, eſquire, by the portreve alone, in another indenture, and that the borough is not therein mentioned: and the opinion of the committee, that Mr. Howard and Sir John Davy ſhould ſit: and that the return of the ſaid Mr. Ruſſell is void: whereto the houſe agreed.

*Sic. orig. but the preſiding officer of this borough is the portreve.

Dec. 17th. Serjeant Charleton reported from the ſame committee, touching the election for this borough, wherein Mr. William Ruſſell was petitioner againſt Sir John Davy, that the queſtion was, whether the freeholders generally, or the freeholders of inheritance only, had voices: and the opinion of the committee, that the freeholders of inheritance only had voices; and that Mr. William Ruſſell had the majority of voices of ſuch as were freeholders of inheritance, and that he was duly elected, and ought to ſit in this houſe: whereto the houſe agreed; and ordered the return to be amended accordingly.

May 30, 1685. A petition of Edward Ruſſell, eſquire, touching the election for this borough, was read.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

March 24, 1689. A petition of Ambroſe Manaton, eſquire, was read; ſhewing, that on the 18th day of this inſtant March, was the day for electing burgeſſes for this borough, when the petitioner was duly elected to ſerve as a burgeſs for the ſaid borough; and an indenture was made and ſealed by the electors, and tendered to David Serjeant, ſenior, portreve (and proper officer there) to make the return, which he refuſed to do; but returned Sir Francis Drake, baronet, in prejudice of the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Oct. 6th, 1690. The ſame petition was again renewed.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Oct. 22, 1691. A petition of Ambroſe Manaton, eſquire, (in ſubſtance the ſame with the former) was read.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Dec. 7th. Ordered the report to be made to-morrow morning.

8th. Mr. Serjeant Trenchard reported, from the ſaid committee, the matter upon the ſaid petition.

The right of election appeared to be in the freeholders of inheritance, inhabiting within the ſaid borough.

Row, who produced a poll; which he ſaid he took by the conſent of the portreve; whereby it appears,
there were For Sir Francis Drake, 39.
For the petitioner, 36.

That Sir Francis called two others to vote, but Row did not ſet them down, the one being an infant, and the other no inhabitant.

The petitioner alledged, he could diſqualify 19 of Sir Francis Drake's votes: and called

Whitchurch, who ſaid, that Thomas Harvey, ſen. Robert, John, and Stephen Harvey, had no eſtate in their own right, but had eſtates granted to them to qualify them to vote at former elections, by one Williams: that Travell and Hodgekinſon had eſtates granted to them in King James's time; but never voted till now: that the 2 Edmonds produced their deeds at Mr. Ruſſell and Mr. Butler's election, and it was but for years: that White was an infant: Sic orig. that David Grindey was only tenant by courteſy: that Shillabere, Shear, and Bennet, were only truſtees: that Perrington had no title: that Hockaday had mortgaged in fee: that Froſt had lived only under his father, who voted: that John Froſt and Pearce had no eſtates: that Richard Doidges' father, ſince the election, had made an eſtate for three lives.

For Sir Francis Drake was called Seagre; who ſaid, he was the only perſon employed by the portreve to take the poll; and the numbers were,

For Sir Francis Drake, 39.
For Mr. Manaton, 34.

Cunningham and Stephen Harvey ſaid, Thomas Harvey, ſenior, was always reputed a freeholder, and produced a feoffment, dated 30th October, 36 Car. II. that Thomas Harvey, junior, had an eſtate in fee ſimple, and produced a feoffment from Dowberry Williams, dated 11th November 36 Car. II. and another feoffment from Thomas Harvey to John Harvey, dated 1ſt Auguſt, 4 Jac. II. that Stephen Harvey had voted in former elections: and Harvey ſaid, he had ſeen the deed.

Lear ſaid, Farwell was a freeholder of inheritance; and produced a leaſe and releaſe from Richard Cuddlip and Richard Abbot to him, and one Everard: releaſe dated 2d February, 34 Car. II.

Stephen Harvey ſaid, Robert and Humphry Hodgeſon were reputed freeholders, and produced a leaſe and releaſe to Robert Hodgeſon from Dawbenny Williams: releaſe dated 20 February, 34 *Car.* II. and produced a conveyance, by way of leaſe and releaſe, from Moſes Guſcott to Walter Edmonds, ſenior; releaſe dated 2 May 1677: and ſaid, he had ſeen Walter Edmonds, junior, his deed.

The infant and tenant by courteſy, were waved by Sir Francis Drake.

Cunningham ſaid, that Shellebear, Bennet, and Shears, were freeholders in poſſeſſion, and produced deeds: that he knew Pennington had an eſtate from his father, and produced a conveyance made upon marriage, dated 8 June, 1658: that though Hockaday had mortgaged to Davy, Davy had not entered.

Stephen Harvey ſaid, John Trout and George Perrie have been admitted tenants in court, and no exception to them at the election.

Cunningham ſaid, Doidge was tenant in court.

Then Sir Francis Drake excepted to the petitioner's voters: and called

Cunningham; who ſaid, Corbin claimed only under a will, whereby lands were given to his wife; and produced a copy of the will.

Exception was made to Charles Sweet; but anſwered, his wife had lands of inheritance, and ſhe was living: to Thomas Doidge, that he had only an annuity for life of 5 l. but it was ſaid, he always voted, and had 10 l. *per annum*: that Thomas Wyat had only an eſtate for years: that Voſper, Clark, and Wilcox, lived out of town; but anſwered, Voſper and Wilcox lived in town; Clark admitted to vote: that Doidge was a minor; and Maddicot voted by proxy.

Burgeſs and Harvey ſaid, Edward Farwell, Sam. Gill, Williams, Clark, and Sowton, were made freeholders but a little before the election, and after the teſte of the writ: and Williſford offered Burgeſs and to make him a freeholder, if he would vote for the petitioner; in anſwer, a releaſe from Williſford to Farwell was produced, dated 7 Jan. 1689, and a conveyance to Williams, dated 2 October 1689.

Doidge ſaid, he ſaw Gill's deed dated before the laſt parliament was diſſolved: whereupon the committee reſolved,

That Sir Francis Drake is duly elected a burgeſs, to ſerve in this preſent parliament for this borough: which, being read a ſecond time, was agreed unto by the houſe.

Nov. 29, 1695. A petition of Ambroſe Manaton, eſquire, was read; ſhewing, that on the 19th of October laſt, the petitioner was elected a burgeſs, to ſerve in this preſent parliament for this borough, by the major part of the burgeſſes who had a right to elect there; and who ſigned and ſealed an indenture, and tendered it to the portreve, the proper officer there; but he refuſed to receive the ſame, or to return the petitioner, and hath returned the Lord James Ruſſell, as a burgeſs, to ſerve for the ſaid borough: and praying, &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

March 13. Colonel Granville reported from the ſaid committee, the matter of the ſaid petition; viz.

That the committee appointed a day for hearing the matter of the ſaid petition.

That, to prove the right of election — For Mr. Manaton was called Bourne; who ſaid, he had known this borough ever ſince 1660, and had been at ſeven or eight elections; and that the right of electing was always in the freeholders of inheritance in poſſeſſion, inhabiting within the ſaid borough: that he produced a poll; which, he ſaid, he took by order of the portreve; by which the petitioner had 70,—the Lord James Ruſſell 29 votes.

Againſt this matter of fact, the Lord James Ruſſell did not think fit to make any defence: Whereupon the committee reſolved,

1. That the right of electing burgeſſes, to ſerve in parliament for this borough, is in the freeholders of inheritance in poſſeſſion, inhabiting within the ſaid borough.

2. That the ſaid James Ruſſell is not duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

3. That Ambroſe Manaton, eſquire, is duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

The ſaid three reſolutions being twice read, were agreed unto by the houſe, and the return ordered to be amended.

Nov. 25, 1696. A petition of * Ambroſe Manaton, eſquire, was read; ſhewing, that on the 10th of November laſt, the petitioner was duly choſen a burgeſs, to ſerve in this parliament for this borough; and an indenture was made and ſealed by the legal electors, and tendered to Richard Doidge, the portreve there, who has refuſed to receive it, or return the petitioner; and hath returned Sir Francis Drake, to the petitioner's prejudice: and praying &c.

* Henry.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Dec. 29. Ordered, that Francis Cunningham do attend the committee of privileges and elections upon Monday, the 11th of January next, at three in the afternoon, to teſtify his knowledge concerning the late election of a burgeſs to ſerve in parliament for this borough.

Jan. 15. Ordered, that it be reported on Tueſday morning next.

19th. Ordered, that it be reported on this day ſeven-night.

26th. Ordered, that it be reported on Friday next.

29th. Ordered, that it be reported on Thurſday next.

Feb. 4. Colonel Wharton reported from the ſaid committee, the matter upon the ſaid petition.

That for the petitioner, to prove the right of election, was read a reſolution of the houſe on the 13th of March, in the 8th of his preſent Majeſty, on the petition of Mr. Ambroſe Manaton, againſt Lord James Ruſſell.

> “That the right of electing burgeſſes, to ſerve “in parliament for this borough, is in the free-“holders of inheritance, inhabiting within the ſaid “borough.”

And they inſiſted, this being the laſt reſolution, the right, according to act of parliament, could not now be controverted.

But it was anſwered, that the act did not bind the parliament, but only appointed a rule for the officer to make a return by; for that, probably, there might at ſome time be a feint defence; or they, whoſe right was concerned, might not be parties, or heard; therefore unreaſonable to conſtrue the act to bind the parliament, but that they might determine the right different from the former reſolution.—And they inſiſted, the right to be in the freeholders of inheritance in poſſeſſion, inhabiting within the ſaid borough, preſented at the court: and alſo obſerved, that in the caſe between Lord James Ruſſell and Mr. Ambroſe Manaton, there was no defence.

The poll was, For the petitioner 57.
For Sir Francis Drake 31.

But it was inſiſted on by Sir Francis Drake's counſel, that moſt of the petitioner's votes were not qualified.

To prove the right of election, for Sir Francis Drake, was called Richard Doidge, who had known the borough 40 years; and James Steer, who had known it above 30 years, and had been at ſeveral elections: and they ſaid, they looked upon it as a neceſſary qualification of a freeholder to be preſented by the jury of the town to the law-court there: and that upon former conteſts between Sir John Davis and Lord Ruſſell, Sir John Davis had a great majority on the poll; but the Lord Ruſſell petitioned the houſe and carried it, upon the point, that he had the majority of thoſe who were preſented.

Cunningham and James Harvey ſaid to the ſame purpoſe.

Harvey ſaid, 25 or 26 of thoſe who were preſented were for Sir Francis Drake, and not above 8 or 9 for the petitioner; and about 16 were made by one Whitchurch out of 3 tenements.

Walter Shellaburne ſaid, Whitchurch purchaſed of one Garland for 20 l. and ſaid, it was Mr. Manaton's money: and of thoſe who bought of Whitchurch, ſome were poor men, and did not pay ſcot and lot; and one of them ſaid, he did not know where his freehold lay: that upon the eſtate bought by Whitchurch, there was a long leaſe, and only 3 s. 4 d. reſerved; and that 11 perſons who voted for Mr. Manaton, viz. Craſs, Gill, Weſtcot, Southall, Keck, Spiller, Pike, Bar: Gill, Row, and William Gill, junior, and Noble, were made out of this purchaſe.

Burgate ſaid, a little before the late election of the Lord James Ruſſell, Whitchurch told him, he had bought land of Kelly and Garland to make voices for Mr. Ambroſe Manaton; and offered him ſome land, and told him, he ſhould have a deed to ſhew it; but did not demand any money for it.

Cunningham and Harvey ſaid, that Toller voted for a garden belonging to Cudlip's houſe, who voted for Sir Francis Drake: that the two Rows have only freeholds in right of their wives: that Moon was made by Whitchurch: that Farwell was made by Wiſe, and is a ſplit voice: that Ford voted for part of a garden out of the borough: that Gerry refuſed to ſhew his deed: that Andrew Doidge is poor, and pretends to part of a garden: that Robert Williams' was but a little thing, and was forced to ſurrender it: that John Bourne was a poor man, and another received the profits: that Thomas Wood's family was in the country at the time of the election: that Hutchings only claims a part of a garden: that Manſon and Serjeant have but one eſtate between them; and their father has the poſſeſſion of it: that Sweat, Hodge, and Harvey were always refuſed, becauſe the eſtate was in their mother: Clark and Sowton were waved by the petitioner: that the two Charters and Toot receive only a pepper-corn between them: Cunningham, Cundy and Ward, voted for the reverſion of a houſe and garden, which they had jointly with one Bennet; but had voted formerly: that Wyat had voted before; but it was proved, his eſtate was only a long leaſe: that Farwell claims a quarter of a ſmall garden: that Minſon bought an eſtate, which is divided into 3 parts; one of which Sarjent has, the other his ſon: Penroſe had only a moiety of a ſmall garden.

Spry ſaid, Doidge, who voted for Mr. Manaton, told him, he had made 30 ſham voices, and Hooper and Crew were two of them; and 24 or 25 voted in this election: that Elias Harvey pretends to a moiety of an houſe, and is reported to be a ſham man: that Kelly told Sir Francis Drake, he had the inheritance of the eſtate ſold to Hooper and Crew, and Mr. Manaton paid Whitchurch for it.

In reply, the petitioner endeavoured to make good the right they alledged to juſtify their own; and except to ſeveral of Sir Francis Drake's voters: and called

Francis Cunningham; who ſaid, he had known the borough 20 years: William Doidge, who had known it as long: Robert Williams had known it 22 years: Tucker had known it 30 years: and John Whitchurch, who ſaid, they did not think it neceſſary to be alienated (ſo they called being preſented by a jury, and admitted at the court) and little notice had been taken of it till of late, and ſome had been refuſed to be alienated, particularly Carter, becauſe he would not pay 4 s.

Doidge denied he ſhewed Spry any ſuch liſt as he teſtified.

Williams ſaid, that Doidge, on the 16th of Sept. ſome time before his being portreve, ſaid, he ſhould be portreve ſhortly, and then Mr. Manaton might throw his cap; and that Cunningham ſent for him, and aſked him to be for Sir Francis Drake, and ſaid, he ſhould get 10 l. by it.

To juſtify their voters, they called Whitchurch; who ſaid, he bought an eſtate of Garland, which coſt him 120 l. and another of 3 tenements, a tanyard, and two herb gardens: that indeed there was a leaſe upon them; but the eſtates in poſſeſſion were worth 10 l. yearly: that he did not ſell at the inſtance of Mr. Manaton, but divided the eſtate in ſale for better conveniency, and was paid for it; and the ſale was before the former parliament: that there had been admitted voices, who had not above 6 d. yearly.

Doidge ſaid, Toller had voted before, ſince he ſold his houſe: that Cunningham bought his eſtate of one, who voted before: that Cundy and Ward have voted for 12 or 14 years.

To prove Row's and William Doidge's eſtate, they produced a deed, dated the 3d of October, 7 *Gul.* whereby Row and his wife covenanted to levy a fine to Row and his heirs, of a moiety of the tenement.

They alſo produced a deed to the ſame purpoſe, for Beville Row, and a fine levied laſt Michaelmas Term:—alſo a 6th part of a meſſuage to Penroſe, dated the 4th of July, 7 *Gul.*—alſo a leaſe and releaſe to Sowton, of a garden, dated 4 and 5 October 1695.

Kelly ſaid, he married an heireſs.

They alſo produced a leaſe and releaſe to Andrew Doidge, dated 23 and 24 Oct. 6 *Gul. & Mar.* of a garden; and the like to Hooper, dated 2 and 3 April. 7 *Gul.* of two houſes and two gardens, to John Cruſe and John Hooper, and Daniel Callamy:—alſo a leaſe and releaſe of a moiety of a garden to Robert Williams, dated the 2d of October 1689.

MUSEUM BRITANNICUM

Doidge ſaid, as to Henry Farwell, he heard his father ſay he had the land.

Craſs ſaid, Wood came to inhabit in the borough about a fortnight after St. James' tide. —— Harvey, Moon, Farwell, Gill, and Weſtcot, were admitted to be made by Whitchurch, and part of the 11.

They produced a releaſe of a garden to Henry Minſon, dated 11 Feb. 7 *Gul.*

As to Sweets, it was admitted he voted in right of his wife.

Tucker ſaid, Hodge's garden was always reputed to be within the borough; and produced a deed, dated 6 July, 7 *Car.* II. to prove it.

Southall, Cake, and Row, were admitted to be of the 11 made by Whitchurch.

Doidge was admitted to have no freehold, but in right of his wife.

Spiller, and Row, were admitted to be made by Whitchurch.

Gill was not inſiſted on.

They alſo produced a releaſe of half a garden, made to Pyke 4 *Will.* but Pyke's name was razed throughout the deed.

Then the petitioner excepted to ſome of Sir Francis Drake's voters.

John Bannick was waved.

Doidge ſaid, Wyat told him a year ago, he had ſold his eſtate for a leaſe for three lives to one Leer; and Samuel White told him, the right was in his mother, and he paid her 4 l. yearly.

Craſs ſaid to the ſame purpoſe.——Doidge ſaid, Samuel Gill told him 12 months ago, he had ſold his eſtate for 7 l.

Francis Cunningham ſaid, Tapſon told him a fortnight before the election, he had bought Harvey's eſtate, but ſhould have his money again after the election.

Robert Williams ſaid, Trout ſaid he had his land only to ſerve a turn; but Trout has been portreve: that Robert Hudſon told him, he had no land.

Francis Cunningham ſaid, the portreve told him laſt year, he got 100 l. worth of timber by ſigning Lord James Ruſſell's indenture.

In reply, for Sir Francis Drake, was called

James Harvey; who ſaid, Carter was refuſed to be admitted, becauſe he made out no title.

Leer ſaid, that Wyat ſold him no eſtate, and the timber was given to the former portreve for building a barn (being tenant to the Duke of Bedford) and was leſs than was uſed.

The portreve ſaid the ſame, and that he had no reſpect in that matter to the return of Lord James Ruſſell.

The committee reſolved,

2. That the right of electing burgeſſes, to ſerve in parliament for this borough, is in the freeholders of inheritance in poſſeſſion, inhabiting within the borough, who have been, or ſhall be, preſented as ſuch by the jury of enquiry of the borough.

1. That Sir Francis Drake, baronet, is duly elected a burgeſs, to ſerve in this preſent parliament for this borough: which two reſolutions, being twice read, were agreed unto by the houſe.

Feb. 18, 1700. A petition of James Bulteel, eſquire, was read; ſhewing, that the petitioner was duly choſen a burgeſs, to ſerve in this preſent parliament for this borough, by a majority of legal electors, who made and tendered to William Spry, the portreve, an indenture for returning the petitioner: but he abſolutely refuſed ſo to do; and hath returned Edward Lord Ruſſell, on whoſe behalf, many other illegal practices were uſed, in prejudice of the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Jan. 3, 1701. A petition of James Bulteel, (to the ſame effect and ſubſtance with the former) was read.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Oct. 24, 1702. A petition of Henry Manaton, eſquire, was read; ſhewing, that the petitioner was duly elected a burgeſs, to ſerve in this preſent parliament for this borough, and tendered an indenture, ſealed by the legal electors to the portreve, who refuſed it; and hath returned the Lord James Ruſſell, in wrong to the petitioner: that the portreve, ſteward, and jury, of the ſaid borough, uſed divers indirect practices, and refuſed legal voters for the petitioner, deterring others, and influencing divers to vote for the Lord James Ruſſell, contrary to the ancient conſtitution of the ſaid borough: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Jan. 5. Ordered, that it be reported on Thurſday next.

7th. Ordered, that it be reported on Tueſday next.

12th. Ordered, that it be reported on Thurſday next.

14th. Ordered, that it be reported on Tueſday next.

19th. Mr. Bromley, according to order, reported the matter of the ſaid election, as it appeared to the committee.

That upon the poll, the numbers were,

For the Lord James Ruſſell	39.
For the petitioner	25.

The counſel for the petitioner alledged, they ſhould diſqualify 13 from Lord James Ruſſell's poll, and add 19 to the petitioner's, whereby he ſhould have a majority of 18.

That the right of election was in the freeholders of inheritance in poſſeſſion, and inhabiting within the borough.

That the counſel on the other ſide ſaid, this was not ſufficient; for that it was alſo requiſite that they ſhould be preſented by a jury of enquiry at the court within the borough.—Several witneſſes were called on both ſides.

For the petitioner — Samuel Carter, who had known this borough 60 years, and had been at all elections ſince 1660; who ſaid, that the preſentment by the jury, was not a queſtion till the laſt controverted election, about 6 or 7 years ago: that he voted before he was preſented; and when he was upon the jury of enquiry, they made no ſuch preſentment.

Cowper ſaid, he had been at the elections for 15 years; and in 1688, there was a great conteſt, and a ſcrutiny: and all the votes were ſtrictly examined, and copies of wills and deeds were produced; and no exception made to any perſon that had not been preſented; nor was it an exception, till the laſt reſolution of the houſe of commons. He ſaid, the jury had been partial to the Duke of Bedford's intereſt: and gave inſtances of it.

Matacoll ſaid, he had known this borough 14 or 15 years, and the right of election was in the freeholders of inheritance, living within the ſaid borough; but it was never reckoned neceſſary to have them preſented, till the laſt reſolution of the houſe: and at the laſt court he carried in to the jury the names of 12 or 13 freeholders, who were ready either at the door, or in the court, with their deeds, to prove their freeholds, but the jury refuſed to preſent them: and Cunningham and Spry ſaid, "Why ſhould they alienate thoſe fellows? they did "not think them fit for their turn;" but he owned, ſeveral were preſented the laſt court, who voted for Mr. Manaton.

Rowell ſaid, that after he came home from hearing Mr. Manaton's election 6 years ago, Cunningham aſked him, "What will become of your alie- "nations?" and the ſteward ſaid, "he would alie- "nate none but who were for them." That 3 of the jury at that time would alienate none that were for Mr. Manaton; and theſe 3, he thinks, have been conſtantly of the jury ever ſince. He owned, the jury were 24 of the moſt ſufficient men in the town.

That they read ſeveral reſolutions of the houſe in favour of their right; viz. 7 Dec. 13 *Car.* II. 8 Dec. 3 *Gul. & Mar.* 13 March, 8 *Gul.*

In anſwer to which, was called Mr. Cunningham; who ſaid, he had known the borough 50 years, and his father and himſelf had been portreves; and the freeholders of inheritannce, living within the borough, ought to be preſented by the jury, and ſo his father ſaid; and they were called the Abbot's burgeſſes: that the jury is returned by the bailiff, who is ſworn; and the ſteward gives a charge to preſent all perſons who have right: and as far as he has obſerved, all perſons titles have been preſented, unleſs there was a very good objection againſt them; as, particularly, upon the ſplitting of votes; ſo that ſometimes 40s. *per* year has been ſplit to make 6 votes. He ſays, as to the 12 or 13 mentioned by Matacoll, there was only a note given of their names; but they never preſented themſelves to the jury, nor produced their deeds. He ſaid, he remembered none refuſed to vote formerly, for not being preſented; but they did not reckon their eſtates very good, till they were preſented.

Shelliborn, who had known this borough 20 years, ſpoke to the ſame purpoſe.

Spry ſaid, he had known the borough 32 years, and that he and one Serjeant were preſented 20 years ſince: but he had heard old men ſay, that thoſe, who claimed lands by deſcent or purchaſe, ought to be preſented; and he thinks, the jury preſent all perſons impartially.

That then the reſolution of 4th Feb. 8 Will. was read.

Upon which the committee reſolved,

1. That the right of electing burgeſſes, to ſerve in parliament for this borough, is in the freeholders of inheritance in poſſeſſion, inhabiting within the borough, who have been, or ſhall be, preſented as ſuch, by the jury of enquiry of the borough.

That the petitioner's counſel then gave evidence to except to ſeveral of the Lord James Ruſſell's votes: and called ſeveral witneſſes; who ſaid, Jacob Hockaday and nine others had no votes; one of them being *non compos*, and the others no freeholders of inheritance; and that Kelly and Weymouth, two of the 9, had money given them for their votes by the Duke of Bedford's bailiffs, viz. one 5 l. and the other 6 l.

They would then have proceeded in regard to ſome, who had freehold eſtates, and had not been preſented by the jury of enquiry, though they tendered themſelves; but this was oppoſed, becauſe of the reſolution of the committee; and not being allowed, they offered no further.

The counſel in reply, only called a witneſs, who gave Matacoll an ill character. And the committee reſolved,

2. That the Lord James Ruſſell is duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

The firſt reſolution was read a ſecond time: and an amendment propoſed, to leave out the words "who have been, or ſhall be, preſented as ſuch, by "the jury of enquiry of the borough;" which was agreed to.

And the houſe reſolved,

That the right of electing burgeſſes, to ſerve in parliament for this borough, is in the freeholders of inheritance in poſſeſſion, inhabiting within the borough.

The ſecond reſolution being read a ſecond time,

Reſolved, that it be re-committed to the ſaid committee, as to the matter of the poll.

Nov. 10, 1703. A petition of Henry Manaton, eſquire, (in ſubſtance the ſame with the former) was read.

And the reſolution of the houſe, touching the ſaid election, was read.

Ordered, that it be referred to the committee of privileges and elections: and that it be an inſtruction to the ſaid committee, that they proceed only as to the matter of the poll, according to the reſolution of the houſe in the laſt ſeſſions.

Dec. 20. Ordered, that the report be made tomorrow.

21ſt. Mr. Bromley reported (according to order) the matter upon the ſaid petition, as follows.

That in obedience to the order of the houſe of the 10th of Nov. laſt, the committee only proceeded on the matter of the poll, according to the reſolution of the laſt ſeſſions.

And Mr. Pyke delivered in the poll; which, he ſaid, he took at the election, by the direction of the portreve: and the numbers were,

For the Lord James Ruſſell 39.
For the petitioner 44.

And Mr. Pyke and Mr. Beaufort ſaid, that the ſeveral perſons, who voted for the petitioner, were freeholders of inheritance in poſſeſſion, inhabiting within the borough at the time of the election.

That no defence being made, nor any appearing for Lord James Ruſſell, the committee reſolved,

1. That the Lord James Ruſſell is not duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

2. That Henry Manaton, eſquire, is duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

The ſaid two reſolutions being twice read, were agreed unto by the houſe: and the return ordered to be amended.

Dec. 1, 1710. A petition of James Bulteell, eſquire, was read; ſhewing, that at the laſt election of members, to ſerve in this preſent parliament for this borough, Sir John Cope, Henry Manaton, and the petitioner, were candidates: that the petitioner had a majority of Mr. Manaton of the freeholders of inheritance in poſſeſſion, inhabiting within the borough, who only have a right to elect; yet Mr. John Harvey the then portreve, hath returned Mr. Manaton with Sir John Cope: that the portreve, Mr. Manaton, and others, did uſe illegal practices in obtaining and admitting ſeveral votes at the ſaid election, and in procuring the ſaid return: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

13th. A petition of James Bulteel, eſquire, was read; ſhewing, that the petitioner has a petition depending in the houſe, complaining of an undue election and return of Henry Manaton, eſquire, for this borough: that ſince the lodging the ſaid petition, one John Edgecombe (who was an agent at the ſaid election for Mr. Manaton) and others, have tampered with ſeveral of the petitioner's material witneſſes, endeavouring to ſeduce them from appearing before the committee of privileges and elections: and praying, that he may be heard at the bar of this houſe; and that juſtice may be done upon the offenders.

Ordered, that it be referred to the committee of privileges and elections; with an inſtruction to hear this matter, and alſo the matter of the election, on the 18th day of January next.

Jan. 18th. Ordered, that the matter of the ſaid petitions be heard before the ſaid committee on Tueſday next.

23d. Ordered, that it be heard on Thurſday next.

31ſt. Ordered, that the report be made on Saturday next.

Feb. 3d. Mr. Freeman reported the matter upon both the ſaid petitions, as it appeared to the committee; viz.

That the right of election was agreed to be in the freeholders of inheritance in poſſeſſion, inhabiting within the borough.

The poll was, For Mr. Manaton, 52.
For the petitioner, 64.

That for the petitioner was called,

Henry Beauford, who ſaid, two votes were added to Mr. Manaton's poll, after the poll was caſt up, and the ſcrutiny proceeded in: that 17 of the petitioner's voters were excepted to by the portreve; and quære's put upon them: that 9 of them formerly voted, and 7 produced their deeds.

Edward Cary, and others, ſaid, Harvey, the portreve, ſollicited votes for the ſitting-members, and offered Cary an office at Plymouth for his vote for them; and declared, if the petitioner had 40 votes more than Mr. Manaton, he would not return him; and that Mr. Manaton would indemnify him, if it coſt him 1000 l. for returning him: that John Edgecombe, William Croker, and Arthur Cake, aſked votes and voted for Sir John Cope and Mr. Manaton: that Edgecombe offered him 3 l. and Crooker offered to diſcharge him of a 48 l. debt to vote for them; and Cake threatened he ſhould loſe his work, if he voted for the petitioner.

Tooker ſaid, Edgecombe and Leer offered him 5 l. and a leaſe of an houſe; and he had money given him to drink Sir John Cope's health, and was treated; and Mr. Manaton offered him the beſt of three mills: that theſe offers and treats were to vote for Sir John Cope and Mr. Manaton: and Kelly owned, Edgecombe gave him 3 l. to vote for them.

Matacot ſaid, he was preſent, when Mr. Matacock gave—Phyſick 3 l. to vote for him, and then told Mr. Manaton, he had 5 l. to vote for Sir John Cope. The following perſons owned, they had the following bribes to vote for Sir John Cope and Mr Manaton.

John Weymouth 5 l. of Sir John Cope, 3 l. of Mr. Manaton.—Whitchurch 3 l. of each.—Burdwood 5 l. of both the ſitting-members. —— Pyke, junior, was to have 5 l. of each. — Hutchins had a life added to his leaſe to vote for Mr. Manaton.— Williſford 2 years intereſt of 100 l. debt of Mr. Francis Manaton.

Row owned, he promiſed the petitioner, and would have voted for him, but was threatened by Mr. Edgecombe and Cake if he did.

Robert Williams ſaid, he voted for Mr. Manaton to get a debt of 8 l. from Mr. Manaton; which he ſaid he would never pay, if he did not ſo vote.

As to tampering, — Edward and Samuel Cary, and Williams, ſaid, that Harvey, the portreve's brother, offered Edward Cary twenty guineas not to go to London to be a witneſs againſt Mr. Manaton; and Edgecombe threatened to ruin him, and ſhoot him, if he did: and Cake offered him 40 s. more than he had agreed to give for an horſe, if he would not go; and threatened to take away his employment, if he did.

Tooker ſaid, Edgcombe threatened to ſend him to goal, and ruin him, if he went to be a witneſs for Mr. Bulteel, and offered him the town mills at the rent his brother had them for, if he would not go.

To invalidate this evidence, were called

Williſford and Creeſe, who ſaid, the Carys and Tooker were perſons of no credit; and that Beaufort, Matacot, and Williams, ſaid, three or four years ago, they could at any time carry an election.

Gub ſaid, Tooker ſaid, a year ago, he hoped to ſee another election, and then he would make Mr. Manaton amends.

The counſel for Sir John Cope and Mr. Manaton excepted to 11 of the petitioner's votes: and called

Williſford, who ſaid, the freehold called the Whaddon, for which one of theſe polled, was without the borough, and produced a ſurvey made in 1692. But it appeared by a conveyance made in 1699 by—Williſford, the witneſs, that the Whaddon is in the borough. And then ſaid, they had no other witneſſes.

Whereupon the committee reſolved,

1. That Henry Manaton, eſquire, is not duly elected a burgeſs to ſerve in parliament for this borough.

2. That James Bulteel, eſquire, is duly elected a burgeſs to ſerve in parliament for this borough.

3. That the petitioner hath fully made good the allegation of the petition relating to the tampering with his witneſſes.

The ſaid three reſolutions, being ſeverally twice read, were agreed to by the houſe. —— And reſolved,

That John Edgecombe, eſquire, having tampered with the witneſſes of James Bulteel, eſquire, is guilty of an high crime and miſdemeanor.

That the ſaid John Edgecombe, be for the ſame, taken into the cuſtody of the ſerjeant at arms attending this houſe.

That John Harvey, portreve of this borough, is guilty of many corrupt and indirect practices, in relation to the ſaid election of burgeſſes to ſerve in this parliament for this borough.

That the ſaid John Harvey be, for his ſaid offence, taken into the cuſtody of the ſerjeant at arms attending this houſe. And ordered the return to be amended.

March 30, 1715. A petition of Henry Manaton, eſquire, was read; ſhewing, that at the election for this borough Sir John Cope, junior, knight, Francis Henry Drake, eſquire, and the petitioners were candidates; and the ſaid Sir John Cope and Mr. Drake by themſelves, and agents, did uſe illegal practices in order to procure their election; and William Sprye, portreve of the ſaid borough, rejected the votes of ſeveral who would have polled for the petitioners; and by admitting others under pretended titles to poll for the ſitting-members, although objected to by the petitioners; and that the ſaid portreve has returned the ſitting-members, to the petitioner's prejudice; notwithſtanding he was duly elected: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

TAUNTON.

4 Reg. 1134. Ex lib. Domeſday Brady 12. Cart. 13 Sept. 29 Car. II.

THIS borough is ſituate within the county of Somerſet; and hath returned members to parliament, from the 26th of Edward I. * It was an ancient borough by preſcription; and had 64 burgeſſes at the time of the general ſurvey.—It was incorporated 29 Car. II. and put under the government of a mayor, who, from that time, hath returned the burgeſſes to parliament.

In the 2d of Henry V. theſe burgeſſes were choſen by deputation of from the borough at the county-court (See the indenture for the county in the Appendix) the memoirs of elections in ſubſequent times I do not meet with, until after the reformation; the following whereof I find in the journals of the houſe of commons.

April 19, 1628. Sir W. Earl reporteth, from the committee for examining complaints againſt deputy-lieutenants, a complaint made from this borough againſt Sir John Stoell and Mr. William Waldron ——100 ſoldiers ſent to be billetted at this town—billetted them with good content for two months together; Sir John Stoell conceiving diſpleaſure againſt the town for their election of the burgeſſes for the parliament got to him Mr. Waldron, and removed by their warrant 12 of them to be billetted in the beſt men's houſes in the town, whereof the mayor and Mr. Brown the recorder 2, they being thus backed entered violently into men's houſes, and threatened to burn the town; Mr. Brown's wife ſo terrified inforced to leave the town.

1. The ground of this diſpleaſure was the election made of the burgeſſes.
2. The wrong done to Mr. Brown a member of this houſe, during his attendance here.

The committee thought fit the two deputy-lieutenants to be ſent for by the ſerjeant.

Upon queſtion, Sir John Stoell and Mr. Waldron to be ſent for to anſwer the miſdemeanors objected againſt them.

May 7th. A petition from Sir John Stoell and Mr. Waldron read; denying the offences wherewith . . . . .

15th. Sir W. Earl reporteth from the ſame committee, concerning Sir John Stoell and Mr. Waldron——The complaint appeareth in the report before, upon which they were ſent for.

Two witneſſes only produced before the committee, and thoſe two of the complainants Powell and Trobridge; theſe teſtified the billetting ſoldiers well ſatiſfied, till changed by Sir John Stoell and Mr. Waldron; that Sir John Stoell had ſollicited moſt of the town for two voices, and a man of his moved them to that purpoſe; and that his man took offence at it, at the very inſtant, and after gave foul language to the town about it.——The warrant produced for that particular billetting.——That more ſubſtantial men of the town of Sir John Stoell's acquaintance ſpared, where theſe charged; Trobridge affirmed, that a ſoldier abuſed him, he ſent to Sir John Stoell for relief, and had no help but a reproof.

In anſwer hereof, Sir John Stoell proved by Sir R. Greenvyll, the colonel, and the lieutenant, that they were not accommodated well; that he made not this change upon any ſpleen, he proved by two letters from the lords requiring their better accommodation, the one dated before, the other after the election: that his coming to town was by the mayor's own entreaty to take the envy off from the mayor in placing of the ſoldiers.

That for Mr. Browne he knew him not then to be a member of the houſe.——As ſoon as he knew it, he gave orders he ſhould by no means be placed there with Mr. Brown, who was not in town a week before, nor ever was at the houſe.

The committee of opinion Sir John Stoell had done nothing againſt the privileges of the houſe.

Upon queſtion Sir John Stoell and Mr. Waldron to be diſcharged from any farther attendance till the farther pleaſure of the houſe.

Oct. 25, 1680. A petition of Edmund Prideaux, eſquire, was read.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

30. A petition of the inhabitants of this borough, touching the election for this town was read.

Ordered, that it be heard at the bar on Friday next come three weeks.

Nov. 13th. The houſe being informed, that Mr. Thomas Dare (who is a witneſs in the matter, touching the election of this town, which is by the order of the houſe to be heard at the bar next Friday ſeven-night) is a priſoner in execution at the ſuit of the king upon an information for certain miſdemeanors.

Ordered, that the ſaid Mr. Thomas Dare be brought in cuſtody of the ſheriff of the county of Somerſet, to give his evidence at the bar of this houſe, touching the ſaid election.

26th. Ordered, that the cauſe concerning the ſaid election be heard at the bar to-morrow.

A petition of Thomas Dare, of Taunton, a priſoner, in execution for a fine of 500 l. ſet upon him at the King's ſuit, was read.

Ordered, that an humble application be made to his Majeſty from the houſe, by ſuch members thereof as are of his Majeſty's privy-council, to deſire his Majeſty to pardon and remit the ſaid fine.

27th. Ordered the ſaid cauſe to be heard on Wedneſday next.

Debember 1ſt. Ordered to be heard on Saturday morning next.

Ordered,

4th. Ordered to be heard on Tueſday next.

8th. The houſe being informed, that Sir John Cutler, who is returned as one of the burgeſſes to ſerve in this parliament for this borough, is ſatiſfied, that he is not duly elected a burgeſs to ſerve for this borough, and that his counſel were attending to acknowledge the ſame.

The counſel for the ſaid Sir John Cutler, and likewiſe for Edmund Prideaux, eſquire, and alſo for the ſaid borough, being called in——

And the counſel for the ſaid Sir John Cutler admitting, that Edmund Prideaux, eſquire, is duly elected a burgeſs to ſerve for this borough.

Reſolved, that Sir John Cutler is not duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

Reſolved, that Edmund Prideaux is duly elected a burgeſs, to ſerve in this preſent parliament for this borough: and ordered the return to be amended.

Jan. 22, 1688. A petition of John Trenchard and Edward Clarke, eſquires, was read; complaining of great riots and abuſes, committed at the election for burgeſſes to ſerve in this preſent convention for this borough; and of an undue return made thereupon, in injury of the petitioners.

Ordered, that the matter of this petition be heard at the bar of this houſe, on the 5th day of February next.

Feb. 5th. The order for hearing the matter, touching the election for this borough, was read;

And the counſel for the parties called in: and after ſome proceeding in the ſaid hearing;

Ordered, that the ſaid matter be farther heard on Thurſday next.

7th. Reſolved, that the farther hearing of the ſaid matter be farther proceeded on.

And the counſel being called in; the cauſe was farther proceeded in accordingly: and after the matter was fully heard it was

Reſolved, that Sir William Portman, and John Sanford, eſquire, the ſitting-members, are duly elected burgeſſes, in this preſent convention, for this borough.

Dec. 6, 1695. A petition of Henry Portman, eſquire, was read; ſhewing, that the petitioner was duly elected, by the majority of voices, to ſerve in the preſent parliament for this borough; yet Hugh Speke, eſquire, by bribery and other undue practices, hath procured himſelf to be returned a member for this borough, in prejudice of the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Dec. 5, 1710. A petition of William Coward and William Pynſent, eſquires, was read; ſhewing, that at the laſt election of burgeſſes, to ſerve in parliament for this borough, the petitioners, with Sir Francis Warr, and Hen. Portman, eſq; were candidates; and that the petitioners were duly elected, and ought to have been returned; but Francis Oſmanſton, mayor of the ſaid borough, was very partial for the ſaid Sir Francis and Mr. Portman; polling ſeveral for them, who had no right, and rejecting others for the petitioners, who had good votes; and Sir Francis and Mr. Portman are returned, as duly elected, to the petitioner's great wrong: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

A petition of ſeveral of the inhabitants of the ſaid borough, in behalf of themſelves and other inhabitants of the ſaid borough, was read; ſhewing, that Sir Francis Warr, Henry Portman, W. Coward, and W. Pynſent, eſquires, were candidates at the election of members, to ſerve in the preſent parliament for this borough: that Francis Oſmanſton, the mayor, arbitrarily polled great numbers of perſons for Sir Francis Warr, and Mr. Portman, who had no right; and refuſed to poll ſeveral qualified voters, who offered to poll for Mr. Coward and Mr. Pynſent, who are duly elected; yet Sir Francis and Mr. Portman are returned, to the great violation of the rights of the petitioners and the ſaid borough: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

March 29, 1715. A petition of William Pynſent and James Smith, eſquires, was read; ſhewing, that at the laſt election for this borough, the petitioners, Sir Francis Warre, and Henry Portman, eſquire, were candidates: the petitioners had a majority of votes, duly qualified, and ought to have been returned accordingly; that Thomas Hayward, mayor, took upon himſelf to return the ſaid Sir Francis Warre and Mr. Portman, who had no right, and returned them accordingly; to the prejudice of the petitioners: and praying &c.

A petition of the inhabitants of the ſaid borough in behalf of themſelves, and many other inhabitants thereof, was read; ſhewing, that Sir Francis Warre, baronet, Henry Portman, William Pynſent, and James Smith, eſquires, were candidates: That Thomas Hayward, mayor, did, in an arbitrary manner, admit ſeveral perſons to poll for the ſaid Sir Francis Warr, and Mr. Portman who were unqualified, as almſmen, &c; by which means he refuſed the votes of ſeveral qualified perſons, who offered to poll for Mr. Pynſent and Mr. Smith; and that the ſaid mayor did refuſe to grant a ſcrutiny on the poll, though it was demanded by Mr. Pynſent and Mr. Smith, and by ſeveral of the petitioners: that the ſaid Sir Francis Warre and Mr. Portman are returned by the ſaid mayor, although Mr. Pynſent and Mr. Smith were duly elected by a great majority of qualified votes; to the great prejudice of the petitioners: and praying &c.

And the queſtion being put, that the petitions be referred to the conſideration of the committee of privileges and elections, to examine and report the matter thereof, with their opinion.

It was diſagreed to by the houſe.

Ordered, that the matter of the ſaid petition be heard at the bar of this houſe upon Thurſday the 26th day of May next;

May 26th. Ordered, that the matter of the ſaid petitions be heard on the 14th day of June next.

June 14th. Ordered to be heard on next Thurſday ſeven-night.

23d. Ordered to be heard on this day ſeven-night.

30th. Ordered to be heard on this day ſeven-night.

July 18th. Ordered to be heard on Thurſday next.

21ſt. Ordered to be heard on Tueſday next.

26th. Ordered to be heard on Thurſday next.

28th. The houſe proceeded to the hearing of the matter of the ſaid petition.

The counſel were called in, and the petitions read.

The petitioners counſel were heard as to right of election.

And the ſitting-members counſel were heard to the ſame point; and examined ſeveral witneſſes.

And then the counſel withdrew.

A motion was made, that the right of election of burgeſſes to ſerve in parliament for this borough, is in the inhabitants within the ſaid borough, being pot-wallers, and not receiving alms, or charity.

An amendment was propoſed to be made to the ſaid queſtion, by leaving out "or charity," but diſagreed to; and the main queſtion was put and agreed to.

The counſel were called in and acquainted thereof by Mr. Speaker.

Ordered to be heard again on Saturday next.

July 30. Ordered that the matter of the ſaid petitions be heard on Thurſday next.

Auguſt 4th. Ordered to be heard farther on Saturday next.

6th. The houſe proceeded in the hearing, and the counſel for the petitioners examined ſeveral witneſſes in order to prove ſeveral perſons, who voted for the ſitting-members, lived out of the borough, or were under age, or were apprentices, or received alms.

Ordered to be heard again on Tueſday next.

9th. The houſe proceeded in the further hearing of the merits of this election, and the counſel were called in.

For the petitioners, it was inſiſted, that ſeveral perſons, who voted for the ſitting-members, received alms, or were not pot-wallers, or came into the borough by certificate.

Ordered to be heard again on Thurſday.

11th. The houſe proceeded in the further hearing, and the petitioners counſel inſiſted upon the diſqualifying ſeveral perſons who voted for the ſitting-members, on account of their having received the charities called the town-charity (which is veſted in feoffees) and Meredith's charity.

And a book being produced wherein is entered the accounts of the diſpoſition of the town-charity.

The ſitting-members counſel objected againſt the ſaid books being read in evidence, and the counſel were heard and withdrew.

Reſolved, that the accounts of Jaffery Pyſing, ſteward and bailiff of the lands and tenements belonging to this town from the 21ſt day of December, 1713, to the 21ſt day of December 1714; (inſerted in a book intituled "Taunton, an account-" book of the profit of the town-lands, 1683") although not allowed and ſigned by the feoffees be admitted to be read as evidence.

The counſel were called in, and Mr. Speaker acquainted them therewith.

And the petitioners counſel produced to diſqualify ſeveral perſons named in the ſaid account, as having received the ſaid charity money; and alſo examined witneſſes to prove perſons having worn the cloaths given by Meredith's charity; and alſo to ſome perſons coming into the borough by certificate; and alſo examined witneſſes to prove ſeveral perſons, who lived in the borough, and were houſekeepers and pot-wallers, offered to poll for the petitioners, but were refuſed. And alſo to ſome partial proceedings (as was inſiſted) of the mayor and Mr. Yard, who was a juſtice of peace in the ſaid borough.

And the petitioners counſel ſummed up their evidence.

Ordered, that the matter be heard again on Saturday next.

13. The houſe proceeded, and the counſel for the ſitting-members opened their evidence, and examined witneſſes to juſtify ſome of the votes objected to by the petitioners counſel.

Ordered to be heard again on Tueſday next.

16th. The houſe proceeded in the ſaid hearing; and the ſitting-members counſel examined ſeveral witneſſes to juſtify ſeveral other of their voters which the petitioners counſel had objected to.

Ordered to proceed again on Thurſday next.

18. The houſe proceeded, and the counſel for the ſitting-members examined ſeveral witneſſes to juſtify ſeveral other of the voters which the ſaid petitioners counſel had objected to; and alſo inſiſted that all ſuch perſons that were of that part of the pariſh of St. Mary Magdalen in this town, which being without the borough, and came into the borough and boiled a pot before the teſte of the writ for electing members to ſerve in parliament, have a right to vote at ſuch election, and examined ſeveral witneſſes touching the ſame.

And the petitioners counſel examined ſeveral witneſſes in contradiction thereof.

And the counſel were heard and withdrew.

1. Reſolved, that perſons living in that part of the pariſh of St. Mary Magdalen within this town, which lies out of the limits of the borough, who at any time, before the iſſuing writs for calling a new parliament, take a room and boil a pot within the ſaid borough, do not acquire a right of voting at the election of members to ſerve in parliament for this borough.

The counſel were called in and acquainted therewith.

The ſitting-members counſel proceeded to juſtify other voters, which the petitioners counſel had objected to, and the counſel were ordered to withdraw.

Ordered, to proceed again in the hearing on Saturday next.

21ſt. Ordered to proceed again on Tueſday next.

23d. The houſe proceeded in the ſaid hearing; and the ſitting-members counſel examined witneſſes to juſtify other voters objected to by the petitioners.

Ordered to proceed again on Thurſday next.

25th. The houſe proceeded in the ſaid hearing; and the ſitting-members counſel proceeded to juſtify ſeveral other voters objected to, and alſo examined witneſſes to diſqualify ſuch voters, as the petitioners counſel had endeavoured to add to the petitioners poll, and alſo to diſqualify ſeveral perſons, who had voted for the petitioners.

Ordered to proceed again in the ſaid hearing on Saturday next.

27th. The houſe proceeded to the farther hearing the ſaid petitions; and the counſel for the ſitting-members proceeded to examine witneſſes to diſqualify ſome of the voters for the petitioners upon account of their receiving charity, particularly as to a charity called Saunders' charity.

And the ſitting-members counſel inſiſting to examine, as to that charity being given in the year 1713.

And the petitioners counſel oppoſing their examining, as to any perſon who had not received that charity within a year before the election.

The counſel were heard, and they withdrew.

Reſolved, that the counſel for the ſitting-members be not admitted to give evidence of perſons having received Saunders' charity before the 2d of February, 1713.

The counſel were again called in, and acquainted with the ſaid reſolution.

Then the ſitting-members counſel proceeded to examine witneſſes, touching other voters for the petitioners having received other charities; and alſo for adding two votes to the ſitting-members poll; and alſo, in order to diſqualify ſeveral of the petitioners voters for bribery; and touching threats, and other undue proceedings, in relation to the election.

Ordered to proceed again on Tueſday next.

30th. The houſe proceeded in the ſaid hearing.

And the petitioners counſel examined two witneſſes to diſcredit two of the ſitting-members witneſſes. After which, the counſel for the ſitting-members ſummoned up their evidence; and the petitioners counſel replied, and then withdrew.

Reſolved, that Francis Warr, baronet, is not duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

Reſolved, that Henry Portman, eſquire, is not duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

Reſolved, that William Pynſent, eſquire, is duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

Reſolved, that James Smith, eſquire, is duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

Ordered the clerk of the crown to attend to-morrow morning to amend the return.

Oct. 18, 1722. A petition of George Dean, and Goodenough Earl, eſquires, was read; ſhewing, that the petitioners, and John Trenchard, and James Smith, eſquires, were candidates at the election of members, to ſerve in this preſent parliament for this borough; and the petitioners were duly elected burgeſſes for the ſaid borough, according to the ancient conſtitution of the ſaid borough; but by the arbitrary proceedings of Emanuel Maynard, mayor of the ſaid borough, in admitting thoſe to poll for the ſaid Mr. Trenchard and Mr. Smith, who had no right; and refuſing a great number of perſons, who had a right, and offered to poll for the petitioners: and the ſaid Mr. Trenchard and Mr. Smith, by bribery, and other illegal practices, have gained many votes; and by the management of the mayor, procured themſelves to be returned, in violation of the rights of the inhabitants, and in prejudice of the petitioner: and praying &c.

A petition of the inhabitants of the ſaid borough, in behalf of themſelves, and many other inhabitants of the ſaid borough, was read; ſhewing, that the mayor of the ſaid borough, in an arbitrary and partial manner, admitted the votes of a great number of perſons to poll for Mr. Trenchard and Mr. Smith, who were not duly qualified to vote at the . . . . of members, to ſerve in parliament for the ſaid borough; and the ſaid mayor hath returned the ſaid Mr. Trenchard and Mr. Smith, although Mr. Dean and Mr. Earl were elected by a majority of votes duly qualified, to the great prejudice of the rights and privileges of the petitioners, and other inhabitants of the ſaid borough; who, by reaſon of their illegal practices, are deprived of their proper repreſentatives: and praying &c.

Ordered, that the ſaid petitions be referred to the committee of privileges and elections, to examine and report the ſame, with their opinion.

Nov. 21. Ordered leave to withdraw the ſaid petitions.

Jan. 28, 1723. A petition of George Dean, eſquire, was read; ſhewing, that at the late election of a burgeſs, to ſerve in this preſent parliament for this borough, in the room of John Trenchard, eſquire, deceaſed, the petitioner, and Abraham Elton, eſquire, were candidates; at which election, the petitioner had a great majority of qualified votes, according to the laſt reſolution of the houſe, and ought to have been returned; but Edward Cadby, mayor of the ſaid town, who, before the election, declared he would not return the petitioner, though he had never ſo great a majority, ſhewed the greateſt partiality on behalf of Mr. Elton, refuſing many legal voters, who offered to vote for the petitioner; and admitting many to vote . . . Mr. Elton, who had no right; and cloſed the poll without proclamation, contrary to the petitioner's requeſt, and denied a ſcrutiny: and by other arbitrary and corrupt practices, the ſaid mayor hath returned Mr. Elton, in wrong to the petitioner: and praying &c.

A motion was made, and the queſtion being put, that the ſaid petition be heard at the bar of the houſe, but diſagreed to.

Ordered it be referred to the committee of privileges and elections, to examine and report the ſame, with their opinion.

Nov. 19, 1724. The petition of George Dean, eſquire, was again read; the ſame in ſubſtance as before.

Ordered it be referred to the committee of privileges and elections, to examine and report the ſame, with their opinion.

TEWKESBURY.

THIS borough is ſituate within the county of Glouceſter: and Doctor Willis writes, was impowered by King James the firſt, by charter, to ſend burgeſſes to parliament, in the 7th year of his reign. The conteſts, in regard to the election, ſoon began; of which, the Journals of the houſe of commons afford theſe following. Willis, 1749. 4

Nov. 9, 1640. Mr. Maynard reported from the committee of privileges and elections, that Sir Robert Cook, and Mr. Stephens were returned in one indenture, as burgeſſes for this borough; and in another indenture, Mr. Craven, and Sir Edward Alford were likewiſe returned for burgeſſes for this place: that theſe returns were directly the one contrary to the other: the committee conceive it fit, that all theſe four perſons, thus returned, forbear to ſit in the houſe, till the election be determined: and that Thomas Hall, the bailiff of Tewkeſbury, be ſent for as a delinquent for returning two indentures, the one contrary to the other: that he that returneth the third indenture, it appears not he committed a miſdemeanor.

Reſolved by the houſe accordingly, that Mr. Stephens, Sir Robert Cook, Mr. Craven, and Sir Edward Alford, forbear to ſit in the houſe, till their elections be determined.

Reſolved, that Mr. Hall, the bailiff of this borough, be ſent for, by the ſerjeant at arms, as a delinquent.

Reſolved, that * *plebe*, * Moderne, bailiffs, do not appear as yet to have committed any miſdemeanor: therefore not to be ſent for.

20th. Sir Edward Alford is not to make his choice, for which place he will ſerve, till the election for this borough and Arundel be determined.

Dec. 11. A committee appointed to ſtate the caſe of this borough, and preſent it in writing to the houſe to conſider of it.

July 15, 1641. Reported, the caſe for this borough was before the committee of privileges.

Auguſt 6th. Reſolved, that the election for this town is totally void: and that Mr. Speaker do iſſue forth his warrant to the clerk of the Crown in Chancery for a new writ, for the electing two burgeſſes for this town.

Nov. 2. The caſe of the election for Arundel and this borough, to be heard to-morrow.

12th. Reſolved, upon the queſtion, that the election of this borough ſhall be committed to the committee for elections, together with the petitions that concern that election.

Dec. 2, 1695. A petition of Sir Richard Cox, baronet, was read; ſhewing, that at the election for burgeſſes, to ſerve in this preſent parliament for this borough, many undue practices were uſed by Sir Francis Winnington, and his agents, againſt the petitioner, and thoſe who intended to vote for him; not only by threatning thoſe who had voted for the petitioner, to turn them out of their houſes, if they did not withdraw their votes; but alſo by detaining the town-book, wherein all the names of the freemen are entered that had a right to vote: that though the petitioner had the greater number of legal votes, yet the ſheriff hath returned the ſaid Sir Francis Winnington: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

July 3, 1714. A petition of Edward Popham, eſquire, was read; ſhewing, that the petitioner, and Anthony Lechmere, eſquire, were candidates for this borough, vacant by the death of Charles Dowdeſwell, eſquire: that the ſaid Mr. Lechmere, by illegal practices of himſelf, and agents, hath procured himſelf to be returned, in wrong of the petitioners, who had a legal majority: and praying &c.

Ordered it to be referred to the committee of privileges and elections, to examine, and report the ſame, with their opinion.

June 19, 1717. Ordered, a warrant for a new writ, to elect a burgeſs, to ſerve in this preſent parliament for this borough, in the room of Anthony Lechmere, eſquire, made receiver-general and caſhier of his Majeſty's cuſtoms.

March 14, 1718. Ordered a warrant for a new writ, to elect a burgeſs, to ſerve in this preſent parliament for this borough, in the room of Anthony Lechmere, eſquire, made his Majeſty's attorney-general.

Nov. 6, 1721. A petition of George Read, eſquire, was read; ſhewing, that at the laſt election of a burgeſs, to ſerve in parliament for this borough, the Lord Viſcount Gage and the petitioner were candidates: that Edward Leigh, and Edward Cliffton, bailiffs of the ſaid borough, who preſided there, allowed ſeveral illegal voters to poll for the Lord Gage, and refuſed ſeveral legal voters to poll for the petitioner: and great tumults and diſorders were committed by the agents of the ſaid Lord Gage; whereby many others of the petitioner's voters were hindered; which tumults might have been prevented by the ſaid bailiffs, but they refuſed to do it; and have unduly returned the Lord Gage: and praying &c.

Ordered, it be referred to the committee of privileges and elections, to examine and report the ſame, with their opinion.

THETFORD.

THIS is a borough, within the counties of Norfolk and Suffolk. It never ſent burgeſſes to parliament until King Edward the ſixth's time, and was incorporated in the 16th of Queen Elizabeth. The right of election, ſoon after its firſt ſummons, appears by the indenture, 1 *Mariæ — Quod major, burgenſes, et alii homines, de communi conſilio et congregatione dicti burgi una voce elegimus*, &c. The ſame form appears in the indenture, 1 Eliz. The memoirs of conteſted elections in parliament do not appear till ſince the Reſtoration; after which time, the following are to be found in the Journals.

May 23, 1685. A petition of Sir Joſeph Williamſon was read; complaining of an undue election and return of Henry Heveningham, eſquire, as burgeſs for this borough, to ſerve in this preſent parliament, in injury of the petitioner, who was duly elected, and ought to have been returned.

Ordered, that the matter be heard at the bar, on Friday next.

Ordered, that the ſaid matter be heard on Saturday next; and that the clerk of the Crown do then attend with the return. Poſt meridiem.

May 30. A petition of the burgeſſes and inhabitants of this borough, touching the election for the ſaid town, was read.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

That the merits of the return for this borough be heard on Monday next, at the bar.

June 1. Ordered, that the matter, touching the return of burgeſſes to ſerve in this parliament for this borough, be heard on the morrow morning.

2d. The houſe proceeded to a hearing of the matter of the return of burgeſſes, to ſerve in this preſent parliament for this borough.

And the counſel on both ſides being called in, and heard at the bar, and being withdrawn;

Reſolved, that no mayor can duly return himſelf a burgeſs, to ſerve in parliament for the ſame borough of which he is mayor, at the time of the election.

Reſolved, that no mayor, bailiff, or other officer, of a borough, who is the proper officer, to whom the precept ought to be directed, is capable of being elected to ſerve in parliament for the ſame borough, for which he is mayor, bailiff, or officer, at the time of the election.

Reſolved, that Henry Heveningham, eſquire, is not duly returned a burgeſs, to ſerve in this parliament for this borough.

3d. A petition of the burgeſſes and common-council of this borough, touching the election of the ſaid borough, and a petition of Henry Heveningham, eſquire, touching the ſame election, were read.

An indenture being offered to the houſe, whereby Sir Joſeph Williamſon was alledged to be elected a burgeſs to ſerve in this parliament for this borough, and which was ſaid to have been tendered to the mayor to be by him returned with the precept, but refuſed by him.

A motion was made to call in the witneſſes to prove the ſaid indenture at the bar; but diſagreed to.

Ordered, that the merits of the election for this borough, be heard before the committee of elections and privileges, on Saturday ſeven-night.

June 17th. Sir Chriſtopher Muſgrave reported from the committee upon the matter of the ſaid election, that the committee had come to the following reſolutions:

1. That the right of election is in the mayor, burgeſſes, (which are ten) and in the commonalty or common-council, (which are twenty) amounting in the whole to one and thirty.

2. That Sir Joſeph Williamſon is duly elected to ſerve in the preſent parliament for this borough.

3. That William de Grey, eſquire, is duly elected to ſerve in this preſent parliament for this borough.

The ſaid three reſolutions being twice read, were agreed to by the houſe.

Ordered, that the mayor, or his deputy, do attend this day ſevennight, and bring up the common ſeal of this borough, in order to his amending the return of burgeſſes, to ſerve in this parliament for this borough.

Vide Report. Feb. 2, 1688. A petition of the mayor, burgeſſes, and commons, of this borough, complaining of an undue election and return of members, to ſerve in the preſent convention for this borough, was read.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

28th. A petition of Abraham Felton, eſquire, complaining of an undue election and return for this borough, was read.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion; with an inſtruction to the ſaid committee, to hear it at the ſame time with the former petition.

May 21, 1689. Colonel Birch reported from the ſaid committee, the matter of the ſaid election upon the ſaid petitions, as follows.

Upon the matter of Mr. Felton, the counſel gave no evidence. But upon the petition of the corporation againſt Mr. Harbord, in behalf of Sir Joſeph Williamſon, the queſtion aroſe upon the irregular ſurrender of the charter of the borough: the petitioner claiming a right under the new charter; Mr. Harbord under the former charter, which he inſiſted was ſtill in full force.

For the petitioner: — The counſel produced the ſurrender of the old charter, dated 30 January, 1681.

In anſwer, it was admitted the charter was ſurrendered, but illegally: for Mr. Mendham being mayor in 1681, and his year expired, one Mr. Hetherſet was choſen mayor, and ought to have been ſworn by Mendham; but being refuſed, applied to the court of King's-bench for a *mendamus*, and had an *alias & pluries*; and Mendham was taken into cuſtody for his contempt in not obeying them: and that Mendham at laſt, to get his diſcharge, procured the ſurrender of the charter; and to that end, that he might have the pretence of the majority of the corporation for the ſaid ſurrender, cauſed his ſon, being under 16 years of age, and one Mobb, being an excommunicate perſon, to receive the ſacrament, to qualify themſelves to be of the corporation; and that before the ſaid ſurrender was enrolled, the other members, to the number of about 17, did all they could to hinder it: and called

Mr. Thurſton; who ſaid, he was at the election in 1681, when Mr. Hetherſet, by conſent of the whole town, was choſen mayor, but refuſed by Mendham to be ſworn: that he knows no objection made againſt Mr. Hetherſet's being unqualified then; but when the times ran high, they ſaid, he was not qualified.

Croſtley ſaid, he was preſent when Mr. Hetherſet was choſen mayor, but Mr. Mendham did not come till after the election; and then Mr. Hetherſet, with about 2 or 3 more of the corporation, went to Mr. Mendham to be ſworn; and he refuſed it, but gave no reaſon: that there were 17 of the corporation againſt the ſurrender, and 14 for it; and that on the 30th of January * about 8 * the ſacrament was appointed to qualify 2 perſons, in order to the ſurrender; viz. Mr. Mendham's boy, about 16 years of age, and one Mobb, who was reckoned an excommunicated perſon: that as to the other 17 of the corporation, they were never called or ſummoned when the ſurrender was agreed on.

Cawle, clerk of the pariſh, ſaid, he ſaw Mr. Mendham come riding haſtily, as he was ringing the bell, and he ceaſed the bell; and the doctor ordered him to get a pint of wine and a loaf for the communion; and when the communion was to be, every body went out of the church but Mr. Mendham and Mr. Mobb; and he was going, but the doctor called to him, and ſaid, he muſt ſtay, and make 3: that making excuſe of being unfit, the doctor told him, that as clerk, he ought always to be prepared, and muſt receive it; and ſo he did: but ſaid, Mobb was never (to his knowledge) excommunicated.

Bedwell, ſerjeant of the town, ſaid, Mendham came down on the 30th of January, and Mobb's partner aſked him to take the ſacrament; and he telling Mobb, he was not fit, Mobb told him, he muſt: and that afterwards Mobb received, but did not ſwallow the bread, but put it out of his mouth; and he ſaid, Mobb was an atheiſt. He ſaid, the cuſtom is, the common-council chuſes two, and the inhabitants chuſe the mayor of one of them.

Cropley delivered in a paper, in the nature of a proteſt againſt the ſurrender of the charter, dated the 11th day of February 1681, and ſigned by 17 of the corporation. He believes, no one can give an account of the ſurrender, but thoſe who were for it; the reſt having no notice of it.

For the petitioner: — That the counſel inſiſted, that Mr. Hetherſet had not taken the oaths preſcribed by the ſtatute 13 *Car.* II. ſo could not be legal mayor.

Sadler delivered a paper ſigned by Mr. Hetherſet, dated 24 July, 33 *Car.* II. in which it was aſſerted, that it did not appear by ſearching the records, that Mr. Hetherſet, at the time of his being elected a burgeſs, had ſubſcribed the declaration, and taken the oaths according to the ſtatute 13 *Car.* II. as alſo an ancient book herein is an order, 16 Sept. 33 *Car.* II. whereby John Wright was diſmiſſed being a commoner of the borough.

Sadler being aſked, if Lord Sunderland had ſent a letter to the corporation about the electing of a mayor, denied Lord Sunderland had wrote to that purpoſe. But Mr. Thurſton and another witneſs ſaid, there was ſuch a letter wrote by Lord Sunderland a little before Michaelmas.

Upon the whole the committee reſolved,

1. That William Harbord, eſquire, is duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

2. That Sir Francis Gibbon is duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

Which reſolutions, being twice read, were agreed to by the houſe.

March 28, 1690. A petition of William Harbord, eſquire, and Sir Francis Guibons, was read; ſhewing, they were duly choſen burgeſſes for this borough; and an indenture thereof made by Edmond Roſwell, the lawful mayor, by virtue of the old charter: but that one Tyrrell, the mayor, by virtue of the new charter upon the ſurrender, having gotten the precept in his cuſtody, had made an indenture of return of Sir Joſeph Williamſon and Adam Felton, eſquire, though not duly choſen: that the ſheriff of the county has made double returns of both indentures, in prejudice of the petitioners: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

April 30. Ordered, that it be reported on Friday morning next.

May 3. Mr. Grey reported from the ſaid committee, the matter of the ſaid election, as follows.

It appeared, that William Harbord, eſquire, and Sir Francis Guybon, were returned by Edmond Ruſſell, mayor, under the old charter of Queen Elizabeth; and Sir Joſeph Williamſon, and Adam Felton, eſquire, were returned by John Tyrrell, mayor, under the new charter: and the merits of the election depended upon the determining which was the right mayor.

That it was agreed, the right of election was in the mayor, ten capital burgeſſes, and twenty common-council-men.

That for Sir Joſeph Williamſon, and Mr. Felton, it was inſiſted, the charter of Queen Elizabeth, granted to this borough, and all other charters, &c. were ſurrendered: and produced a copy of the ſurrender, dated the 30th of January, 34 *Car.* II. and the new charter the ſame year.

For Mr. Harbord and Sir Francis Guybor, it was inſiſted, that the charter 16 Eliz. was not duly ſurrendered, nor agreed to by a majority of the corporation: and called witneſſes; who ſaid, that one Hetherſet was elected mayor; but John Mendham, the mayor, then in being, refuſed to ſwear him; upon which, ſeveral *mandamus'* iſſued out of the King's-bench to ſwear Hetherſet: but afterwards Mendham on this occaſion, by disfranchiſing three old members, and admitting two new ones, (whereof one his ſon, about 17 or 18, and one Mobb, who had not uſed to come to church, upon this occaſion received the ſacrament in a profligate manner, by ſpitting the bread out of his mouth) procured a bare majority for ſurrendering the charter. As to the manner of electing the mayor for this borough, it is thus: the common-council propoſe two capital burgeſſes to the inhabitants, out of which they elect the mayor; and in caſe of death or removal of the mayor, thoſe, who have right of electing, have a power, within 8 days after, to chuſe another, who is to be ſworn before the recorder or his deputy, and other capital burgeſſes, or the major part of them. In this caſe, one Harper was choſen mayor, who dying ſoon after, and there being but two capital burgeſſes by the charter of Queen Elizabeth alive, the common-council propoſed to the inhabitants Roſſall, who was choſen, and this deputy-recorder refuſing to ſwear him, he was ſworn by one Fokes, an attorney, in preſence of the numbers of the old corporation.

Thereupon the committee reſolved,

1. That the charter 16 Eliz. granted to this borough is not duly nor legally ſurrendered.

2. That William Harbord, eſquire, and Sir Francis Guybon are duly returned and elected burgeſſes to ſerve in this preſent parliament for this borough.

Whereto (upon the ſaid reſolutions being twice read) the houſe agreed: and ordered the return to be amended.

Dec. 12, 1698. A petition of Edmund Soam, eſquire, was read; ſhewing that at the late election of members to ſerve in parliament for this borough, Sir Joſeph Williamſon and the petitioner had the majority of legal voters; but Robert Caudle, the mayor of this borough, did refuſe to poll ſeveral who had a right to poll for the petitioner; and admitted others who had none, to vote; and by many partial proceedings, and unlawful practices, James Sloan, eſquire, procured himſelf to be returned with Sir Joſeph Williamſon, in wrong to the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Nov. 16, 1699. The petition of Mr. Soame (in ſubſtance the ſame with the former) was again read.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Jan. 20. Ordered, that the report be made on Monday morning next.

22d. Sir Rowland Gwyn reported (according to order) the matter, as it appeared to the committee, eſpecially, upon the ſaid election.

That the committee, before they came to any reſolution on the merits of the ſaid election, directed the following fact to be reported for the judgment of the houſe.

That the petitioner's counſel inſiſted, that ſeveral perſons ought to be added to the petitioner's poll, who offered to vote for him, and were refuſed by the mayor; viz. Edward Freeman, and others.

That the fact appeared to be thus, —— the right of election was agreed to be in the mayor, 10 capital burgeſſes, and 20 common-council-men.

That Freeman was removed from being a common-council-man, becauſe he had not ſigned the aſſociation within the time preſcribed by the act; and another was ſworn in his ſtead.

Freeman himſelf, being examined, ſaid, he ſigned the voluntary aſſociation, and alſo the aſſociation according to the act; but could not ſay, whether before or after the election: that he never refuſed to ſign the aſſociation; and if he did not ſign it at that time, it was becauſe no ſeſſion was held, at which he could regularly do it, and that he was out of town when it was done by others. And the counſel inſiſted, that if Freeman had not ſubſcribed it in time, the voters for Mr. Sloan were in the ſame caſe.

In anſwer for Mr. Sloan:—The ſeſſions-roll was produced; viz. "Borough of Thetford, at a general "quarter ſeſſions of the peace held for the borough "aforeſaid on Monday the 22d day of June, in the "8th year of the reign of King William the IIId, and "in the year of our Lord 1696, and ſo continued "by ſeveral adjournments until the 3d day of Au-

“ guſt then next following; the aſſociation under-
“ written was ſubſcribed to by the ſeveral perſons as
“ underwritten according to an act of parliament
“ made in the 7th and 8th years of the reign of the
“ preſent King William, entitled, An act for the
“ better ſecuring of his Majeſty's royal perſon and
“ government.”

That Mr. Sloan's counſel offered to prove, that the ſaid perſons had ſubſcribed the aſſociation in time according to the act of parliament: But the evidence being objected to, the committee ordered the ſpecial matter of fact to be reported to the houſe.

Ordered, that the merits of the ſaid election, together with the matter of the ſaid report, be heard at the bar on Friday next.

26th. The houſe proceeded accordingly to the hearing of the ſaid matter; and the counſel for Edmund Soam, eſquire, the petitioner, and James Sloan, eſquire, the ſitting member, were called in and heard; and ſeveral witneſſes examined; and then withdrew.

Reſolved, that James Sloan, eſquire, in treating the corporation of this borough, has been guilty of a breach of the late act of parliament for preventing expences in elections.

Reſolved, that James Sloan, eſquire, is not duly elected a burgeſs to ſerve in this preſent parliament for this borough.

Reſolved, that the ſaid election is a void election: and a new writ was ordered for electing a burgeſs to ſerve in this parliament for this borough.

Feb. 19th. Reſolved, that this houſe will on Saturday morning, in a full houſe, conſider the act for preventing expences in elections.

Ordered, that Mr. Sloan (as a member of this houſe) do attend in his place on Saturday morning next.

Ordered, that the clerk of the Crown do then attend thts houſe with the writ and return for this borough.

21ſt. A petition of Edmond Soam, eſquire, was read; ſhewing, that on the 26th of January laſt, this houſe reſolved,

That James Sloane, eſquire, in treating the corporation of this borough, had been guilty of a breach of the late act of parliament for preventing expences in elections; and a new writ iſſued for electing a burgeſs to ſerve in this paliament in his room: yet the ſaid Mr. Sloane hath procured himſelf to be again returned; though the petitioner was duly elected a burgeſs upon the ſaid new election, Mr. Sloane being incapacitated to ſit in the houſe, as adviſed: and praying &c.

Ordered, that the ſaid petition be laid on the table until Saturday morning next, when the act againſt expences in elections is to be taken into conſideration, and the ſaid Mr. Sloan is to attend.

Ordered, that the act for preventing expences in elections be conſidered on Thurſday ſeven-night; and Mr. Sloan do then attend in his place: and that the clerk of the Crown do attend with the writ and return for this borough.

29th. Ordered, that the ſaid act be conſidered to-morrow morning; and that Mr. Sloane do then attend in his place.

March 1ſt. Ordered, that the ſaid act be conſidered to-morrow morning; and that Mr. Sloane do then attend in his place.

2d. The houſe proceeded to conſider the ſaid act; and Mr. Soam's petition was again read: and the ſaid act was read.

And Mr. Sloan attending according to order; he was heard, and withdrew.

And a debate ariſing upon Mr. Sloan being again choſen and returned for this borough, it was reſolved, that the ſaid Mr. Sloan is incapable of ſerving in this preſent parliament for the ſaid borough.

Ordered, that the petition of Mr. Soame be refered to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Nov. 27, 1708. A petition of Sir Thomas Hanmer, baronet, and Dudley North, eſquire, was read; ſhewing, that at the laſt election of burgeſſes to ſerve in this parliament for this borough, there ſtood candidates, the petitioners, Thomas de Grey and Robert Baylis, eſquires; and the petitioners had thereat a majority of legal voters, and ought to have been returned: But Robert Candel, the pretended mayor, refuſed the votes of divers duly qualified and offered to vote for the petitioners; and admitted others to vote for Mr. De Grey and Mr. Baylis, who were not duly qualified: by reaſon whereof, and other illegal practices in order to, and at, the ſaid election, the ſaid mayor hath returned Mr. De Grey, and Mr. Baylis, contrary to juſtice, and in prejudice of the petitioners: and praying &c.

Ordered to be heard at the bar of the houſe on the 5th day of April next.

THIRSK.

THIS borough is ſituate within the county of York; and Doctor Willis writes, was firſt ſummoned, in the 23d of Edward I. to ſend burgeſſes to parliament, but returned only once; and then ceaſed until the ſheriff ſummoned it again in the laſt parliament of Edward VI. I meet with no other memoirs until ſince the reſtoration, when in the journals of the houſe of commons the following occur. Willis 1749 69.

May 3, 1660. Mr. Turner reports from the committee of privileges and elections, touching the double return for this borough.——The opinion of the committee, that William Stanley, eſquire, is returned by the proper officer, and ought to ſit until the merits of the cauſe upon the double return be determined: whereto the houſe agreed.

March 22, 1672. Reſolved, that the committee of elections do before the receſs, proceed in the matter concerning the double return for this borough, who are returned by the proper officer.

Oct. 30, 1673. A motion being made on behalf of Sir William Wentworth, who was returned a burgeſs for this borough, informing the houſe, that by reaſon of a conteſt between him and Mr. Wharton, touching the election, he had hitherto forborn to ſit without the leave of the houſe, though he was returned by the proper officer.——And the clerk of the Crown attending at the door with the returns; and being called and withdrawn.

Both returns being twice read, and the atterm debated.

Reſolved, that Sir William Wentworth is duly returned, by the proper officer, to ſerve for this borough, and ought to ſit.

The houſe was prorogued on the 4th of November to the 7th of January following.

Jan. 7th. A petition of Robert Wharton, eſquire, being preſented to the houſe, and delivered in at the clerk's table, complaining of an undue return made of Sir William Wentworth, knight, to ſerve for this borough, by one Roger Meynell, bailiff of the ſaid borough; in injury of the petitioner, who was duly elected, and ought to have been returned.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame with their opinion.

The ſeſſion ended, the parliament being prorogued on the 24th of February, to the 10th of November 1674, and from thence to the 13th of April after.—This petition was again lodged with the committee of elections. And

May 20, 1675. Sir Thomas Meres reported, from the ſaid committee, the ſtate of the caſe and evidence for this borough; and three votes of the committee, as follows.

That Sir William Wentworth is not duly elected a burgeſs to ſerve in this parliament for this borough.

That Mr. Wharton is not duly elected a burgeſs to ſerve in this parliament for this borough.

That the ſaid election for this borough, is a void election.

The firſt of the ſaid votes, being read a ſecond time, was diſagreed to by the houſe. And

Reſolved, that Sir William Wentworth is duly elected a burgeſs to ſerve in this preſent parliament for this borough.

June 7, 1711. Ordered a warrant for a new writ in the room of Sir Thomas Frankland, baronet, appointed by the Queen to manage the duties of the Poſt-office.

April 8, 1715. A warrant for a new writ for electing a burgeſs for this borough, in the room of Thomas Frankland, eſquire, made clerk of the deliveries of the ordnance.

July 15, 1717. Ordered a warrant for a new writ for electing a burgeſs for this borough, in the room of Ralph Bell, eſquire, made cuſtomer of Hull.

April 24, 1724. Ordered a warrant for a new writ for electing a burgeſs for this borough, in the room of Thomas Frankland, eſquire, made a commiſſioner of the revenue in Ireland.

TIVERTON.

Willis, vol. II. 380.

THIS borough is ſituate within the county of Devon; and was incorporated by King James I. ſee the extract of the charter in the Appendix, who by his charter impowers the corporation to elect two burgeſſes to parliament. The memoirs relating to the election, in the journals of the houſe of commons, are theſe following.

Nov. 20, 1660. Ordered, that it be referred to the committee of privileges and elections, to examine the miſcarriage of a warrant for a new writ iſſued for the election of a burgeſs to ſerve for this borough, ſo that the writ cannot be executed; by reaſon whereof this houſe is deprived of a member, and to ſtate the matter of fact, and report it to the houſe.

Oct. 13, 1675. A petition of Sir Hugh Ackland was read.

Reſolved, that this petition be referred to the committee of privileges and elections, to take into conſideration the regularity of the return for this town, and report the matter with their opinion.

Nov. 30, 1710. Reſolved, that this houſe will to-morrow morning take into conſideration the double return for this borough.

Ordered, that the clerk of the Crown do attend the houſe to-morrow morning, at 11 of the clock, with the double return for this borough.

Dec. 1. The clerk of the Crown attending according to order, the houſe proceeded to take the ſame into conſideration.

And the return being read, it appeared, that Thomas Bore, eſquire, Richard Mervin, eſquire, and John Worth, eſquire, had an equal number of votes.

Reſolved, that the late election of burgeſſes to ſerve in this preſent parliament for this borough is a void election.

Ordered, that the Speaker do iſſue a warrant to make out a new writ for the electing burgeſſes to ſerve in this preſent parliament for this borough.

TOTTNESS.

THIS borough is ſituate in the county of Devon. It has returned burgeſſes to parliament from the 23d of Edward I. who were elected in the county-court in the 27th of Henry VI. after which I have not ſeen the returns, nor any memoirs relating to the election, till ſince the revolution, when, in the journals of the houſe of commons, I find

Nov. 29, 1695. A petition of Sir Richard Gipps, knight, and James Bateman, eſquire, was read; ſhewing, that at the election of burgeſſes, to ſerve in this preſent parliament for this borough, Sir Edward Seymour, baronet, and Edward Yard, eſquire, and the petitioners, were candidates; and the majority of perſons, who had a right to vote, did chooſe, and were polled for the petitioners: notwithſtanding which, the mayor of the ſaid borough hath returned Sir Edward Seymour and Mr. Yard, as burgeſſes, in wrong to the petitioners: and praying &c.

Ordered, it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion, to the houſe.

March 2. Ordered, that it be reported on Wedneſday next.

4th. Colonel Granville reported the matter upon the ſaid petition; viz. that the committee have examined the merits of the election: and the poll was

For Sir Edward Seymour,	34,
For Mr. Yard,	35,
For Sir Richard Gipps,	10,
For Mr. Bateman,	4.

But for the petitioners it was inſiſted that 32 that had right, and were for the petitioners, were denied to be polled. That the right of election was in the freemen inhabiting within the borough; and that 10, who were for Sir Edward Seymour and Mr. Yard, were not ſo qualified.

Upon the petitioners own evidence, 4 of the 32 were diſqualified, and the remaining 28 were made free under the late K. James's charter: ſo that their freedom ſeemed to depend upon the validity of that charter. And as to that, it appeared to the committee, that an inſtrument of ſurrender of the charter of Totneſs had been made in King Charles II. time; but that ſurrender had never been enrolled: however upon executing of the inſtrument of ſurrender, the ſaid late King James did grant a new charter to the ſaid borough, and by that appointed the mayor, recorder, and juſtices of the peace, and aſſiſtants to the mayor of the ſaid borough and ſome freemen, and that under this charter theſe freemen were made: that after the proclamation for reſtoring of charters, the old magiſtrates reſumed their ſeveral offices, and theſe appointed by King James' charter never pretended to act ſince, nor could the petitioners prove, that the freemen made by the ſaid King James' charter ever voted or claimed to vote at any election ſince.

But the petitioners inſiſted, though King James' charter was not valid, yet if thoſe, who were made free, had a right to be made free, they were well made by ſuch as acted in the magiſtracy. For this they called Cockey and Short, who proved Cockey, Brooking, Farwell, and Short, were all ſons of freemen. They alſo proved ſome to be apprentices in Totneſs: but could not ſpeak poſitively as to their maſters being freemen.

Farwell and Horace ſaid, that Sir Richard Gipps had demanded the mayor to poll theſe perſons, and began with Doctor Burthogg: but the mayor ſaid he could not allow thoſe made free by King James' charter.

To prove the right of freemen inhabiting, they produced a copy of the freemens oath, whereby they ſwear not to claim or occupy the liberties of the town, only during ſuch time as they ſhall inhabit therein.

For the ſitting-members, the counſel admitted, that as to ſix who voted for them, they did not live out of town at the time of the election, but one was a magiſtrate, and the other had not lived out of town three months.

However it was inſiſted, that the freemen not inhabiting within the town, as well as thoſe who did, had a right to vote, and that though a breach of an oath might be a good cauſe for disfranchiſement, yet it did not *ipſo facto* do it. And they called Buckley and others, who ſaid, Sir Richard Gipps demanded the mayor to poll the freemen by King James' charter: that the mayor told him, all that he knew had right had polled already, but in caſe he would call any there he would admit them; whereupon Sir Richard Gipps named Doctor Barthog; and the mayor ſaid, he would not allow him, and ſo he named no more: that on the 6th of November before the election, Sir Richard Gipps being at the mayor's, ſaid he was commanded by the King to be a candidate, and that if he had but one voice he ſhould ſit, for he had as great intereſt with the King, as any man in England, and could procure 500 l. yearly for the corporation: that at the election, he told Sir Edward Seymour, he had not oppoſed him, but was commanded by the higher powers; and being deſired to explain himſelf, or he might hear of it in another place; he ſaid, he was commanded by his wife: that after the election was over, he ſaid, he would give any man 50 l. to lay 100 l. that he did carry it in St. Stephen's chapel: that on the 11th of this month he ſaid at the mayor's lodgings, now he ſhould loſe it right or wrong, for Sir Edward Seymour had ſuch an intereſt in the houſe.

That upon the whole the committee reſolved,

1. That the perſons made free by the late King James' charter within this borough had no right to vote, in electing of members to ſerve in parliament for this borough by virtue of ſuch freedom.

2. That the right of electing burgeſſes to ſerve in parliament for this borough, is in the freemen not inhabiting, as well as in the freemen inhabiting, within the ſaid borough.

3. That Sir Edward Seymour, baronet, and Edward Yard, eſquire, are duly elected burgeſſes to ſerve in this preſent parliament for this borough.

4. That the petition of Sir Richard Gipps, complaining of an undue election for this borough, is vexatious, frivolous, and groundleſs.

The ſaid four reſolutions (being twice read) were agreed to by the houſe.

Reſolved, that Sir Richard Gipps having preferred to the houſe a frivolous, vexatious, and groundleſs petition, relating to the election of members to ſerve in this preſent parliament for this borough, be taken into cuſtody of the ſerjeant at arms attending this houſe.

Reſolved, that Sir Richard Gipps do make ſatisfaction to the members of this houſe he petitioned againſt, for the coſts and expences they have been put to by reaſon of the ſaid petition.

June 12, 1711. Ordered a warrant for a new writ for electing a burgeſs for this borough in the room of Francis Gwyn, eſquire, made a commiſſioner of trade.

April 17, 1719. Ordered a warrant for a new writ for electing a burgeſs to ſerve in this preſent parliament for this borough, in the room of Sir Charles Willes, knight of the Bath, made lieutenant general of the ordnance.

TREGONY.

THIS borough is ſituate within the county of Cornwall. Doctor Willis writes, it ſent burgeſſes to parliament in the 23d and 35th of Edward I; and ſets down the names of thoſe returned: but Mr. Prynne takes no notice of them. After this the Doctor admits no returns were made till the 5th of Queen Elizabeth, when their right was queſtioned; of which, and ſubſequent memoirs relating to the election, the journals afford the following.

Willis Notitia, vol. II. 115.

Jan. 28, 1562. Several boroughs having burgeſſes returned into chancery lately, viz. Tregony and others, Mr. Speaker declared to the houſe, that the lord ſteward agreed, they ſhould reſort to the houſe, and with convenient ſpeed to ſhew letters patent, why they be returned into parliament.

D'Ewes Journal, fol. 80.

May 5, 1660. Mr. Turner reported from the committee of privileges and elections, touching the ſeveral returns for this borough, that Sir John Temple, knight, and Edward Boſcawen, eſquire, are returned by the proper officer: and the opinion of the committee, that they ought to ſit, till the merits of the cauſe be determined: whereto the houſe agreed.

April 1, 1690. A petition of Thomas Tonken and others, magiſtrates and inhabitants of this borough, was read; ſhewing, that the petitioners, with others who had the right to elect, did chuſe John Pole, eſquire, to be one of their burgeſſes: yet the mayor returned two others to ſerve for the ſaid borough, in prejudice to the ſaid borough and petitioners: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Oct. 8th. A petition of the ſaid Thomas Tonken and other magiſtrates (the ſame in ſubſtance with the former) was read.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Nov. 25, 1695. A petition of Sir Joſeph Tredenham, knight, was read; ſhewing, that the petitioner was duly elected one of the burgeſſes to ſerve in this preſent parliament for this borough; but that Hugh Wolridge, the mayor of the ſaid borough, hath unjuſtly and arbitrarily returned the honourable Francis Roberts and James Montague, eſquires, to ſerve in this preſent parliament: that ſeveral of the burgeſſes, who had declared their intention to vote for the petitioners, were prevailed on, by bribery and menaces, to give their votes for Mr. Roberts and Mr. Montague at the election; but notwithſtanding which, the greateſt part of the legal electors voted for the petitioner: and praying &c.

A petition of Seymour Tredenham, eſquire, was read; ſhewing, that the petitioner was duly elected a burgeſs to ſerve in this preſent parliament for this borough; notwithſtanding which, the mayor of the ſaid borough hath unjuſtly returned Francis Roberts and James Montague, eſquires, as burgeſſes: that ſeveral of the burgeſſes, who had declared their intentions to vote for the petitioner, were prevailed with at the election, by bribery and menaces, to give their votes for the ſaid Mr. Roberts and Mr. Montague, as the petitioner is ready to prove: and praying &c.

Ordered, that both the ſaid petitions be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

March 4th. Ordered to be reported to-morrow morning.

5th. Colonel Granvill reported, from the ſaid committee, the matter upon the ſaid petitions. —— That the committee had examined the merits of the election.——That upon the poll the numbers were

For Mr. Roberts,	93.
For Mr. Montague,	99.
For Sir Joſ. Tredenham,	88.
For Mr. Tredenham,	60.

That it was agreed, that all ſuch inhabitants of the ſaid borough as did provide for themſelves, whether they lived under one roof or not, had a right to vote.

But the petitioners inſiſted, the mayor ought not to have voted, and that the capital burgeſſes, if they were not houſekeepers, had no right to vote; which the other counſel denied.

That the ſitting members had given exceptions to 9 who polled for the petitioners: which the petitioners inſiſted they could anſwer: and alſo would juſtify 17 others who would have voted for them, and were refuſed by the mayor to be polled.

That the petitioners inſiſted, many ill practices had been uſed by Mr. Roberts and Mr. Montague, or their agents, in regard to the election: and called Greby, who ſaid, the town had been long uneaſy with electing ſtrangers: that about 140 went to Sir Joſeph Tredenham's houſe, and deſired him to be a candidate for the borough; and the mayor had engaged to do what he could for him: but Mr. Harvey, Mr. Boſcawen's ſteward, inſiſting upon both votes (by his maſter's order) the town was diſſatisfied, and then invited Mr. Seymour Tredenham: that it was given out, that Mr. Boſcawen's friends, if they would give a ſingle vote, ſhould have 6d. a day; if two, then 12d. and the mayor ſaid, Sir Joſeph would loſe it, unleſs he did the ſame; and one — Kinſman, who had engaged to Sir Joſeph, voted for Mr. Roberts and Mr. Montague; and being aſked how he came to do ſo, ſaid he got two hogs by it, one of which was worth 30s.

Woolridge ſaid, he had a 1000 weight of tin, which he was to diſtribute; and a little before the election, the mayor ſaid, he could have 100 l. for ten votes.

To prove the right of the 9 objected to, they called Greby and Triſcawen, who ſaid, May was an houſekeeper, and had lived in town above four years; but it was anſwered, he was poor, and had lived that time under preſentments: that Bowman had been an houſekeeper more than three years; but the ſame anſwer was given, as to May: that H. Triſcawen was an houſekeeper, and ſollicited for Mr. Roberts and Mr. Montague, and ſaid, he might have had 6 l; in anſwer it was ſaid, all the time of the election he lay in an hog's-ſtye: that Morſe had an eſtate in this borough of 14 or 16 l. yearly, and was an houſekeeper: that Tiller was an houſekeeper: that Collet kept an inn: that Paſcoe is an houſekeeper, a maſon, though ſometimes abroad for half a year, but his ſiſters lived in the houſe; but anſwered, his ſiſters did not live with him, and he had no ſervant: that Barnicote was an houſekeeper; but was anſwered, he worked in a chamber, and had no chimney: that Gummer kept ſhop; it was anſwered, he was a lodger, and had neither pot or bed.

As to the 17 refuſed by the mayor, the witneſſes ſaid, Collins voted before: Dodge is an houſekeeper; it was anſwered, he lay under a preſentment, and was poor: that Mr. Bedford is miniſter of the town, and rated; it was anſwered, he was a boarder at the time of the election: that Tiller was an houſekeeper, and aſked by the other ſide; in anſwer it was proved, he received charity, though not conſtantly: that Collet, junior, was clerk of the market: that —— Huſbands is cryer of the town, and an houſekeeper: anſwered, he was poor, and had been four years before in the alms-houſe: that Marke maintained himſelf, and rented a ſhop at 4 s. yearly: that Minors rented an houſe; but owned, he had received charity: that Herd rents an houſe, and maintains himſelf; anſwered, he was poor, and his wife buried by charity.

Then the petitioners counſel proceeded to except to 18, who voted for Mr. Roberts and Mr. Montague.

Triſcawen ſaid, Willicomb was no houſekeeper, and lived at Torrington; but owned, he had been mayor, and it was alſo anſwered, he reſerved a chamber, and lived in it at the time of the election: that Tonkin was a minor: that Deane was a ſervant, and removed out of town two years before the election; anſwered, he was always an houſekeeper, only went a few days to his brother, and had reſerved a room furniſhed with houſhold goods: that Moile was no houſekeeper; anſwered, he kept a ſhop: Woodhouſe was an exciſeman, and a lodger; proved in anſwer, he kept a maid ſervant, and dreſt his own meat: that Hill lived with his father; anſwered, he lived in a houſe of his own: that Kitchen received collection; anſwered, he voted formerly: that the evidence againſt the reſt was not poſitive, only hearſay.

To prove ill practices in Mr. Roberts and Mr. Montague, or their agents.

Betty ſaid, Can, who appeared for Mr. Boſcawen and Mr. Montague, offered him 20 s. which he refuſed.

Knight ſaid, J. Knight was threatned, if he did not vote for Mr. Boſcawen, he ſhould loſe all his employments: that Woolridge and Harvey had 10 s. ———— and Cann 20 ſhillings between them; and he ſaw it given: that Mr. Boſcawen aſked who he was for, and then promiſed him a leaſe, and wrote it down in his book: that a double voice had 12 d. a ſingle vote 6 d. that he met Woolridge and others on the election day, who offered him 25 s. for what was paſt, and ſaid, if he would not vote for Mr. Boſcawen, he ſhould not vote at all.

Collins ſaid, Cann offered him 3 l. to vote for Mr. Montague, and gave him 2 s. and was offered 4 l. by the mayor, on the election-day, to go off from Sir Joſeph Tredenham, and vote for Mr. Montague.

Turnoe ſaid, Mr. Harvey aſked him to vote for Mr. Boſcawen and his friend, and ſaid, a ſingle vote would not be accepted; and offered him 50 s. but he refuſed it: and Mr. Pentyre, agent for Mr. Boſcawen, ſaid, he would give him 6 l. and ſaid, he would make it up 10 l. but he voted for the petitioners.

Tiller ſaid, he was offered 3 l. of which he had 10 s. and when he had voted both votes againſt Sir Joſeph Tredenham, he was to have the remaining 50 s. and ſaid, if 3 l. was not enough, he ſhould have what he would.

Triſcawen and Barnicot affirmed, the mayor ſaid, he might have 100 guineas, if he would be againſt Sir Joſeph Tredenham; but ſaid, he would not for the kindneſs he had done him.

Collet ſaid, the mayor told him, if he would be for Mr. Boſcawen, he ſhould vote; and ſome others gave him 16 half crowns in hand to have voted for Mr. Roberts and Mr. Montague; but he returned the money, and his vote was refuſed: that he aſked Gild why he would be againſt Sir Joſeph; and he ſaid, he had 30 l. of Mr. Boſcawen to ſet up his trade.

Thomas May heard the mayor ſay, two days before the election, if Sir Joſeph had 100 votes more than the others, he ſhould not carry a burgeſs-ſhip.

For Mr. Roberts and Mr. Montague.

Cole ſaid, he was ſteward to Mr. Roberts, and when the poll was caſt up, the majority was for Mr. Roberts and Mr. Montague: ſome quære's were made, and thoſe made out allowed on both ſides, and Sir Joſeph, as he thought, ſatisfied; but ſaid to Mr. Boſcawen, he would ſee him in another place.

Woolridge ſaid, Triſcawen managed for Sir Joſeph Tredenham, and he aſked, if Sir Joſeph had paid him; and he anſwering, he had not, he queſtioned, if he did not carry it, whether he ever would pay him.

Tonkin ſaid, the right of election was in the mayor, burgeſſes and inhabitants, paying ſcot and lot.

As to ill practices in the petitioner's behalf,

Carew ſaid, he was at Sir Joſeph Tredenham's half a year before the election, and Sir Joſeph gave him 10 ſhillings: that he told Sir Joſeph, he owed 5 l. and Sir Joſeph ſaid, he ſhould not want that: that a little before the election, he tendered the 10 ſhillings to Sir Joſeph, who would not accept it: that he did not vote for Sir Joſeph; and after the election he ſent for the 10 ſhillings, and denied he ever ſaid any thing of having 25 l. for his vote.

But being confronted by 3 perſons, they notified he had ſaid, that—had, or could have, 25 l. for his vote.

Woolridge denied he ever offered Carew any money to vote.

Another witneſs ſaid, he aſked—Gummer why he was againſt his landlord; and he ſaid, he had 20 ſhillings for his vote; and Mr. Seymour Tredenham bid him go to one Ralph, and he did, and had it.

Sundercombe ſaid, he was offered 3 l. by Sir Joſeph Tredenham's ſervant for his vote.

Charles Crocken ſaid, Paſcoe Collins told him, he was with Sir Joſeph, who promiſed 3 l. 10 s. and he afterwards had it.

Livy ſaid, Sir Joſeph's ſervant aſked a vote for Sir Joſeph; and ſaid, if he would vote for him, he ſhould have 5 l. He alſo ſaid, his maſter John had a ſhip of timber coming home, and he ſhould have what he would.

Triſcawen ſaid, he was aſked by one of Sir Joſeph's men to vote for him, and he told them, they ſhould have 50 s. or 5 l. each.

Harvey denied he offered Turno any money to vote.

That the committee hereupon reſolved,

1. That Francis Roberts, eſquire, is duly elected a burgeſs, to ſerve in this parliament for this borough.

2. That James Montague, eſquire, is duly elected a burgeſs, to ſerve in this parliament for this borough.

The ſaid two reſolutions being twice read, were agreed to by the houſe.

Jan. 3, 1701. A petition of Hender Silly, of Trevelver in the county of Cornwall, eſquire, was read; ſhewing, that the petitioner was duly elected to ſerve in this preſent parliament for this borough; but by the unlawful practices of the agents of Hugh Forteſcue, eſquire, and Hugh Woolridge, the mayor of the ſaid borough (who allowed minors and other unqualified voters for the ſaid Mr. Forteſcue, and rejected ſeveral lawful voters for the petitioner) hath unduly returned Mr. Forteſcue, as one of the repreſentatives of the ſaid borough, refuſing to ſeal the petitioner's indenture, to his manifeſt wrong and injury: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Jan. 10, 1710. A petition of Thomas Millington, eſquire, was read; ſhewing, that the petitioner was duly elected, and ought to be returned a burgeſs in this parliament for this borough; but George Robinſon, eſquire, by bribery, and other indirect practices, procured himſelf to be returned, in wrong to the petitioner: and praying &c.

A motion, to refer it to the committee of privileges and elections, to examine and report the matter, with their opinion, diſagreed to.

Ordered to be heard at the bar of the houſe the 20th of Feb. next.

Feb. 7th. Ordered, that Mr. Millinton have leave to withdraw the ſaid petition.

April 15, 1717. Ordered a warrant for a new writ, for electing a burgeſs, to ſerve in this preſent parliament for this borough, in the room of James Craggs, junior, eſquire, made ſecretary at war.

March 14. Ordered a warrant for a new writ, for electing a burgeſs, to ſerve in this preſent parliament for this borough, in the room of James Craggs, junior, eſquire, made ſecretary of ſtate.

October 25, 1721. Ordered a warrant for a new writ for electing a burgeſs, to ſerve in this preſent parliament for this borough, in the room of Daniel Pulteney, eſquire, made a lord of the admiralty.

TRURO.

THIS borough is ſituate in the county of Cornwall; a very ancient borough, as will appear from the charters of Reginald Duke of Cornwall (which ſee in the Appendix.) It returned burgeſſes to parliament 26 Ed. I. and has ſo continued 4th Regiſt. 1139.

nued to do. I meet with no memoirs of the right of election before the Reſtoration; after which time, the Journals afford the following.

May 5, 1660. Mr. Turner reports from the committee of privileges and elections, touching the double return for this borough; that the warrant was directed to the mayor and burgeſſes, who returned in one indenture Edward Boſcawen, eſquire, together with Walter Vincent, eſquire, (who is returned in both indentures) and the committee's opinion, that Edward Boſcawen, eſquire, is returned by the proper officers, and ought to ſit till the merits of the cauſe be determined: whereto the houſe agreed.

June 20. Mr. Turner reports from the ſame committee, upon the double return for this borough: that upon the examination of the fact, the queſtion appeared to be, whether the mayor, and 24, or all the freemen of the borough, have right to elect members, to ſerve in parliament: and that the committee are of opinion, the mayor, and 24, without the freemen, have right to elect; and that Edward Boſcawen, eſquire, being returned in one indenture from the ſaid mayor and 24, together with Walter Vincent (who is alſo returned in the other indenture with Hender Roberts, eſquire) are duly elected, and ought to ſit: whereto the houſe agreed.

May 16, 1661. Serjeant Charleton makes report from the ſame committee, touching the double return for this borough: that Nicholas Arundel, eſquire, and Edward Boſcawen, eſquire, were returned by one indenture by the mayor; and William Bruarton, eſquire, and Arthur Trevor, eſquire, were returned by another indenture, to which the mayor refuſed to put his hand: and the opinion of the committee, that Mr. Arundel and Mr. Boſcawen ought to ſit, till the merits of the cauſe, touching the ſaid election, be determined: whereto the houſe agreed.

July 20. Serjeant Charleton reports from the ſame committee, the caſe upon the double return for this borough:— that upon examination of the fact, the queſtion appeared to be, whether the mayor and 24, or all the freemen of the borough, have right to elect members to ſerve in parliament: and this was the reſolution of the laſt parliament, and the opinion of the committee, that the 24 only, without the other freemen, had right to elect, and that Mr. Boſcawen and Mr. Arundel were duly elected by them, and ought to ſit: whereto the houſe agreed.

Oct. 25, 1680. A petition of the burgeſſes and inhabitants of this borough, was read.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

March 25, 1681. A petition of Sir Thomas Littleton, baronet, and Thomas Cook, eſquire, touching the election for this borough, was read.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Feb. 2, 1688. Colonel Birch reported from the committee of elections and privileges, to whom the merits of the double return for this borough was referred, that the committee had reſolved,

That Henry Slade, at the time of the election of burgeſſes, to ſerve in this preſent convention for this borough, in purſuance of his Highneſs the Prince of Orange's letter, was the proper officer who had right to make return of burgeſſes to ſerve for this borough.

That Sir Henry Aſhurſt, and Henry Vincent, eſquire, are duly returned, to ſerve in the preſent convention for this borough: which, being read twice, were agreed unto by the houſe.

May 21, 1689. Colonel Birch reports from the committee, the matter, touching the election for this borough, upon the petition of John Tredenham and John Manley, eſquires, againſt the ſaid Sir Henry Aſhurſt, and Henry Vincent, eſquire.

That the queſtion was, whether the right of election was in the populace, or the ſelect number: that the petitioners claimed by the populace; and the ſitting-members by the ſelect number.

For the petitioners it was inſiſted, that Truroe was a borough by preſcription, but incorporated by Queen Elizabeth: and produced returns of burgeſſes to parliament for the ſaid borough, 26 Ed. I. 6 Ed. II. 10 Hen. VI.

Alſo an indenture of return of . . . 7 Ed. VI. mayor, with conſent of the whole commonalty, elected under the ſeal of the mayor.

1 *Mariæ* — mayor and commonalty of one mind, aſſent and conſent freely elected, under the ſeal of the parties.

Copy of the charter 31 Eliz. which recited, there had been long before a mayor of this borough, and at the ſame time gave them a common ſeal, and declared and conſtituted 24 capital burgeſſes.

For the ſitting-members it was inſiſted, this borough was a corporation by preſcription, as well as a borough; and that the recital of the charter imported as much: and produced an indenture of return, 26 Eliz.— *Major et burgenſes, elegerunt ſub ſigillo burgi:* an ancient book of the corporation in Henry the ſeventh's time, mentioning the 24— 7 Ed. IV. indenture of return of burgeſſes *per majorem comitatum burgenſes ſuos* 7. — An indenture of leaſe, 33 Hen. VIII. *per majorem et burgenſes:* another indenture, 3 Ed. VI. between the mayor and burgeſſes of the town, of the one part; and Walter Borlace, of the other part, for erecting a free grammar ſchool:—and an indenture of return of burgeſſes, 30 Eliz. *per majorem et burgenſes*, ſigned by the mayor and 13 of the burgeſſes, who were of the 24: copy of the Journal of the 20th of June 1660; and another copy of the Journal of the 20th of July 1661, that the right of election was in the mayor and 24 of the borough.

It was alſo inſiſted on by the ſitting-members, and agreed to by the petitioners counſel, that ever ſince the 31ſt of Elizabeth, the elections have been by the ſelect number of mayor and 24 burgeſſes.

That the committee reſolved,

1. That the right of election of burgeſſes to ſerve in parliament for this borough, is in the mayor, and ſelect number of burgeſſes only.

2. That Sir Henry Aſhurſt, and Henry Vincent, eſquire, are duly elected burgeſſes, to ſerve in this parliament for this borough.

The ſaid reſolutions being twice read, were unanimouſly agreed unto by the houſe.

March 24. A petition of John Manley, junior, eſquire, was read; ſhewing, that the petitioner is duly elected a burgeſs for this borough; but that Robert Avery, pretending to be mayor, having gotten the precept, executed the ſame, without giving any publick notice thereof; notwithſtanding which, the petitioner had the majority of voices, but yet the mayor hath returned Sir Henry Aſhurſt, in prejudice to the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Oct. 6, 1690. A petition of the ſaid John Manley (in ſubſtance the ſame with the former) was again read.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Oct. 22, 1691. A petition of the ſaid John Manley, junior, eſquire, was read; ſhewing, that notwithſtanding divers undue practices by the mayor of this borough, the petitioner was duly elected, although Sir Henry Aſhurſt be returned in the room of the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Dec. 19. Ordered, that Mr. Manley have leave to withdraw the ſaid petition.

Nov. 29, 1695. The houſe being informed, that the election for this borough was ſo late, that the return of it was not ſent up with the return of the county of Cornwall; and that now the indenture and return of the ſaid borough is ſent to the clerk of the Crown, and the ſheriff deſires it may be annexed to the writ, but that the clerk of the Crown deſires the direction of the houſe, touching his receiving the ſame.

Ordered, that the clerk of the Crown do receive the ſaid return for the ſaid borough, and annex it for the county of Cornwall.

July 9, 1714. Ordered a warrant for a new writ for electing a burgeſs for this borough, in the room of William Collier, eſquire, made clerk of the Crown, for Barbadoes.

July 15, 1717. Ordered, a warrant for a new writ for electing a burgeſs for this borough in the room of Spencer Cowper, eſquire, made chief juſtice of Cheſter.

Nov. 22, 1717. A complaint was made to the houſe, that there are no returns made of the new writ, which iſſued for the election of members, to ſerve in parliament for this borough.

Ordered, that the clerk of the Crown do attend this houſe to-morrow morning.

23d. The clerk of the Crown attending according to order, acquainted the houſe, that there is no return yet made into the office of the clerk of the Crown for this borough, purſuant to the writ, which was made out the 15th day of July laſt.

Ordered, that the deputy high-ſheriff of the county of Cornwall do attend this houſe, on Monday morning next.

25th. The deputy-ſheriff of the county of Cornwall attended at the door according to order.

The houſe being informed, that the return for this borough was returned into the Crown-office,

Ordered, that the ſaid deputy of the ſheriff of Cornwall be diſcharged from any farther attendance.

Oct. 19, 1722. A petition of Darell Trelawny, eſquire, was read; ſhewing, that at the election of burgeſſes, to ſerve in parliament for this borough, Spencer Cowper, Thomas Windham, Thomas Dalton, eſquires, and the petitioner, were candidates: that Edward Hoblyn, eſquire, high-ſheriff of the ſame county, having cauſed the precept to be delivered to Mr. John Prowſe, although he had no right to execute the office of mayor, although Samuel Foote, eſquire, was the only perſon acting as mayor, yet the ſaid Mr. Prowſe being put in poſſeſſion of the precept, did preſide at the election; and by allowing ſeveral perſons to vote that had no right, and diſallowing many that had a right, and tendered their votes for the petitioner, he, the ſaid Prowſe, has returned the ſaid Mr. Cowper, and Mr. Windham, to the manifeſt wrong and injury of the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Jan. 14, 1723. The petition of Darell Trelawny, eſquire, was again read, in ſubſtance with the former petition.

Ordered it be referred to the committee of privileges and elections, to examine and report the matter thereof, with their opinion.

WALLINGFORD.

THIS borough is in the county of Berks; was a borough at the time of the general ſurvey; and incorporated on the 51 H. III. (ſee Appendix) and being ſo, was ſummoned to ſend burgeſſes to parliament in the 22d of Edward I. Mr. Prynn dates it in the 30th of that King, and gives a liſt of its burgeſſes from the 34 Edward I. Its ancient form of election was in the burgeſſes, as appears by the return in the 11th of Henry IV. — *Viſo brevi domini Regis nos Johannes Derby major burgi de Wallingford, et omnes ejuſdem comburgenſes ſcrutino veritatis elegimus &c. (vide* Appendix). In the 5th of Henry V. *Viſo breve domini Regis Johannes Derby, Willielmus Arnegat, Johannes Chalym, Galfridus Littel, Thomas Swalewyt, Ricardus Algate, Johannes Benby, cum conſenſu et aſſenſu omnium comburgenſium noſtrorum elegimus* &c. (See Appendix.) *Indent. fact. apud Wallingford* 1° *Mariæ inter Robertum Cockſon majorem et communitat. villatæ et burgi præd. ex una parte, et vic. Oxon. ex altera parte; teſtatur quod nos dicta communitas villatæ et burgi prædictor.* &c. (See Appendix.) Theſe are the ancient returns in their own words: how they have been accepted in more modern times, is to be collected from the memoirs relating to its elections, of which the following are to be met with in the journals of the houſe of commons.

Brady 6 A
Willis, 1749. 3.
B. P. R. 191.
4th Reg. 1141.
B. P. R. 288, 289.
Br. Parl. 1 Mariæ.

April 3, 1604. Griffith Payn, one of the burgeſſes for this town, upon the ſecond reading of the bill for purveyors entereth in a bitter invective againſt the proceedings of the houſe in the matter of the purveyors; taxing it in theſe unſeemly terms, "that they had ſought to diſhonour the King, " diſgrace the council, diſcredit the opinion of " the judges, and did now by the bill go about to " hang ſome of his ſervants."——After commitment of the bill, he was called to the bar, and kneeling, he denied the firſt words, "diſhonouring " the King."—By the next he ſaid he meant the diſgrace of Sir John Forteſcue.—The other he ſaid, concerned himſelf being a purveyor, and behoved him to ſpeak ſomewhat.— Upon farther examination it appeared he was mayor of this borough and thereupon drawn into queſtion; that being mayor of a town, and an offender in the point of grievance complained of, viz. a purveyor, whether he ought to ſit and ſerve in the houſe? and the precedent of Hutton bailiff of Southwark, *anno* 35 Eliz. vouched by Sir Edward Hobby.—After ſome debate it was upon queſtion ordered, that he ſhould be ſuſpended from his ſervice here, until the doubt was cleared, whether he might ſerve.

This queſtion with others of the like kind were referred to the committee of privileges.

May 25th. Mr. Francis Moore moveth touching the caſe of mayors, whether they may be of the houſe, and reporteth a reſolution taken in parliament 38 Hen. VIII. (Br. Aridgment) that mayors ſtood diſabled to be of the houſe, and wiſheth the like reſolution now.

The diſpute ſtayed and deferred, till the houſe be fuller.

Note, It was the caſe of Payne, the mayor of Wallingford, formerly ſequeſtered for contemptuous ſpeeches.

June 25th. This day Mr. Francis Moore moved, to know the opinion of the houſe, whether a mayor of a town &c. might lawfully be returned and admitted to ſerve as a member here, and alledged a caſe 38 Hen. VIII. in Brooke's abridgment, where it is reported to be admitted in the commons houſe of parliament;—that if a burgeſs be made mayor of a town, having thereby judicial juriſdiction, that that is ſufficient to ſend forth a new writ for a new choice.

Hereupon by ſome it was anſwered, that they conceived mayors to be within the equity of the ſtatute of the 23d of Henry VIII. inhibiting the election of ſheriffs &c.

By ſome the great inconvenience was urged, that mayors, to whom the writs were directed, ſhould be returned burgeſſes, ſeeing, for the moſt part, their power was ſuch as they might procure themſelves to be choſen.

By others a difference was taken; if the mayor elect procure himſelf to be choſen, then with good reaſon doth he ſtand incapable, but if he be freely and indifferently choſen, or elected a burgeſs of another borough, whereof he is not mayor, that then he may be lawfully returned, and fitly admitted to be a member of the houſe.

By a third, the point was moderated, that for ſuch members of this houſe as, upon the returns did appear to be mayors, new writs might preſently iſſue, by warrant under the hand of Mr. Speaker, in the name of the ſaid houſe, for a new election according to the uſual form; intimating that without that, before the execution of the ſaid writs, the time of their mayoralty would expire, and then the ſame members might ſtand and ſerve without exception, at the next ſeſſion of this preſent parliament.

Howbeit, upon the whole matter, it was reſolved and ordered, and the clerk of the ſaid houſe commanded to enter it accordingly, that from after the end of the preſent parliament, no mayor of any city, borough, or town corporate, ſhould be elected, returned, or allowed, to ſerve as member of this houſe; and if it did appear that any mayor were returned a burgeſs, that preſently a new writ ſhould be awarded for the choice of another in the room and place of the ſaid mayor; and this to continue as an act and order of the houſe for ever.

If a mayor of a town be choſen ſheriff of a county, then he may ſerve.

Feb. 15, 1640. Reſolved, upon the queſtion, that the election of Mr. Dunch and Mr. Anthony Barker, to ſerve as burgeſſes for this borough is void; and that a warrant do iſſue forth under Mr. Speaker's hands, directed to the clerk of the Crown in chancery, for a new writ, for a new election of burgeſſes for the ſaid town.

July 31, 1660. Sir Edward Turner reported, from the committee of privileges, the caſe upon the return for this borough, that upon the examination of the fact it appeared to the committee, that Thomas Saunders, eſquire, who is returned to ſerve for this borough, together with * * * * (concerning the validity of whoſe election there is no no diſpute) had a greater number of voices than Sir Humphry Bennet the petitioner, and that therefore the committee are of opinion, the ſaid Mr. Saunders is duly elected, and that he do ſit in the houſe.—Whereto the houſe agreed.

*Sic. orig.

Nov. 2, 1680. A petition of John Stone, eſquire, touching the election for this borough.

Ordered, that the ſaid petition be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

May 23, 1685. A petition of Richard Skinner and other inhabitants of this borough, complaining of the undue return of John Stone and John Holloway, eſquires, as burgeſſes to ſerve in this preſent parliament for this borough.

Reſolved the ſaid petition be referred to the committee of privileges, to examine the matter, and report the ſame with their opinion.

Jan. 22, 1688. A petition of John Dormer, eſquire, complaining of an undue return of members for this borough, to ſerve in this preſent convention.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

A petition of William Jennens, eſquire, complaining of a double return made of members to ſerve in this preſent convention for this borough.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Feb. 21ſt, Colonel Birch reported from the ſaid committee upon the double return of members to ſerve in this preſent parliament for this borough;——That there were three perſons who were candidates, Thomas Tipping, eſquire, William Jennens, eſquire, and John Dormer, eſquire.——That the mayor made a double return, viz. of Mr. Tipping and Mr. Jennens in one certificate, and Mr. Tipping and Mr. Dormer in the other certificate.——That it appeared, that of the poll Mr. Jennens had 94 voices, and Mr. Dormer 87, all which were charged in the books to church and poor.

That Mr. Dormer's counſel alledged, he had 37 more good voices, which the mayor refuſed to admit to the poll; but theſe 37 were ſuch as did not receive alms, nor pay to the church and poor.

That it was proved by ſeveral witneſſes, that the right of election was in thoſe that pay ſcot and lot to the church and poor, and no inſtance could be produced to the contrary, except in 1659, and then it was by conſent of the candidates.——That it was proved, that the mayor and corporation met on Monday, the day before the election, and all the three candidates were preſent at the ſame time; when the uſage was declared, that none, but ſuch as paid ſcot and lot, viz. ſuch as paid to the church and poor, had right of election: and thereupon an order was made by the corporation, that thoſe only ſhould be admitted, who are charged to the church and poor; and all the three candidates were ſatisfied, and agreed thereto.

That it was alſo proved to the committee, that at the time of the election, ſeveral ſoldiers did return back to the town, though they were before ordered to march out, to prevent all diſturbances in the election; which ſoldiers, as proved by divers witneſſes, did make great menaces to the mayor, in caſe he did not return Mr. Dormer, ſome of them threatning to cut off his ears, and to burn his houſe: and under this terror the mayor was induced to make a double return.

That upon the whole matter the committee reſolved,

1. That the right of election of burgeſſes, to ſerve in parliament for this borough, is in the inhabitants of the ſaid borough, paying ſcot and lot to the church and poor; and no others.

2. That William Jennens, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for this borough.

The ſaid reſolutions, being twice read, were agreed unto by the houſe.

Jan. 3, 1701. A petition of William Dunch, eſquire, was read; ſhewing, that at the election of burgeſſes to ſerve in parliament for this borough, the petitioner, William Jennens, Richard Hide, and Thomas Renda, eſquires, were candidates, when the petitioner was choſen by the majority of legal electors: but the mayor of this borough hath falſly returned the ſaid Mr. Jennens and Mr. Renda; and the mayor, and others, did uſe ſeveral illegal practices in violation of the rights of the ſaid borough: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Nov. 2, 1705. A petition of Thomas Renda, eſquire, was read; ſhewing, that at the election of members to ſerve in this preſent parliament for this borough, William Jennens, Clement Kent, Richard Hide, eſquires, and the petitioner, were candidates: that Mr. Kent by the corrupt practices of the mayor and the ſ[illegible]r. Hide, and other perſons, procured hi[illegible] to be returned; though the petitioner was duly choſen, and ought to have been returned: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

March 1, 1708. A petition of Edward Leigh, eſquire, was read; ſhewing, that on the 22d day of February, an election came on for a member to ſerve for this borough in the room of William Jennens, eſquire, deceaſed; at which the petitioner was duly choſen by a majority of qualified votes, and was returned by the rightful mayor and a number of electors, to whom the return belonged; but Mr. Blackall an attorney, who got into poſſeſſion of that office, contrary to the charter, took upon him to return Thomas Renda, eſquire; and praying &c.

Ordered, that it be heard upon Saturday the 7th day of May next.

Nov. 16, 1709. A petition of Edward Leigh, eſquire, was read; ſhewing, that the petitioner was duly elected a burgeſs to ſerve in this preſent parliament for this borough, in the room of William Jennens, eſquire, deceaſed; and was returned by the rightful mayor, by indenture ſigned by him and divers electors, to whom the return belonged: but Mr. Richard Blackall, an attorney at law, got into poſſeſſion of the ſaid office, and contrary to the charter of the ſaid borough took upon him to return Thomas Renda, eſquire, who by divers ill practices is become the ſitting-member, in violation of the ſaid charter, and the petitioner's right: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Dec. 10th. Ordered, that the report be made on Tueſday.

14th. Ordered, that the report be made to-morrow.

15th. Mr. Compton (according to order) reported, from the ſaid committee, the matter of the ſaid election, as it appeared; viz.

That for the petitioner it was inſiſted, that this borough is a borough by preſcription, and that the right of election for the ſaid borough, is in the inhabitants paying ſcot and lot, and not receiving alms or any other charity.

That the counſel for the ſitting-member inſiſted, the right of election is in the mayor, aldermen, bailiffs, and 18 aſſiſtants, and in the inhabitants of this borough, paying ſcot and lot, and not receiving alms.

To prove the right inſiſted on by the petitioner, was produced a copy of the reſolution of the parliament 1688, Febuary 21; viz. "That the right of election of burgeſſes, to ſerve in parliament for this borough, is in the inhabitants of the ſaid borough, paying ſcot and lot to the church and poor; and in no others."—And examined

Richard Payne, who ſaid, he had been an houſe-keeper in this borough near 30 years, and Ralph Norton, who had been a trader there about 27 years: and they ſaid, they thought the right of election to be in the inhabitants paying ſcot and lot; but think, they never knew any alderman or aſſiſtant refuſed; but believed none have lived out of the borough, till within theſe few years, and referred to the charter.

That in anſwer, by the other ſide, was produced the charter of the corporation, which appeared to be a charter of confirmation, granted by King Charles II. in the 15th year of his reign, where, amongſt other things, is the following clauſe.

"We will, and by theſe preſents do for us, our "heirs, and ſucceſſors grant unto the mayor, bur-"geſſes, and commonalty, of the ſaid borough (of "Wallingford) and their ſucceſſors, that from "henceforth the mayor, aldermen, bailiffs, and their "ſaid aſſiſtants, called the 18, together with ſuch "other perſons of the ſaid borough, as ſhall pay "ſcot and lot, or the major part, for the time be-"ing, ſhall and may from time to time, for ever, "as there ſhall be occaſion, chooſe, elect, ſend, "and return, two diſcreet and able perſons, to "ſerve as burgeſſes for this borough in the great "council of parliament of this realm:" and called

Daniel Parſons, who ſaid, he has known this borough 40 years; and named ſeveral perſons who were either aldermen or aſſiſtants, who had voted, though they lived out of the ſaid borough; but admitted, it was within theſe 3 or 4 years:

Whereupon the committee reſolved,

1. That the right of electing of burgeſſes, to ſerve in parliament for the ſaid borough, is in the mayor, aldermen, bailiffs, and 18 aſſiſtants, together with the inhabitants of the ſaid borough, paying ſcot and lot, and not receiving alms or charity.

Then the counſel for the petitioner delivered in a copy of the poll, whereby the numbers appeared
to be For Mr. Renda, 78.
For Mr. Leigh, 54.
beſides 9 which were entered in the poll ſpecially, of which 7 were called "clobcut" votes. One, viz.

Thomas Parſons, who was a nonjuror, and one Chriſtopher Crook, as not rated.

Mr. Payne ſaid, that the clobent votes had been admited in former elections, but were ſometimes queried; and he thought the lands to lye out of the borough: but ſaid, they were in one of the pariſhes thereof, and all in the poor's rate ſigned by the mayor; and produced two poor's rates, dated July 20, 1705, one ſigned by himſelf, being then mayor; and the other dated September 30, 1706, ſigned by Richard Blackall, who was mayor that year: and theſe 7 were inſerted in both theſe rates.

As to Thomas Pearſon: Mr. Payne ſaid, he was a conſcientious man, and would not take any oath, but offered to ſubſcribe the declaration; though he could not ſay, he was one of thoſe people called quakers: that Crook has an houſe and orchard in the borough, but not rated, having taken the houſe, after the rate was made.

Then the petitioner proceeded to diſqualify 28 who voted for Mr. Renda, under theſe heads.—— 2 perſons put into the rate by private hands.—— 2dly, 7 perſons who have no property in the borough;—3dly. 7 receiving biſhop Laud's charity, 4thly, 1 as receiving Sir Thomas Bennet's charity; 5 as receiving public collections in the church; 3 ſplit votes, and 3 bribed votes, in all 28.—And called Francis Burgeſs, who ſaid, that John Bennet and Thomas Child were left out at making of the rate, and inſerted at the veſtry in January, and the election was in February after.

As to the 7 perſons, not having any property in the borough;

It appeared, that they all had a property, or were aldermen or aſſiſtants.

Mr. Payne ſaid, that the 7, who were charged with having biſhop Laud's charity, had a ſon or a daughter placed out apprentices by that charity, moſt of them ſeven years ſince: that ſome of theſe perſons received part of ſome corn given by Mr. Hucks; but could not ſay, but ſome who voted for the petitioner had part of it.

Norton ſaid, Mr. Lovegrove named a widow, who had a right to Sir Thomas Bennet's charity; but could not ſay, ſhe had received any part of it ſince her marriage, the ſame being ill paid; and that Abſalon, Hoar, and Almond's wives had public charity 8 years ago, but their huſbands have voted in elections ever ſince. As to the other two, they called no evidence.

As to ſplit votes, Buckland ſaid, Norton lived in a divided houſe; but it had been ſo 20 years: Woodroff and Applegarth have done ſo four or five years, but pay rates, and the latter is now conſtable.

Maxey ſaid, he ſaw Mrs. Naſh give Weſt 5s. ſaying, "what would you give me for this money in "caſe you vote not for Mr. Renda?" and he anſwered "ten pounds;" and it was ſet down in writing; and Maxey witneſſed it.

Mr. Muſſage ſaid, that ſome money was given to Weſtall's daughter, but knows not how much, or for what:

That no evidence was given for Mr. Renda, it being inſiſted, that the petitioner's evidence was for Renda's advantage; and called only three witneſſes as to indirect practices on Mr. Leigh's ſide.

Mr. Penn ſaid, he heard Mr. Wiggins proclaim at the Croſs, he would lend any perſon from 5l. to 40 l. for 1 or 6 months without intereſt if they would vote for Mr. Leigh; though he owned, Mr. Wiggins was diſturbed in his head.

Richard Norton ſaid, he made application to Mr. Leigh to lend him 5l. which was offered to be lent him upon his own ſecurity for his vote: but he voted for Mr. Renda.

Weſtall ſaid, Mr. Muſſage offered him three guineas to vote for Mr. Leigh: but he voted for Mr. Renda.

Upon the whole, the committee reſolved,

2. That Thomas Renda, eſquire, is duly elected a burgeſs to ſerve in this parliament for this borough.

The ſaid two reſolutions, being twice read, were agreed unto by the houſe.

March 31, 1714. A petition of Henry Grey, eſquire, was read; ſhewing, that at the election for this borough, in the room of the honourable Simon Harcourt, eſquire, who made his election for Abingdon, in the ſaid county; the petitioner and Thomas Renda, eſquire, were candidates; that the mayor did, before and at the ſaid election, uſe ſeveral illegal practices, as excluding the pariſh of St. Leonard, and a great number of the pariſh of St. Peter's in the ſaid borough, in prejudice of the petitioner, who had a majority and ought to have been returned in the room of the ſaid Thomas Renda: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

March 26, 1715. A petition of Richard Bigg, eſquire, was read; ſhewing, that at the laſt election for this borough, the petitioner, Edmund Dunch, Thomas Renda, and William Hucks, eſquires, were candidates; that the ſaid William Hucks with Chriſtopher Crooke, junior, John Smith, James Bennet, Richard Payne, and others, his agents, did by bribery, promiſes, &c. procure a great number of votes for the ſaid Mr. Hucks, who would have voted for the petitioner and Mr. Renda; and by that means the ſaid Mr. Hucks is returned, though the petitioner had the legal majority; and that the ſaid Mr. Hucks is not qualified to ſit: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine and report the ſame, with their opinion.

May 18th. Ordered, leave to withdraw the ſaid petition.

Dec. 11, 1719. A petition of Gilbert Douglaſs, eſquire, was read; ſhewing, that by the death of Edward Dunch, eſquire, there being a vacancy of a burgeſs for this borough, the petitioner was propoſed as a candidate to ſerve as burgeſs for the ſaid borough; and upon the firſt of this inſtant December, the ſaid election coming on, the petitioner had a conſiderable number of legal votes in his favour: but Henry Grey, *alias* Nevil, eſquire, having by bribery and other undue means influenced ſeveral perſons to vote for him to be burgeſs of the ſaid borough, hath procured himſelf to be returned as ſuch: and praying &c.

Ordered, that it be heard at the bar of the houſe on the 19th of January next.

Jan. 15. Ordered, leave be given to withdraw the ſaid petition.

October 25, 1722. A petition of John Dormer of Aſcott, in the county of Oxford, was read; ſhewing, that the petitioner and Thomas Renda were candidates to ſerve for members in parliament for this borough, and the petitioner would have had a majority of votes, had not the honourable George Parker, eſquire, and William Hucks, eſquire, by bribery and other illegal practices, procured themſelves to be returned in wrong to the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine and report the ſame, with their opinion.

Nov. 7th. Ordered, leave be given to withdraw the ſaid petition.

WAREHAM.

4th Reg. 1145. See the return for the county.

THIS borough is ſituate within the county of Dorſet. It returned members to parliament in the 30th of Edward I. In the 2d of Henry V. they were choſen by deputation from the borough in the county-court, as appears by the indenture for the county of that year. The more modern memoirs, in regard to the election, do not appear till ſince the reſtoration; after which time are theſe.

May 16, 1661. Serjeant Charleton reported from the committee of privileges and elections, touching the double return for this borough, that George Pitt, and Robert Culliford, eſquires, are returned in one indenture, and the ſaid Mr. Pitt and Robert Lawrence, eſquire, in another indenture, by the burgeſſes: and the opinion of the committee, that Mr. Culliford ought to ſit, till the merits of the cauſe touching the election be determined: whereto the houſe agreed.

March 25, 1690. A petition of Thomas Skynner, eſquire, was read; ſhewing, that the petitioner, with colonel Erle, were duly elected burgeſſes by the majority of the poll for this borough: but yet, notwithſtanding, the preſent mayor hath made a return of Mr. Okeden and the ſaid colonel Erle, in prejudice of the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Oct. 6th. Another petition of the ſaid Thomas Skynner, eſquire, (the ſame in ſubſtance with the former) was read.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Dec. 22d. Mr. Grey reported the matter upon the ſaid petition, as follows. —— That the right of election was agreed to be in all the inhabitants of this borough, paying ſcot and lot, and in the freeholders of the ſaid borough.

Combes delivered in a poll, which, he ſaid, he took for the petitioner, wherein the numbers were

For Mr. Skynner, 93.
For Mr. Okeden, 74.

For Mr. Okeden, —— Guy ſaid, he took a poll by direction of the mayor, in which the numbers were For Mr. Skinner, 86.
For Mr. Okeden, 76.

That 19 of the petitioner's voters were queried, and 5 for Mr. Okeden; and the petitioner refuſing to juſtify the ſaid queried votes, the mayor ſtruck them off on both ſides, and ſo Mr. Okeden had a majority.

That ſeveral exceptions were made to the voices for both, wherein the witneſſes contradicted one another.

Whereupon the committee reſolved,

That William Okeden, eſquire, was duly elected a burgeſs to ſerve in this parliament for this borough.—Which, being read twice, was agreed unto by the houſe.

March 19, 1717. Ordered a warrant for a new writ for electing a burgeſs for this borough, in the room of Thomas Erle, who has accepted a penſion during pleaſure.

Oct. 18, 1722. A petition of George Pitt, eſquire, was read; ſhewing, that at the election of members to ſerve in parliament for this borough, the petitioner, Joſeph Gaſcoign, and Sir Edward Ernle, baronet, were candidates; that the petitioner had a great majority of legal votes, that multitudes of pretended new votes, who had no manner of right to elect, were allowed by the mayor in favour of the ſaid Sir Edward; by virtue of theſe new created ſplit votes and other illegal practices, the ſaid Sir Edward Ernle procured himſelf to be returned contrary to law and juſtice: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.—Alſo,

A petition of Chriſtopher White and Roger Seward, magiſtrates, and ſeveral of the burgeſſes, inhabitants and freeholders of this borough, was read; ſhewing, that at the election of members to ſerve in parliament for the ſaid borough, George Pitt, Joſeph Gaſcoigne, eſquires, and Sir Edward Ernle, baronet, were candidates: that the right of election of members for the ſaid borough, hath been, time out of mind, in all the inhabitants paying ſcot and lot, and in the freeholders of the ſame: that Anthony Trew, mayor, eſpouſing with great partiality, the intereſt of the ſaid Sir Edward, admitted above 300 unqualified votes to poll for him: the petitioners being ſenſible of the injury done them, by the ſaid mayor's admitting ſuch perſons to give their votes, they together with the candidates, deſired the mayor to demand by what right they came to elect; who refuſed ſo to do; but ordered their votes to be entered upon the poll, without putting any queries to their names upon a bare aſſertion of the managers of Sir Edward; that the ſeveral title deeds of their pretended eſtates were in a bag, which lay on the table; the ſaid mayor, to carry on his arbitrary and illegal practices, ſometimes promiſed the candidates and the petitioners, that he would inſpect into the pretended titles in the bag; and that all the burgeſſes and freeholders of the ſaid borough ſhould have liberty to be then preſent, to preſerve their rights and privileges from being invaded by ſuch new pretended votes: the mayor having cloſed the poll, adjourned till four o'clock in the afternoon; at which time the petitioners went in a very orderly manner to the place adjourned to, but the mayor to terrify the petitioners from attending, gave orders to the ſerjeant at mace to read the proclamation againſt riots and unlawful aſſemblies, whereby the petitioners were obliged to return to their reſpective homes: that the mayor, none preſent, but a few, who declared themſelves in Sir Edward's intereſt, ordered, about four or five hundred deeds to be turned out of the bag, and taking a view of the indorſements of ſome of them, went to the market croſs and declared the ſaid Sir Edward and Mr. Gaſcoigne duly elected; which proceedings of the ſaid mayor being injurious to the petitioners, and the reſt of the burgeſſes and freeholders, and tending to the deſtruction of the rights and privileges of the ſaid borough: and praying &c.

Ordered, that the ſaid petitions be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

WARWICK Borough.

THIS borough is the chief borough in the county of this name. It was a borough at the time of the general ſurvey; and returned burgeſſes to parliament in the 23d year of King Edward the firſt. Mr. Prynne's liſt begins the 26th of that reign. It hath been ſince made a mayor-town by Queen Mary. The burgeſſes were choſen by deputation in the county-court, in the 7th and 17th of Edward the fourth: after which, I meet with no memoirs of its election before the reign of King Charles, when it is firſt mentioned in the Journals; of which, and other ſubſequent matters relating to the ſubject, I am enabled to ſet down theſe following.

Brady, 14. Willis, 1749. 58. Prynne's 4th Reg. 1147. Bohun 314.

June 21, 1625. Sir Thomas Puckering delivereth a petition from this borough.

May 31, 1628. Mr. Hackwill reporteth from the committee for privileges &c. the caſe for this borough: — Queſtion, whether the election to be made by the mayor and common-council, or by the commons in general. — That a petition produced, whereby 200 commoners diſclaim to have any right of election: — But that refuſed to be accepted by the committee; becauſe, if but one commoner appears to ſue for his right, they will hear him.

Upon queſtion, the right of election for this town belongeth to the commonalty. 2. That Sir Robert Grevyll, and Mr. Francis Lucy, unduly elected. 3. That a new writ do iſſue for a new choice in their room.

Feb. 16, 1640. Ordered, that the clerk of the Crown do bring the ſeveral indentures of return, and the certificates and writs that concern the election for the town of Warwick, to the houſe to-morrow morning; that upon the view of them all, the houſe may judge which of the parties is legally returned.

17th. Ordered, that the order yeſterday made, requiring the clerk of the Crown to bring in the indentures concerning the election for this town, do ſtill continue, and ſtand in force.

18th. Reſolved, upon the queſtion, that Godfrey Boſevile, eſquire, ſhall ſit as a member of this houſe for this town, till his election be farther queſtioned and determined; and that all indentures, writs and certificates, be taken off the file, except that indenture, which was returned by the bailiffs to the ſheriff.

March 24, 1689. A petition of Richard Booth, and James Booth, eſquires, was read; ſhewing, that the petitioners were duly elected for this town and borough: but the mayor, by indirect means, refuſing divers to poll that tendered themſelves ſo to do for the petitioners, hath returned the honourable William Lord Digby, and William Colemore, eſquire, in prejudice of the petitioners: and praying they may be admitted into this honourable houſe.

Ordered, that the conſideration thereof be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Dec. 21ſt, 1710. A petition of the honourable Algernon Greville, eſquire, was preſented to the houſe, relating to the late election for this borough; And the houſe taking notice, that there is not any certificate come to the clerk of this houſe, of any return upon the ſaid election, brought in to the clerk of the Crown,

Ordered, that the ſaid petition do lie upon the table, until the certificate be brought in.

Jan. 2. The houſe being informed, that the certificate of the return for this borough was brought in,

The petition of the honourable Algernon Greville (which was ordered to lie upon the table) was read; ſhewing, that the honourable Charles Leigh, eſquire, by treating after the teſte of the writ, and by bribery, and other indirect practices, procured himſelf to be elected and returned for this borough, to the petitioner's prejudice, who was one of the candidates: and praying relief in the premiſſes.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

A petition of divers of the principal burgeſſes of this borough, in behalf of themſelves and others, was read; ſhewing, that the honourable Charles Leigh, eſquire, by bribery, and other undue practices, hath procured himſelf to be elected and returned a burgeſs, to ſerve in this parliament for this borough, in prejudice of the petitioners right: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

March 30, 1715. A petition of Joſeph Moxon, eſquire, was read; ſhewing. that at the election for this borough, the candidates were Doddington Grevill, and William Colemore, eſquires, together with the petitioner: that by the arbitrary proceedings and indirect practices of the mayor, the ſaid Doddington Grevill, and William Colemore, eſquires, procured themſelves to be returned, in wrong to the petitioner, who had a majority of legal votes, and in violation of the rights and privileges of the ſaid borough: and praying &c.

Ordered it to be referred to the committee of privileges and elections, to examine and report the matter of the ſame, with their opinion.

Dec. 6, 1722. A petition of Henry Delves, was read; ſhewing, that for electing a burgeſs to ſerve in parliament for this borough, in the room of William Colemore, eſquire, deceaſed, Sir William Keyte, baronet, and the petitioner were candidates: that many perſons were admitted to poll for the ſaid Sir William Keyte, who had no right to vote, when others who had a right, and offered to vote for the petitioner, were refuſed; and many other corrupt and illegal practices were made uſe of, by and on the behalf of the ſaid Sir William Keyte, in order to procure him to be elected; and who is returned, in prejudice of the petitioner: and praying &c.

Ordered it be referred to the committee of privileges and elections, to examine and report the ſame, with their opinion.

Ordered, that it be heard by the committee, on the 22d day of Jan. next.

Jan. 23. The houſe being informed, that the committee of privileges and elections did yeſterday, purſuant to the order of the houſe, proceed upon the hearing of the ſaid petition, but did not go through the ſame.

Ordered, that the ſaid committee do proceed this afternoon in the farther hearing of the ſaid petition.

25th. Ordered, that it be reported on Thurſday next.

31ſt. Mr. Gibbon reported the matter of the ſaid election; viz.

That the committee had proceeded to examine the matter in the petition.

That for the petitioners it was alledged, they ſhould make a majority for the petitioner, by taking from the ſitting-member's poll and adding to the petitioner's: and that they ſhould make good the other allegations in the petition, but ſhould not proceed on thoſe other allegations, unleſs they were forced to it by the ſitting-member's counſel.

That the right of election was firſt controverted; and as to that, it was agreed on all ſides, that this borough is a borough by preſcription, and has time out of mind, ſent members to parliament.

And the petitioner's counſel inſiſted, the right of election was in the commonalty; viz. the inhabitants at large.

The ſitting-member's counſel inſiſted, that the right of election is in ſuch perſons as pay ſcot and lot for houſes or lands within the borough, whether inhabitants or not.

That on the petitioner's part, the laſt determination of the houſe as to the right of election, was read.

Ultimo Maii, 4 Ch. I. 1628. When it was reſolved, that the right of election for this town belonged to the commonalty; and

Robert Taylor being called, ſaid, he had long known this borough; and had polled at the election there forty two years ſince, when Mr. Booth was a candidate; and at that election all houſholders and freemen were polled without any objection, whether they payed ſcot and lot, or not; and he ſaid, ſeveral who polled then did not pay.

That at the next election, about 30 years ſince, when Mr. Colemore was candidate, all houſholders and freemen voted: that ſeveral of them did not pay; and there was no talk of ſcotters and lotters then, nor till Mr. Booth came a ſecond time.

Being farther examined, he ſaid, that at the ſaid election, when Mr. Colemore was candidate, none but ſcotters and lotters were polled by the mayor. The copies of the following returns were produced, 16 Jan. 1700, 22 June 1702, 1ſt May 1708, 4 Oct. 1710. All which are thus: *burgenſes et inhabitantes burgi elegerunt*.

And the petitioner's counſel inſiſted, that the polling ſcotters and lotters only, were contrary to the rights of the borough, and not agreeable to the ſaid reſolution of the houſe.

That the ſitting-member's counſel urged, that the word "commonalty" in that reſolution, has always been underſtood to mean ſuch perſons only, who paid to church and poor: and that the conſtant uſage ever ſince that reſolution, now near 100 years, has been, to poll ſuch perſons only, and no others: and they called

William Colemore, eſquire, who ſpoke for 50 years paſt; during all which time, he ſaid, none was ever polled at any election, but thoſe who paid to church and poor. That all others, whether freemen or inhabitants, if they paid not to church and poor, were refuſed; and thoſe who lived out of the borough, were always admitted to vote: that he hath been ſeveral times choſen member of parliament for this borough; and whenever he was candidate, the mayor did not admit any to poll, who did not pay.

That at the election mentioned by Robert Taylor, after the mayor had cloſed his poll of ſcotters and lotters, only Sir Richard Newdigate, one of the candidates, and alderman Booth, went together and took a ſeparate poll of ſome of the inhabitants. He confeſſed, the inhabitants who did not pay ſcot and lot, had often demanded to be polled, but ſaid, that no mayor had ever, in the time of his memory, admitted any to poll who did not pay: and that the rule and conſtant uſage has been, to go by the poor's rates, with which the pariſh-officers always attend at the election; and none in his time were ever polled who were not in theſe rates.

Mr. Lane ſaid, that he had known the borough 30 years, and had been twice mayor; only once when an election happened; that none was polled by him, nor by any other mayor, that he knew of, but ſuch as paid to church and poor; and ſuch as paid, though they lived out of the borough, were never refuſed or diſputed.

That at the preſent election, not above two or three of the inhabitants who did not pay ſcot and lot, came to demand to be polled; and they were drunk and not minded.

Upon the whole the committee reſolved,

1. That the right of election of burgeſſes to ſerve in parliament for this borough, is in ſuch perſons only who pay to church and poor, within the ſaid borough.

That the counſel being acquainted therewith, the petitioner's counſel admitted the ſitting-member had a majority upon that footing: whereupon the committee reſolved,

2. That Sir William Keyte, baronet, is duly elected a burgeſs to ſerve in this preſent parliament for this borough.

The firſt reſolution being read a ſecond time, it was propoſed to leave out the words, "ſuch perſons "only as pay to church and poor in;" and inſtead thereof to inſert the words, the "inhabitants of:" which was diſagreed to.

And the houſe then agreed with the committee in the ſaid firſt reſolution.

The ſecond reſolution being read twice, was agreed to by the houſe.

WARWICKSHIRE.

THIS county is ſituate in the midland part of this kingdom: and, I apprehend, has been repreſented in parliament from the 22d of Edward the firſt. I meet with no particulars relating to the right of election, or conteſts in parliament upon that account, before the Reformation; after which, the Journals afford theſe following.

March 20, 1627. It is ordered, that the ſheriff of this county ſhall be forthwith ſent for by the ſerjeant at arms attending upon this houſe, by warrant to him to be directed under Mr. Speaker's hand, for not returning the knights of the ſhire, who have long ſithence been elected.

Nov. 9, 1640. The humble petition of the freeholders of this county read, and the miſdemeanour of the high-ſheriff of the ſaid county, therein complained of, being averred to be true by Mr. Combe, a member of the houſe, it was thereupon ordered,

That George Warner, eſquire, high-ſheriff of the ſaid county, ſhall be ſent for, as a delinquent, to anſwer his miſdemeanors to the houſe.

Dec. 2. Mr. George Warner, ſheriff of this county, who was formerly complained of in this houſe, by a petition exhibited from the freeholders of the ſaid county, ſubſcribed by divers of them, whereupon he was ſent for as a delinquent, by the ſerjeant at arms attending on this houſe, did this day appear at the bar; where, after he had kneeled a while, Mr. Speaker bid him ſtand up, and opened the miſdemeanors he had committed in refuſing to go on with the poll, when it was deſired at the election of the knights of the ſhire for the ſaid county; to which, when he had anſwered, he was bid to withdraw.—And it was by the houſe

Reſolved, that Mr. Warner, for this his offence, be forthwith committed priſoner to the Tower, during the pleaſure of this houſe, and be fined 100 l. to the King, and make a ſubmiſſion here, ſuch as the houſe ſhall appoint, and ſhall make the like at the next general aſſizes in this county.

Mr. Warner was called in, and kneeling at the bar, Mr. Speaker pronounced the ſentence againſt him accordingly.

Upon the queſtion, for the queſtion of making void the election for the knights of this county, whether there ſhould be two queſtions made of it or one,

It was reſolved, that there ſhould be two.

Whereupon it was reſolved upon the queſtion,

1. The election of Mr. Coomes, one of the knights of the ſhire for this county, is void.

2. That the election of the Lord Compton for one of the knights for this county, is void.

Ordered, that a warrant be iſſued forth under Mr. Speaker's hand, to the clerk of the Crown for a new writ, for electing two knights of the ſhire to ſerve for this county.

March 28, 1689. A petition of Edmund Clark, and others, on the behalf of themſelves, and the major part of the freeholders of this county, complaining of ſeveral undue practices and illegal proceedings in the high-ſheriff, and under-ſheriff, of this county, at the election of two knights of the ſhire to ſerve in parliament for the ſaid county, in refuſing to take the petitioners polls for John Stratford, eſquire, whom they did duly elect, and returning perſons whom they never choſe, to the petitioners injury, and ſubverſion of their rights, was read.

Reſolved, that it be heard at the bar of the houſe on Monday next come fortnight, and that the high-ſheriff and under-ſheriff do then attend.

April 17. It is ordered, that the committee of privileges and elections do ſit on Wedneſday next in the afternoon; and that the matter of the election for this county be referred to the ſame committee, to examine the matter, and report the ſame, with their opinions thereupon, to the houſe: and they are to proceed upon no other buſineſs relating to elections that afternoon.

May 2. Ordered, that the report, touching the election for this county, be made to-morrow morning at 10 o'clock.

3d. Ordered to be made on Wedneſday next at 10 o'clock: but never made.

April 2, 1690. A petition of the freeholders of this county was read; ſhewing, that at the laſt election for two knights of the ſaid county, to ſerve in parliament, Sir John Burgoyn, and Sir Richard Newdigate, were duly choſen; but the high-ſheriff, to fruſtrate ſuch election, ſuffered divers abuſes and irregularities to be committed thereat, not only in the beating and wounding ſeveral that came to vote for Sir John Burgoyn and Sir Richard Newdigate, but ſerving them ſo likewiſe, even to the hazard of Sir Richard's life; and after ſuch diſcouraging practices uſed, the ſaid ſheriff hath returned Andrew Archer, and William Bromley, eſquires, in prejudice of the petitioners: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

WELLS.

THIS city is ſituate within the county of Somerſet: and became ſo, as I apprehend, by ſetling of the biſhop's ſee at this place. It hath ſent members to parliament from the 26d of Edward the firſt, who were choſen in the county-court in the 2d of Henry the fifth: but in the 12th and 17th of Edward the fourth, it appears by the indenture—*major et communitas unanimi aſſenſu et conſenſu elegerunt &c.* The ſubſequent memoirs, and determinations upon the right of election, in the Journals, are theſe.

4th Reg. 1151.

See Somerſetſhire Indenture in Appendix.

Brady. 71, 72.

Nov. 27, 1680. A petition of John Hall, eſquire, concerning the election for this borough, having been lodged with the committee, Mr. Treby reported from the ſaid committee, that they having taken the matter into conſideration, had agreed upon two reſolves; viz.

That Edward Berkley, eſquire, is not duly elected a burgeſs to ſerve in this preſent parliament for this borough.

That John Hall, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for this borough.

Which, being twice read, were agreed unto by the houſe: and the return was ordered to be amended.

May 25, 1685. A petition of Harry Brydges, eſquire, touching the election for this city or borough, was read.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

March 24, 1690. A petition of William Coward, eſquire, was read; ſhewing, that the petitioner was duly elected for this city or borough, by the majority of legal voters, and ought to have been returned: yet that notwithſtanding, Mr. John Davis, mayor there, hath returned Edward Berkley, and Hopton Wyndham, eſquires, contrary to the duty of his place, in prejudice to the petitioner, and right of the burgeſſes and freemen and inhabitants of the ſaid city: and praying &c.

A petition of Peter Gallop, and others, the majority of the burgeſſes, freemen, and inhabitants of this city or borough, was read; thereby ſhewing, that the petitioners, and above 140 more of the burgeſſes and legal voters of the ſaid borough, did duly elect William Coward eſquire, and John Hall, eſquire, at the laſt election there, who ought to have been returned: yet that notwithſtanding, the mayor, contrary to his duty, hath returned Edward Berkley and Hopton Wyndham, eſquires; whereas Mr. Berkley had not above 100, and Mr. Wyndham had not above 80 legal voices: which ſaid proceedings of the mayor are illegal, and tend to the violation of the liberties of the ſaid borough, and of the petitioners.

Ordered, that the ſaid petitions be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Nov. 26, 1695. A petition of Harry Brydges, eſquire, was read; ſhewing, that this borough ſends members to parliament by the election of all the inhabitants; and the petitioner and Mr. Serjeant Coward were duly elected by the majority of the rightful voters, and ought to have been returned as members accordingly; but the mayor hath returned Edward Berkley, eſquire, in wrong of the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Feb. 13. Ordered, that the report be received on Tueſday morning.

18th. Colonel Glanville reported the matter upon the ſaid petition, as follows: — That the petitioner inſiſted, the right of election was in the mayor, burgeſſes and inhabitants, paying ſcot and lot.

For Mr. Berkley it was inſiſted, that the right of election was in the mayor, maſters, and ſworn burgeſſes, and no poll was duly demanded for the inhabitants.

For the petitioner were called Phelp, and others; who ſaid, that at the laſt election, a poll was taken on behalf of all the freemen of this town, and the poor's book was brought: that a little after the precept was read, he (Phelp) being a freeman, and deſired by about 150 freemen then preſent, who were for the petitioner, did demand a poll on their behalf: and the mayor ſaid, he would conſider of it: that the mayor polled the burgeſſes, and declared the ſitting-members to be elected, without polling the inhabitants: that Phelp upon this declaration, did ſay, he had nothing more to ſay for his part. But the witneſſes could not ſay, that after the burgeſſes were polled, nor all the while they were caſting up the numbers, and before the declaration of the election, any poll was demanded: and the petitioner was preſent, and did not demand the poll; though, after the election was over, many of the inhabitants followed the mayor, and demanded to be polled, which he refuſed; and thereupon, at leaſt 60 of the inhabitants ſigned an indenture for the petitioner.

That for the petitioner was produced King John's charter; by which it is granted,—*Quod homines ejuſdem, et hæredes eorum, liberi ſint burgenſes*—the return 17 Ed. IV. — *Magiſter, burgi de Wellen, et communitas ejuſdem civit. elegerunt.* — 30 Eliz. — *Magiſter Wellen et communitas ejuſdem civitat. elegerunt.* — 31 Car.— Mayor, maſters, and burgeſſes, elected John Hall, and William Coward, eſquires.

Merrifield and Garrington ſaid, that Mr. Berkley was at that time elected by a greater number of the burgeſſes, but Mr. Hall carried it by the addition of ſeveral freemen. And Garrington ſaid, he was a freeman, and no burgeſs, at that time, and voted for Mr. Hall.

For Mr. Berkley was called Mr. Trim, the town-clerk; who ſaid, he was at the election: that Mr. ſerjeant Coward, colonel Wyndham, and colonel Berkley, declared, they would be elected by the ſworn burgeſſes: that the petitioner ſaid nothing, but polled as a burgeſs; when Phelp demanded the poll, he told him, he might have the manners to let the burgeſſes poll firſt: that during the time the burgeſſes were caſting up, all was quiet, and the mayor declared the poll; and colonel Wyndham ſaid to Phelps, You had ſomething to ſay e'en now; what do you ſay? and Phelps anſwered, he had nothing to ſay: that the petitioner was preſent, when the mayor declared; and never demanded a poll: that only one burgeſs voted for the petitioner, but there were many freemen in the hall; and afterwards they adjourned to the common-council-houſe, where the indentures were ſealed.

That for the ſitting-member were alſo produced ſeveral returns:—1 *Phil. et Mar.* — *magiſter, burgi de Welles, et burgenſes ejuſdem burgi, elegerunt.*—39 *Eliz.*— *magiſter, et burgenſes elegerunt.*— 43 *Eliz.* 1 *Jac.* 3 *Car.* 15 *Car.* 13 25 *Car.* II. Mayor, maſters, and burgeſſes, elected.

Fryer, aged 68, ſaid, he knew Sir Ralph Hopton and Mr. Baker elected (before the war broke out) by the mayor, maſters, and burgeſſes: and he believes he was preſent at Mr. Hall's election, who was elected in the ſame manner.

Upon the whole matter, the committee reſolved,

1. That the right of electing citizens to ſerve in parliament for this city, is only in the mayor, maſters, and burgeſſes, of the ſaid city.

That Edward Berkley, eſquire, is duly elected a citizen to ſerve in this preſent parliament for this city: which, being twice read, was agreed to by the houſe.

March 30, 1715. A petition of William Coward, and William Piers, eſquires, was read; ſhewing, that at the election for this city, Thomas Horner, and Maurice Berkley, eſquires, together with the petitioners, were candidates: that the petitioners were duly choſen by a majority of legal votes; but Jacob Worrall, mayor, did debar ſeveral perſons, legally qualified, from voting for the petitioners; and did admit ſeveral others, not legally qualified, to give their votes; whereby, and other indirect practices of the ſaid . . . . . . Thomas Horner, and Maurice Berkley, eſquires, procured themſelves to be returned, in prejudice of the petitioners, who ought to have been returned: and praying &c.

Ordered it be referred to the committee of privileges and elections, to examine and report the ſame, with their opinion.

A petition of Richard Comes, John Taylor, John Lovell, Joſeph Norton the younger, and ſeveral others, citizens or burgeſſes, and freemen, inhabitants of this city or borough, was read; ſhewing, that at the ſaid election, Jacob Worrall, mayor, did refuſe the greater part of the petitioners who would have voted for William Coward, and William Piers, eſquires, and did admit ſeveral perſons to vote for the ſaid Thomas Horner, and Maurice Berkley, eſquires, who were not legally qualified; by which, and other indirect practices, they procured the ſaid Thomas Horner, and Maurice Berkley, eſquires, to be returned, to the manifeſt prejudice of the petitioners: and praying &c.

Ordered it be referred to the committee of privileges and elections, to examine and report the matter thereof, with their opinion.

March 8, 1715. Ordered, that it be an inſtruction to the committee that they do hear the ſaid petitions on the 11th of April next.

May 24, 1716. Ordered the report be made on Wedneſday next.

30th. Mr. Hampden reported from the ſaid committee, the matter of the ſaid election.

That the committee had examined the matter of the election, and the poll was,

For Mr. Horner	44.
For Mr. Berkley	43.
For Mr. Coward	22.
For Mr. Piers	13.

That the right of election was agreed to be in the mayor, maſters, and burgeſſes.

But the ſitting-members counſel inſiſted, it was neceſſary they ſhould be ſworn burgeſſes; which was denied by the petitioners.

To prove what the petitioners counſel alledged, that the commonalty of Wells have a right of voting, whether ſworn or not,

The journal of the 18th of February 1695, was read.

When the queſtion contended for was, whether the right of election was in the mayor, maſters, and burgeſſes, and inhabitants paying ſcot and lot, or in the mayor, maſters, and burgeſſes, only.

And it was reſolved by the committee, and agreed to by the houſe, that the right of election is only in the mayor, maſters, and burgeſſes of the ſaid city.

The petitioners counſel produced nine returns.

1 *Mariæ—magiſter civitatis, et ejuſdem communitas, elegerunt duos burgenſes et cives.*

26 *et* 30 *Eliz.—magiſter, et communitas, elegerunt burgenſes.*

43 *Eliz. et* 1 *et* 15 *Car.—major, magiſtri, et burgenſes, elegerunt duos civitatis ſive burgi.*

1 *Jac.* II. *major, aldermanni, et burgenſes, elegerunt burgenſes civitat. ſive burgi.*

2 *Willielmi et Mariæ*—mayor, maſter, and burgeſſes elected two citizens, or burgeſſes.

1 *Annæ—major, magiſtri, et burgenſes eleger. duos cives civitat. ſive burgi.* Alſo

31 *Eliz.*—A charter of incorporation reciting, that *civitas, ſive burgus de Wells* was *villa antiqua*, and had ancient franchiſes and privileges; all which is confirmed by this charter, and an incorporation is created for the future, and a common-council is appointed to conſiſt of a mayor, maſters, and chief burgeſſes, in number twenty-four, who have power to make ordinances and by-laws; and they and their officers to be choſen by them, are required to take an oath for the due execution of their offices; from whence the petitioners counſel inferred, that this was the firſt riſe of their oath; and before this charter, the burgeſſes oath was not neceſſary.

To add fifty-ſix to the petitioners poll, who tendered their votes for Mr. Coward and Mr. Piers, it was proved, they were all members of ſome of the companies within the town; were reſident, and exerciſed trades there: that ſix of them had been maſters, and thirty-eight wardens of their companies. That near forty of them did, at different times before this election, ſeverally go to the mayor's ſhop, and there demanded of him to be ſworn burgeſſes: and that forty-four, viz. twenty-eight of the ſame perſons, and ſixteen others, did after join in a petition, directed to the common-council for the ſame purpoſe, claiming it as their right by ſervitude, or by their having been admitted into the companies before-mentioned.

Dat. 30 September 1714. The petitioners counſel produced an ordinance under the corporation-ſeal, revoking a former ordinance; that the maſters and wardens of companies ſhould be burgeſſes, which had been found inconvenient; and for the future, conſtituting they may be burgeſſes, or not; and from hence they inferred, that before this time, the maſters and wardens were burgeſſes.

30 September 1712. Another ordinance of the common-council is entered in the town-books; that every inferior burgeſs ſhall be nominated, choſen, elected and made by the mayor, maſters, and chief burgeſſes of the common-council, at their convocations or common aſſemblies, in the ſame manner as they were, and had been, for twenty years paſt; and by no other perſon or perſons, nor in any other manner whatſoever.

And there is a penalty annexed of 100 l. upon the mayor admitting, and 50 l. upon the perſon claiming freedom in any other manner; and all elections of inferior burgeſſes to the contrary are made void.

The ordinance recites this way of admittance was, the ancient uſage and cuſtom of the town; and that an ancient ordinance for the ſaid purpoſe had been loſt or deſtroyed by the alterations made in the corporation in the times of King Charles and King James the ſecond.

The petitioners counſel complained of this ordinance as an uſurpation; whereby the common-council of the corporation had engroſſed to themſelves the whole power of the borough, to the prejudice of the perſons who have a right to freedom; which right ought not to be controverted by the common-council.

The petitioners counſel objected to ſixty of the ſitting-members voters for non-reſidency.

It was proved, they were not reſident, but were ſeveral years ago ſworn burgeſſes; had voted in former elections, but were objected to in 1710, as being honorary burgeſſes; and one of them had ſerved in parliament for this city.

The ſitting-members counſel inſiſted, the right was in the community or ſelect body, and not in the commonalty: to be of which community, it is neceſſary to take the common burgeſſes oath, according to the ancient and conſtant uſage, as well before as ſince the charter. This, they ſaid, was in great meaſure proved on the petitioners part, and referring to what had been offered; to which they added the following evidence.

Twelve returns to parliament; three before the charter; viz. 1 *Mariæ—magiſter et co'itas elegerunt.*

1 *et* 2 *Phil. et Mariæ, et* 14 *Eliz.—magiſter et burgenſes elegerunt.* And nine returns after the charter; viz.

39 *et* 43 *Eliz.* 1 *Jac.* 3 *et* 15 *Car. et* 13 *Car.* II. Six returns:—*major, magiſtri, et burgenſes elegerunt.*

25 *et* 31 *Car.* II.—Two returns: mayor, maſters, and burgeſſes elected; being the major part of the burgeſſes, citizens, and electors.

7 *Annæ—major, magiſtri, et burgenſes elegerunt.*

To prove the antiquity of ſwearing the burgeſſes, and that it did not come in with the charter, the form of their oath is recorded in the town-books, in the reigns of Queen Mary, Queen Elizabeth, and King James the firſt.

The ſitting-members counſel inſiſted, that admiſſions into any of the companies, gives freedom to exerciſe trades; but a burgeſs-ſhip carries with it farther privileges and peculiarly exemptions from inferior offices; for which they anciently paid fines; and by the conſtitution cannot have burgeſs-ſhip, but by admiſſion at the convocations of mayor, maſters, and burgeſſes, in common-council: and ſeveral ancient entries were read in the town-books, of admiſſions at ſuch convocations, and gifts given, and fines paid for the burgeſs-ſhip in the reigns of Queen Mary, Queen Elizabeth, King James the firſt, and in ſubſequent reigns: and it appears, that freedom had been once refuſed; and in ſeveral inſtances of it was granted upon a ſecond or third petition.

And it was alledged by the counſel, if this ancient and uninterrupted uſage be inverted, this town will be in the utmoſt confuſion, and want perſons to ſerve inferior offices.

And it was proved by Mr. William Sage, and Mr. John Gutch, the town-clerk, the firſt of which ſpoke to forty years uſage, and the other fifteen: that in all their time, none ever voted but the mayor, maſters, and ſworn-burgeſſes; and that the common and conſtant reputation has always been, that no others have right of voting, and no others pretended to vote till lately: and

Mr. Gutch added, that according to the conſtitution of the town, and in all his time, all admiſſions to burgeſs-ſhip muſt be, and have been at the common-hall, by vote of the majority of their convocations, or aſſemblies of mayor, maſter, or burgeſſes, being of the common-council; and that out of ſuch convocation, or at any other aſſembly, or by the mayor alone, none can be, or ever have been admitted in his time. He farther ſaid, the petition for burgeſs-ſhip, ſigned by the forty-four perſons beforementioned, was not preferred at any ſuch convocation, but at a quarter ſeſſions, which is an aſſembly of a different nature from their convocation; and ſaid, he never knew any ſuch petition offered at any ſuch ſeſſion before.

It appeared by the journal of the year 1695. That in the then controverted election, Richard Fryer, aged ſixty-eight years, and who is ſince dead, teſtified that he knew Sir Ralph Hopton and Mr. Baker elected, before the war broke out, by the mayor, maſters, and burgeſſes, and believed he was preſent at Mr. Hall's election, and he was elected in the ſame manner.

It was alſo proved by Mr. Trim, the then town-clerk, that three of the candidates declared they would be elected by the ſworn-burgeſſes, and the other candidate, the then petitioner, ſaid nothing, but polled as a burgeſs; and though there were a great many freemen preſent at the poll, and at the ſealing the return, their claim was not inſiſted on, but it was then proved on the other ſide, that the freemen had demanded a poll, and had ſigned a return for the petitioner.

Upon the whole the committee reſolved,

That the right of election of citizens to ſerve in parliament for this city, is in the mayor, maſters, and burgeſſes of the ſaid city.

That Thomas Horner, eſquire, is not duly elected a citizen to ſerve in this preſent parliament for this city.

That Maurice Berkley, eſquire, is not duly elected a citizen to ſerve in this preſent parliament for this city.

That William Coward, eſquire, is duly elected a citizen to ſerve in this preſent parliament for this city.

That William Peirs, eſquire, is duly elected a citizen, to ſerve in this preſent parliament for this city.

The ſaid reſolutions, being twice read, were agreed unto by the houſe.

Reſolved, that the by-laws made by the governing part of this corporation in 1712, pretending to inflict 100 l. penalty on the mayor, that nominates or makes any burgeſs without the conſent of the major part of the corporation; and 50 l. penalty on every burgeſs that takes the oath appointed to be taken by the burgeſſes, or that uſe, claim, or challenge any freedom, or privilege of a burgeſs without ſuch aſſent, is arbitrary and illegal.

Ordered, the return to be amended.

Feb. 25, 1716. A petition of John Dodd, eſquire, was read; ſhewing, that for this city, the petitioner, together with Thomas Horner, eſquire, were candidates to ſerve in parliament for the ſaid city, or borough, in the place of William Coward, eſquire, deceaſed; that the ſaid Thomas Horner by the aſſiſtance of William Salmon, mayor, and by other indirect and illegal practices, procured himſelf to be returned a member to ſerve in parliament for the ſaid city or borough, in the manifeſt prejudice of the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine and report the matter thereof, with their opinion.

March 6th. Ordered that it be an inſtruction to the ſaid committee, that they do hear the ſaid matter of the ſaid petition the 29th inſtant.

April 8, 1717. Ordered, the report be received in to-morrow morning.

9th. Ordered, that it be received on Thurſday morning next.

11th. Mr. Hampden reported the matter as follows.

That the right of election was agreed to be in the mayor, maſters, and burgeſſes.

That the ſitting-member's counſel inſiſted, that it was neceſſary, that they ſhould be ſworn burgeſſes, which was denied by the petitioner's counſel, who inſiſted, that Wells is a corporation by preſcription, and that all perſons intitled to burgeſs-ſhip, and duly claiming the ſame, have a right to vote.

The poll was For Mr. Horner, 221.
Mr. Dodd, 95.

And the petitioner's counſel objected to 189 of Mr. Horner's voters, viz. 187 of them not qualified, and two for receiving alms.

Robert Thomas and James York ſaid, they had ſearched the town-books, wherein the burgeſſes names are entered, that 182 of thoſe perſons objected to are not inſerted in thoſe books; and that two of them live in the alms-houſe.

Richard Thomas named five others, who, he ſaid, were honorary burgeſſes, had no title to burgeſs-ſhip, antecedent to their admiſſion, and are not reſident, though they ſerved in parliament for this city, and had before voted for elections, but were always objected to.

The counſel for Mr. Horner ſaid, that they ſhould make good their votes who were objected, but produced no evidence to that point.

They objected bribery to the petitioner, and called

John Ganfield, who ſaid, he had two crowns for his vote for the petitioner; and was promiſed more, but had it not: and that upon the election day, Humphrey Cordwent, who aſked votes for the petitioner and is one of his voters, told the witneſs in the hall that he had more money, and named ten or eleven guineas, to diſpoſe of, to get votes for the petitioner.

That Thomas Bartlett ſaid Timothy Oxley gave him three guineas to vote for the petitioner.

Being croſs-examined, he ſaid, he never denied to Robert Thomas, John Read, or James Harvey, his having received any money for his vote for the petitioner. But

Robert Thomas, John Read, and James Harvey, being called on the petitioner's part averred, that this Bartlet was aſked by Thomas Read, what he had for his vote for the petitioner, he ſolemnly denied he had any thing, and ſwore to it; but owned, he had borrowed three guineas from Oxley, and has given his note for it; and Harvey added, that Ganfield had declared ſolemnly, that as he hoped for ſalvation he never received a farthing of any body for his vote.

The committee reſolved,

That Thomas Horner, eſquire, is not duly elected a citizen, to ſerve in this preſent parliament for this city.

That John Dodd, eſquire, is duly elected a citizen to ſerve in this preſent parliament, for this city.

The ſaid reſolutions, being twice read, were agreed to by the houſe.

Oct. 18, 1722. A petition of the honourable George Hamilton, eſquire, and William Piers, eſquire, was read; ſhewing, that at the election for members to ſerve in parliament for this city, the petitioners with Thomas Edwards and Francis Gwyn, eſquires, were candidates: the petitioners were duly elected by a majority of legal votes, that Joſeph Luffe, eſquire, mayor of the ſaid city or borough, did refuſe ſeveral perſons legally qualified to vote, who tendered their votes for the petitioners, and did admit ſeveral to vote for the ſaid Mr. Edwards and Mr. Gwyn, who were not qualified to vote; and thereby, and other illegal practices, they have procured themſelves to be returned for the ſaid city, in manifeſt prejudice to the petitioners: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

April 29, 1723. Ordered to be reported on Thurſday.

May 2. Mr. Gybbon reported the matter of the ſaid election, as follows.

The committee examined the merits of the election. That the right of election was agreed to be in the mayor, maſters, burgeſſes, and freemen of the ſaid city, but the qualification of the freemen was diſputed. It was agreed, that a perſon ſerving ſeven years apprenticeſhip to a freeman, or being the eldeſt ſon of a burgeſs, born after his father's admiſſion to burgeſs-ſhip, or marrying the daughter or widow of a burgeſs, was qualified to be a freeman.

The petitioners counſel inſiſted, that all perſons having ſuch qualifications had a right to vote: But the ſitting-member's counſel inſiſted, that the conſent of the mayor and common-council was neceſſary, previous to admiſſion to freedom, which was denied by the petitioner's counſel.

To which point the following evidence was given on the petitioners part.

The journal of the 30th of May, 1716, where it was reſolved by the houſe,

That the by-law made by the governing part of this corporation, in 1712, pretending to inflict 100l. penalty on the mayor that nominates, or makes any burgeſs, without the conſent of the major part of the corporation, and 50l. penalty on any burgeſs that takes the oath appointed to be taken by the burgeſs, or that uſe, claim, or challenge, any freedom or privilege of a burgeſs without ſuch aſſent, was arbitrary and illegal.

Humphrey Cordwent, maſter of the Taylors company, ſaid, he was admitted without the conſent of the corporation, that ſuch conſent was never aſked, nor was neceſſary;——That he was a ſworn burgeſs, and was of the corporation ſo long as he voted as they would have him; and when he would not, they turned him out of the common-council, but he remains a burgeſs, and came in by redemption. He ſaid, that all freemen admitted into any of the companies of the city had a right to vote, and voted during his time, whether they were ſworn burgeſſes or not; that no body can be ſworn a burgeſs by the corporation before he is admitted of one of the companies; that the previous conſent of the mayor and common-council was not neceſſary to any ſuch admiſſion; this practice he ſpoke to of his own knowledge for forty years paſt; and ſaid, that till lately there were no diſtinction made between freemen admitted into any of the companies and ſworn-burgeſſes, that both have the ſame privileges in all reſpects, and that the late attempts to confine the right of voting to ſworn-burgeſſes was looked upon by the people to be arbitrary and illegal.

On the ſitting-members part.

To prove that none could be admitted to burgeſs-ſhip, or to freedom of any of the city companies without previous conſent of the mayor and common-council; the following evidence was produced; viz.

A charter of 31 Eliz. granting a power to the mayor and common-council to make laws and ordinances, agreeable to the laws of the realm, for good government of the burgeſſes and inhabitants, and for direction of artificers, and otherwiſe for the public utility of the city; and

Several bodies of laws and ordinances made and eſtabliſhed by the mayor and common-council, purſuant to the ſaid charter, againſt admitting any perſons into any of the companies after named, without examination and proof before the governing part of ſuch company of ſerving ſeven years apprenticeſhip; and without preſenting ſuch perſons to the common-council, and having their conſent previous to ſuch admiſſion under penalties on the maſters and wardens of the companies, and declaring all admiſſions contrary thereto to be void; viz.

March 22, 1649. The mercers company ratified by both juſtices of aſſize:

Sept. 14, 1665. For the Taylors company &c. confirming the ordinances made 34 Eliz.

Feb. 9, 1673. For better government of the tanners, glovers and butchers:

Feb. 20, 1694. For the government of the clothiers, wool-combers, and ſtocking-makers, &c.:

Aug. 14, 1707. For the cordwainers company: And

For the black-ſmiths, &c. hammermen:

March 1, 1668. An order in the convocation-book of the city; that no maſter or wardens of any company, without firſt having approbation and allowance thereof from the mayor for the time being; and that the ſame be preſented by him to the common-council for their like conſent and approbation, upon pain of forfeiting for every offence 20s. and every admittance otherwiſe to be void:

And divers inſtances in the corporation books were produced of application made to the common-council, for leave to be admitted into ſome of the companies; and giving ſuch leave; accordingly in the year 1669, 1672, 1687, 1694, 1695, 1707, and 1719. the two laſt of which were the petitioners.

Mr. John Gutch, who has been town-clerk, almoſt 22 years and was born in the town, ſaid, that in all his time, the uſage has been for perſons to apply by themſelves, or ſome maſter of a company to the common-council, for leave to be admitted into the company, previous to ſuch admiſſion; and that all admiſſions without ſuch leave firſt had, are called clandeſtine admiſſions, and are looked upon to be illegal; and that perſons having a right to freedom, make that right appear to the common-council before admiſſion or any leave for it. That ſome late admiſſions, though clandeſtine, have been confirmed by the common-council, and the perſons admitted to vote for peace-ſake only; but that regularly, leave of the common-council to be admitted into ſome company ought to be firſt had; and when theſe admiſſions were confirmed, the common council inſiſted, that for the future, application ſhould be made to the corporation, previous to any admiſſion, according to the ancient uſage; but owned, the election before the laſt, ſeveral perſons were allowed to vote, who were admitted to freedom, without the previous conſent of the corporation.

Thomas Arney ſpoke, as to fifty years, to the ſame effect, as to leave for admiſſion; and ſaid, thoſe who were taken into any company, without ſuch previous conſent of the corporation, had no right, and were not admitted to vote in elections to parliament.

Mr. William Goldfinch, being called by the petitioners, ſaid, the generality of the town exerciſed their trades without being ſworn burgeſſes, and without conſent of the corporation, but that none exerciſed their trade without being of ſome company, and that freemen were not denied any privilege which burgeſſes had, except voting in elections to parliament.

The committee reſolved,

1. That the right of election of citizens to ſerve in parliament in this city, is in the mayor, maſters, and burgeſſes of the ſaid city; and in ſuch perſons as are by conſent of the mayor and common-council of the ſaid city, admitted to their freedom in any the ſeven companies in the ſaid city, being thereto entitled, by birth, ſervitude, or marriage.

The poll was then produced; the numbers were

For Mr. Edwards,	235.
Mr. Gwyn,	228.
For the petitioners each,	147.

That the petitioners objected to 131, of the ſitting members poll; and alledged they ſhould add 32 to the petitioner's poll.

That as to 97 of thoſe objected to,

Charles Taylor, John Lovell, John Read, and ſeveral others, being examined, ſaid, that 60 were never apprentices, nor had any right: 19 ſerved but part of their apprenticeſhip and had no right: that four were admitted about a month before the election, and had no right: that 6 were of the innkeeper's company; and had no right: That 2 were admitted by conſent of the corporation; but had no right: that one lived out of the city, but of a honorary burgeſs that had no right; another was an apprentice to a freeman who was no burgeſs: another ſerved but part of his time and bought the had voted formerly; another was the eldeſt ſon reſt; the other two were minors; another was admitted after the teſte of the writ; 2 were alms-men; and 28 were objected to for being treated: and 3 for bribery.

John Joyce, the drawer at the White horſe-inn, ſaid, that the night before the election there was a great quantity of beer drawn, upon Mr. Edwards' and Mr. Gwyn's account; and he produced a liſt of 55 voters then treated there, by order of John Clerk, a voter for the ſitting-members, and the reckoning was put up to Mr. Gwyn and Mr. Edwards' accounts. That Mr. Edwards, one of the ſitting-members, gave him three guineas to vote for him and Mr. Gwyn.

Twenty-ſeven of theſe voters were objected to on other heads.

Richard Willſon ſaid, he was one of thoſe treated at the White-horſe, on account of the ſitting-members, and that they were invited thither by the wardens of the company, who were in the ſitting-members intereſt. That Mr. Strode, one of the corporation, ſollicited votes for the ſitting-members, and gave him four guineas to vote for them, which he did: and Mr. Gutch, the town-clerk, offered to ſupply him with an indenture of apprenticeſhip, though he told Mr. Gutch he never was bound an apprentice: but owned Samuel Helmes gave him three guineas to vote for the petitioners.

Symonds ſaid, Hodges Cook, one of the corporation, ſollicited his vote for the ſiting-members, and gave him ſix guineas for it.

Bourn ſaid, that Parſons, one of the corporation, on the election day offered him ten or twelve guineas to vote for the ſitting-members, but he refuſed it, and voted for the petitioners.

James Evans ſaid, Mr. Parſons promiſed him ſix guineas, and a ſuit of woollen and linnen, to come up and declare bribery againſt the petitioners, and very much preſſed him, after the witneſs had aſſured him he had nothing for his vote. —— Mr. Strode offered him ſix guineas to vote for the ſiting-members.

Charles Scriptore ſaid, Mr. Tudway, one of the corporation, preſſed him to come up and give evidence, that he was bribed by the petitioners; and although he told him, he could not conſcientiouſly do it, he offered him 10 pounds and a new ſuit of cloaths to do it.

Thomas Howell ſaid, that Mr. Tudway preſſed him to come up, and give evidence of bribery againſt the petitioners; and though he declared he had nothing given him to vote, he could nor would not ſay the contrary, if he would give him the world, and offered him 12 guineas and a ſuit of cloaths ſo to do.

Robert Edwards ſaid, Doctor Ward, who keeps a public houſe, and who made intereſt for the ſiting-members, ſent for him, and kept him five hours drinking, and then preſſed him to declare the ſame; and though he aſſured him, he had nothing for his vote, he ſtill preſſed him more, and aſſured him, if he would but declare he had but a ſhilling, he would give him whatever money he would have, ſo to do.

Chriſtopher Thomas ſaid, Mr. Parſons aſked the ſame of him; and though he declared he had nothing, he ſtill preſſed him, and promiſed to diſcharge him from all malicious binding over, and free him from the Crown-office, and ſet him up, and be the making of him for ever, if he would bu declare bribery.

As to partiality of the mayor, they called

Atwill, Bowell, and Bourn, who ſaid, they heard the mayor declare, before the election, he would return the ſitting-members right or wrong, or if they had not above 6 votes.

Collins ſaid, that at the poll, the mayor received ſuch as ſwore to their qualifications for the ſitting-members, but refuſed the ſame for the petitioners; and in the middle of the poll, ſome ſhouting for the petitioners by name, the mayor anſwered, they might ſay what they would, but he would return the ſitting-members, as they all underſtood.

Charles Taylor mentioned another inſtance of partiality, in refuſing burgeſs-ſhip and freedom to ſome who had right and were for the petitioners, and granting to others who were in the ſitting-members intereſt; particularly Johnſon, who was bound apprentice by the feoffees of the corporation.

To add 82 to the petitioners poll, viz. 75, as having right, and ſeven freemen inrolled.

Charles Taylor, Lovell, and others ſaid, fifty ſerved ſeven years apprenticeſhip in the city, that 15, though they did not ſerve apprenticeſhip, they lived in the nature of apprentices with their parents or relations for ſeven years or more, and were bred up to the trades they followed.

That two were eldeſt ſons of burgeſſes, three married eldeſt daughters of burgeſſes: one ſerved part of his apprenticeſhip in the city, and then went into the army.

Two ſerved out of the city, another had ſerved offices in the city, another had voted in former elections.

Lancaſter ſaid, 16 of thoſe 75 perſons were upon the 19th of February preceding the election, preſented by the petitioner, Mr. Hamilton, to the mayor and common-council aſſembled, with deſire to examine their titles, and admit them to freedom, but they were refuſed without examination.

Thomas Harvey ſaid, both petitioners attended the mayor and common council, and the other 59 upon the 23d of February before the election, in order to have their titles examined, and to have them admitted to their freedom, but they were refuſed without any examination; though they came thither by the mayor's appointment.

On the other ſide, Mr. Gutch, the town-clerk, ſaid, there was no common-council on that day.

James York, ſaid, all thoſe 75 tendered their votes for the petitioners. And

That ſeven others, who appear in the corporation books to be enrolled freemen, tendered their votes for the petitioners, and none of them were taken.

That on the ſitting-members part; to qualify 84 of the 97 firſt objected to,

Simon Plaiſter, and ſeveral others, gave evidence, that 35 ſerved ſeven years apprenticeſhip, and were admitted by conſent of the corporation. That 19 ſerved ſeven years, or more, in their trades, but the witneſſes could not ſay, whether they had been bound apprentices or not.—That 6 were innkeepers and were admitted by conſent of the corporation, and 8 others admitted in like manner. That one ſerved part of his time in this city, and then went into the army.—Another ſerved part of his time and bought the reſt.—Two were eldeſt ſons of burgeſſes.—Eleven had voted in former elections.—And the other one was admitted to be a good vote.

Againſt the 75, which the petitioners would add to their poll,

Mr. John Gutch, town-clerk, ſaid, their demand was to be made burgeſſes, and not to be made freemen.—A liſt of their names was produced, intitled, A liſt of freemen that tendered to the corporation to demand their freedom and burgeſſhip.

And it was admitted.—That all or moſt of them had taken up their freedom in ſome of the companies, but without conſent of the corporation.

And the ſitting-members counſel objected to 22 of the petitioners voters: and

Mr. Gutch being called, ſaid, 20 of them were not admitted by conſent of the mayor and corporation, that another had been disfranchiſed by the corporation for miſdemeanor and contempt, in not appearing to anſwer; and the other was an alms-man.

In anſwer to what had been objected to the mayor's behaviour, John Phelps, William Tucker, and Roger Leverſedge, gave evidence; that the mayor behaved himſelf very candidly and fairly on all ſides, and without any partiality to one or other; and that on the ſitting-members part, an adjournment of the poll was offered, and a ſcrutiny of it; both which were refuſed by the petitioners, who inſulted and abuſed the mayor in the execution of his office without any reaſon.

That on the head of bribery the ſitting-members counſel called,

John James, who ſaid, the petitioner, Mr. Hamilton, on the morning of the election day, after the election was over, gave him a guinea for voting, and that he voted for the petitioners, on account of a promiſe of five guineas before made to him by one of their agents, but had only the guinea aforeſaid.

William Strafford ſaid, the petitioner, Mr. Hamilton, gave him ſix guineas to vote for him and Mr. Peirs, and forced him to take the money, but he voted for the ſitting-members.

Chriſtopher Bakehouſe ſaid, Mr. Nicholas gave him a guinea to vote for the petitioners which he did, but was not taken down.

In reply for the petitioners.

Read, Lovell, and ſome others ſaid, as to 18 of the 22 objected to by the ſitting-members: 15 of them had ſerved ſeven years apprenticeſhip, and the other three were ſons of burgeſſes.

The committee reſolved,

2. That Thomas Edwards, eſquire, is duly elected a citizen, to ſerve in this preſent parliament for this city.

3. That Francis Gwyn, eſquire, is duly elected a citizen, to ſerve in this preſent parliament for this city.

The firſt reſolution was read a ſecond time, and it was propoſed to amend it, by leaving out the words “by conſent of the mayor and common-“council of the ſaid city.” And the queſtion was put that theſe words remain part of the queſtion, which was agreed to; and then the reſolution was agreed to by the houſe.

The other two reſolutions were alſo agreed unto by the houſe.

WENDOVER.

THIS borough is within the county of Buckingham. It returned burgeſſes in the 28th of Edward I. 1ſt and 2d of Edw. II. but after this intermitted until the reign of King James I. when it was reſtored: of which, and the ſubſequent memoirs concerning the election, the Journals afford theſe following.

4th Reg. 1154. Willis, 1749. 5.

May 18, 1621. Sir George Moore reporteth from the committee of privileges and elections, this borough, Amerſham, &c. deſire burgeſſes. That they ſent in the time of Edward I. and have new charters for renewal of their former right herein.—That the committee thinketh fit new writs ſhould be granted for theſe boroughs.

Upon queſtion, the houſe will be adviſed, and when they bring their charters to the committee for privileges, the King's counſel to be called to it.

May 4, 1624. Mr. Glanville reporteth for this and the other boroughs; theſe proved to be boroughs in the general, 1ſt Edw. I. all theſe boroughs ſent burgeſſes to parliament, 28 Edw. I. they ſent again—Upon queſtion, every of theſe to ſend two burgeſſes this parliament, and a warrant from the Speaker for new writs accordingly. (See Agmondeſham and Marlow.)

Feb. 22, 1672. A petition of William Friend, Francis Welles, and Benjamin Delafield, on behalf of themſelves, and ſeveral of the inhabitants of this town, was read:— and they being called to the bar of the houſe, did own the petition, and that they ſubſcribed it; which petition did complain of an undue proceeding of alderman Backwell, in procuring himſelf to be elected to ſerve for this town. Alſo,

Another petition of Thomas Wharton, eſquire, was read; complaining of the undue return of alderman Backwell to ſerve for this town, in injury of the petitioner.

Reſolved, &c. that the ſaid petitions be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

March 15, 1672. Ordered the report to be received on Monday next.

19th. Sir Thomas Meers reported from the ſaid committee, the evidence and ſtate of the caſe upon the ſaid petition between alderman Backwell and Mr. Wharton, and the votes of the committee, which he read, &c.

The queſtion being put, it was reſolved to agree with the committee, that alderman Backwell was not duly elected a burgeſs to ſerve in this preſent parliament for this borough.

Reſolved, to agree with the committee, that Thomas Wharton, eſquire, is duly elected to ſerve in this preſent parliament for this borough.—And ordered the clerk of the Crown, and the conſtables of this borough, to attend, and amend the return.

Oct. 24, 1702. A petition of Richard Crawley, eſquire, was read; ſhewing, that Sir Roger Hill and the petitioner were two of the candidates at the laſt election for this borough, where Sir Roger Hill or his agents were guilty of corruption and indirect practices, and thereby influenced ſeveral of the poorer ſort of the people to vote for him; and the conſtables alſo refuſed to poll ſeveral good votes for the petitioner, and admitted ſeveral to poll for Sir Roger, who had no right: and although the petitioner had a majority of legal voters, yet Sir Roger Hill hath procured himſelf to be returned: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Nov. 17. Ordered to be reported on Saturday morning next.

22. Mr. Bromley reported from the ſaid committee, the matter, as it appeared to them upon the ſaid petition; viz. that the poll was,

For Sir Roger Hill	89.
For the petitioner	76.

That the right of election was agreed to be in the inhabitants being houſholders, and not receiving alms within a year.

That the petitioner's counſel inſiſted, there was great partiality in the conſtable Mr. Ginger, and that they ſhould object to ſeveral that voted for Sir Roger Hill, either as not inhabitants and houſekeepers, or becauſe their votes were obtained by corruption and indirect practices: and called

George Humphreys, and ſix others; who ſpoke to his ordering drink to be drawn for Sir Roger Hill's friends; to his taking an account of what drink was drawn on his account; to his putting a man into an houſe, who promiſed to vote for Sir Roger Hill, and telling him he ſhould pay no rent; to the appointing the friends only of the ſitting-members to attend the court; to his refuſing a ſcrutiny or examination of the poll, and declaring he would return, right or wrong.

Then they proceeded to except to ſeveral who voted for Sir Roger Hill; and as to 6 of them, it appeared, they only came to reſide in this borough by certificates from other pariſhes: and a queſtion ariſing between the counſel, whether they were ſuch inhabitants as were entitled to vote,

1. The committee reſolved, that perſons coming by certificate to live in this borough, have not thereby a right to vote for the election of members to ſerve in parliament for the ſaid borough.

They then called to prove Stevens, Crofts, Chamile, Fountain, Haynes, and Hughes, to be ſuch: Duffle ſaid, that as to Hughes, about a fortnight after Michaelmas was a twelvemonth, he was made an headborough, and ſerved a year in that office.

A witneſs was called; who ſaid, he did not believe Dancer was now an houſekeeper, but lived with his ſiſter. It was proved, he had voted ſeveral times with a Q.

Another was excepted to as being excommunicated.

Sheldon ſaid, Darney's mother told him, ſhe was the houſekeeper.

Boheme and Aldridge ſaid, Bening was a melancholy man, and ſcarce *compos mentis*: that he was carried by others to the place of polling; and being at ſome diſtance, he only named Mr. Hampden; though others ſaid, he named Hill ſhort.

Heywood, the exciſeman, named 18 others, who had not uſed to draw drink but at fairs, and were unlicenſed, and drew drink for Sir Roger Hill; though he could not ſay, after the teſte of the writ.

Harding ſaid, he was 40l. the worſe for Mr. Crawley the laſt time, but now ſhould be the better, for his vote.

Duffle ſaid, Sly came to town three weeks or a month before the election, and went away before the election:— Beeſon came about a fortnight or three weeks before the election:— Cawdrey came a little before, and went away ſoon after, the election: and as to Charles Wootton, it is generally thought the greateſt part of the houſe, which he lives in, is his ſiſter's.

Thomas Stevens,——That Matthew Stevens was no houſekeeper, but lives with his mother.

Another ſaid, William Smith's wife had received 18d. from the overſeers of the poor in April laſt: but it was ſaid, ſhe lived from her huſband, and he was not in the poor's book.

The nonage of Thomas Daval was excepted to: but a certificate produced, he was baptized the 27th of July 1681.

That Sir Roger Hill's counſel inſiſted, that Edward Neighbour and Marſhall had polled for the ſame houſe. Upon Neighbour's examination, it appeared, the houſe was divided into two diſtinct habitations, and they had ſeveral doors, but went to them through the common gatehouſe.

One of the counſel for Sir Roger Hill offered to re-criminate upon Mr. Crawley, as to corrupt and indirect practices: but the other waved it; ſo no evidence was given on that head.

Upon the whole, the committee reſolved,

2. That Sir Roger Hill, knight, is not duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

3. That John Crawley, eſquire, is duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

The ſaid three reſolutions, being ſeverally twice read, were agreed unto by the houſe: and the return ordered to be amended.

Dec. 5, 1710. A petition of Richard Crawley, and Edward Sayer, eſquires, was read; ſhewing, that the petitioners had a majority of legal votes at the laſt election of members to ſerve in this parliament for this borough; and the petitioners ought to have been returned: but John Ginger and William North, the conſtables, have returned Sir Roger Hill, and Henry Grey, eſquire, who were guilty of bribery, and other undue practices: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

WENLOCK.

THIS borough is within the county of Salop: and by charter of Edward the fourth, *anno* 1478, had the privilege of ſending one burgeſs to parliament; which, Doctor Willis writes, was the firſt charter of this kind. Mr. Prynne doth not take notice of it; but by a MS. note of Mr. G. Holmes, I find there was a return of one member in the 17th of Edw. IV. nor doth it appear, when it firſt returned two burgeſſes. In a liſt of members, publiſhed by the ſame Doctor Willis, he has inſerted the names of two burgeſſes for this borough, in the 33d of Henry the eighth. I meet with no other memoirs relating to the election until very modern times, when the Journals afford theſe following.

Willis, 1749. 42.

Holmes's MS. notes on 4 Reg. T. C.

Willis ut ante.

Dec. 5, 1710. A petition of Sir Thomas Lawley, baronet, and Richard Lawley, eſquire, was read; ſhewing, that the petitioners had a majority of ſuch perſons as ought to vote, at the election of members to ſerve in parliament for this borough; and ought to have been returned: but the bailiff of the ſaid borough polled great numbers for Sir William Foreſter, and George Weld, eſquire, who were guilty of bribery, and other undue practices, to procure votes: and praying &c.

A petition of ſeveral burgeſſes of the ſaid borough, reſiding and inhabiting within the pariſh of Wenlock, in the county of Salop, complaining of an undue election and return for the ſaid borough, was read; ſhewing, that all the burgeſſes, inhabiting and reſiding within the pariſh, have the ſole right to vote for members to ſerve in parliament for this borough; and by ſuch Sir Thomas Lawley was duly elected to repreſent them in this parliament: but in violation of the rights of the petitioners, and the ſaid borough, Sir William Foreſter, and George Weld, eſquire, procured many hundreds to be made burgeſſes, who were not reſident within the ſaid pariſh; and they were admitted to poll at the laſt election: and by ſuch Sir William Foreſter and Mr. Weld were choſen, and they have procured themſelves to be unjuſtly returned thereby: and praying &c.

Ordered, that the ſaid petitions be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Oct. 19, 1722. A petition of Sir Thomas Lawley, baronet, and Edward Ceſſet, eſquire, was read; ſhewing, that at the laſt election of members to ſerve in parliament for this borough, the petitioners, Sir Humphry Briggs, and Samuel Edwards, eſquire, were candidates: that the bailiff of the ſaid town behaved himſelf very partially on behalf of the ſaid Sir Humphry Briggs and Mr. Edwards, and polled ſeveral perſons for them, who had no right to vote; and many indirect and corrupt practices were made uſe of on their behalf, in order to procure them to be returned, notwithſtanding the petitioners were duly elected, and ought to have been returned: and praying &c.

Ordered it be referred to the committee of privileges and elections, to examine and report the ſame, with their opinion.

Feb. 20, 1719. Ordered a warrant for a new writ, for electing a burgeſs to ſerve for this borough, in the room of Sir Robert Corbet, made clerk-comptroller of the houſhold.

WEOBLY.

THIS borough is ſituate within the county of Hereford. Doctor Willis writes, it returned burgeſſes to all King Edward the firſt's parliaments. Mr. Prynne begins his liſt in the 26th of Edward the firſt: but both ſeem to agree, it diſcontinued after his reign, until the reign of King Charles the firſt, when it was reſtored; of which, and other matters relating to the election, the Journals afford theſe following.

Willis, 1749. 25.

4th Reg. 1152.

May 1, 1628. Mr. Hackwyll reports from the committee for elections, concerning this borough and Milborn-Port, which anciently ſent burgeſſes to parliament, and have diſcontinued long——26 Ed. I. they ſent burgeſſes: ſo 28 Ed. I. as appears by the records out of the Tower.—That many records periſhed; viz. of 52 parliaments, from the 28th of Edward the firſt, to the third of Edward the ſecond. (See Milborn-Port.)

Upon queſtion, this borough was an ancient borough, and ſent burgeſſes to parliament; and ought now to be reſtored to that right of ſending burgeſſes to parliament.

And upon queſtion, a warrant to iſſue out under Mr. Speaker's hand for a writ to be made, for election of a burgeſs for this borough.

July 16, 1660. Sir Edward Turner reports from the committee of privileges and elections, upon the return of James Pitts and Richard Weſton, eſquires, for this borough, and the petition of * Perot, eſquire; that upon examination of the fact, it appeared, that the ſheriff did not ſend any precept for the ſaid election, nor give any notice of the time; and that the poll being demanded, he did refuſe the ſame: and that for theſe reaſons, the committee were of opinion, the former election is void.——To which the houſe agreed.

Feb. 23, 1677. Mr. Williams reported from the ſaid committee, that they had taken into conſideration the matter concerning the election for this borough, and had examined the ſame, and agreed upon a report; viz.

No petition appears.

That Sir Thomas Williams is duly elected a burgeſs to ſerve in this parliament for this borough.

A debate ariſing, whether the ſheriff had duly iſſued forth his precept, purſuant to the writ, for making the ſaid election, it was moved, that the matter may be re-committed; but diſagreed to: and

Reſolved, that the election for this borough, is a void election: and ordered a warrant for a new writ.

Oct. 22, 1691. A petition of Thomas Foley, of Stoke-Court, in the county of Hereford, eſquire, was read; ſhewing, that the petitioner was duly elected a burgeſs for this borough; and in purſuance of the ſaid election, was returned by indenture by the proper officer to the ſheriff: but that Thomas Watkins, conſtable of the ſaid borough, hath delivered another indenture, purporting an election of John Birch, eſquire, to the ſaid ſheriff; who hath returned both the ſaid indentures: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

A petition of John Birch, eſquire, was read; ſhewing, that he having been duly elected a burgeſs for this borough, in the room of colonel John Birch, deceaſed, was returned accordingly by one of the conſtables, to whom the precept was directed; yet the other conſtable hath returned Thomas Foley, eſquire, to the prejudice of the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Nov. 12. Mr. Serjeant Trenchard reported from the committee, the matter upon the ſaid double return; viz.

It appeared by the record, that Thomas Foley, eſquire, was returned by one indenture, by Thomas Meynek, conſtable of this borough, and ſeveral other burgeſſes of this borough: that John Birch, eſquire, was returned by another indenture by ſeveral burgeſſes.

That as to the merits of the election, it was inſiſted on for Mr. Foley, that he had 3 or 4 the majority of qualified voices:—and the counſel for Mr. Birch did allow Mr. Foley to be duly returned by the conſtable; and that Mr. Birch was not duly returned, being returned by the burgeſſes only.

That as to the merits of the election, they alſo agreed, that upon examination, Mr. Foley had a majority of qualified voices:—whereupon the committee reſolved,

That Thomas Foley, eſquire, is duly returned a burgeſs to ſerve in this preſent parliament for this borough.

That Thomas Foley, eſquire, is duly elected a burgeſs to ſerve in this parliament for this borough.

The ſaid reſolutions being twice read, were agreed to by the houſe: and ordered the return to be amended.

Dec. 12, 1698. A petition of Thomas Foley, eſquire, was read; ſhewing, that the petitioner was, by a clear majority of legal voters, duly choſen a burgeſs to ſerve in this parliament for this borough; and was returned as ſuch with Robert Price, eſquire, who was alſo choſen: but John Jones, one of the conſtables of the ſaid borough, hath, by procurement and ill practices of John Birch, eſquire, returned him with the ſaid Mr. Price, to the petitioner's prejudice: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

A petition of John Birch, eſquire, was read; ſhewing, that the petitioner was duly elected to ſerve in this preſent parliament for this borough, and was returned as ſuch by one of the conſtables; yet Thomas Foley, eſquire, who uſed divers ill practices to get himſelf elected, hath prevailed on the other conſtable to return him as duly elected, to the petitioner's prejudice: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Jan. 11. Ordered, that the report be made on Friday next.

13th. Sir Rowland Gwyn reported the matter, as it appeared on the ſaid double return and petitions.

That both Mr. Foley and Mr. Birch reſpectively inſiſted, that they had a majority of qualified votes, and that irregularities had been on the other ſide.

That the right of election was agreed to be in the inhabitants of houſes of 20 ſhillings yearly, paying ſcot and lot: and that the right of return was in the two conſtables; one of which had returned Mr. Price and Mr. Foley, and the other had returned Mr. Price and Mr. Birch.

The counſel for Mr. Foley called Mr. Badham, who took the poll by the appointment of the conſtables, wherein the numbers were,

For Mr. Price	55.
For Mr. Foley	40.
For Mr. Birch	35.

Mr. Price's election was not controverted. There were, beſides theſe, 8 others, who offered to vote, but were diſallowed; of which, 4 were for Mr. Foley, and 4 for Mr. Birch.

The 4 for Mr. Foley were John Barnes, Steven Lewis Clerk, Edward Sinnock, and John Davis: and for Mr. Birch, Wolfe, Hyat, Griffith, and Symmonds.

Taylor ſaid, he took the poll for Mr. Foley, by conſent of the conſtables and candidates; and by that there were

For Mr. Foley	44.
For Mr. Birch	35.

Which difference of numbers was occaſioned by putting down to Mr. Foley the 4 diſallowed by the conſtables: that George, one of the conſtables, did allow theſe 4 he added for Mr. Foley; the other not: and he delivered in a former poll, wherein he ſaid, they had voted.

That Mr. Foley then proceeded upon the point of irregularity on the other ſide: and called Moore; who ſaid, he was before the election drinking with Jones, one of the conſtables; and Jones ſaid, if Mr. Birch had but ten votes, he would return him; and after that he ſaid, if he had but three, he would return him: that after the return, he ſaw the conſtable at Mr. Birch's windmill, and Mr. Birch's man put griſt into his bag; and he aſked the conſtable why he did not pay toll; and he anſwered, he was not to pay as long as Mr. Birch's windmill ſtood there.

Alben Thomas ſaid, he was at the laſt election for this borough: that at the beginning all was quiet; but when Mr. Birch's votes were almoſt all polled, if any came to poll for Mr. Foley, No voice! and Mr. Jones would cry, Hollow boys! no voice! and if any offered for Mr. Birch that were objected to, he would cry, A voice, boys! hollow! and the ſaid Thomas ſaid, he was frequently with Mr. Foley when he ſolicited the electors: that what he ſaid to them generally was, that he would ſerve them faithfully, if they would elect him.

That for Mr. Birch was called Harris; who ſaid, that he took the poll for Mr. Birch, and upon his poll the numbers were the ſame as on the conſtables, as to thoſe allowed by the conſtables; viz.

For Mr. Foley	40.
For Mr. Birch	35.

But ſaid, toward the end of the poll they were in great confuſion; and that by conſent of Mr. Jones, the conſtable, he wrote down the 4 who were diſallowed for Mr. Birch, but he believes their names were not heard by the other conſtable, he being at a diſtance: that afterwards they compared the poll, and the other conſtable did not allow theſe laſt 4: that 2, viz. Morgan Evans, and William Roſs, who had polled for Mr. Foley, were queried; and the poll cloſed, without the queries being examined: that he did not obſerve Mr. Jones uſed any partiality; but there was a new method of callers and inſpectors, who diſturbed each other.

White and Price ſaid, Morgan Evans was not a pariſhioner, becauſe he had notice by the churchwardens, a year before the election, to find ſecurity, or be gone; and that he did not find ſecurity till after the election, but paid to church and poor.

Evan Price ſaid, Philpot lives at the end of the houſe belonging to Adams, and Haycock lives in the principal part; yet both voted. But he owned, it had been divided for ſeveral years: and ſaid, that Richard Powell was at the end of the houſe formerly Mr. Gore's; though he owned, it had been divided four years: that Philpot and Powell both pay ſcot and lot, and their votes not excepted to, and Powell had voted before.

Price and Meyrick ſaid, Maunder lived as a bailiff with Brydges at Tiverton, and comes ſometimes to Weobly to a woman inhabiting there, reputed to be his wife, who pays the rate, yet his name is in the books.

Ward ſaid, Roſs doth not pay to church and poor; nor has been rated for ſix years paſt: but owned, he had voted formerly: that Maunder was in the poll; and Grag was warned to go out of the pariſh, who was not rated: but believes he has paid.

White ſaid, Davis was a poor man, a day labourer, and never paid to church or poor: that Symmock has an houſe in the town of 40 ſhillings yearly, but lets it, and lives in a place like a barn; and that the tenants of his houſe pay the rates: that Barnes lives in a part of his own houſe in this town, and his tenant pays the rates: that Mr. Lewis is not, nor were his predeceſſors, ever rated.

That as to the 4 wrote down for Mr. Birch, but againſt one of the conſtable's conſent; Ward ſaid, Wolf rents 20 ſhillings yearly, and is rated: Hyat is alſo rated, and has lived in the borough half a year in his own houſe: that Griffith is not in the church-rate, becauſe the former inhabitant was ſtruck out for his poverty, and no new rate made ſince he came in: that Symmonds lives in a houſe of 25 ſhillings yearly, and Mallington pays for him.

Hyat ſaid, that at a former election, Mr. Foley aſked his eldeſt brother's vote, and promiſed him a place, but did not perform it: that when Mr. Foley aſked him, he told him, he had been unkind; and Mr. Foley ſaid, I will give you 20 ſhillings, and 20 ſhillings more, on condition to have your voice, and Mr. Foley did give him 20 s. yet he voted for Mr. Price and Mr. Birch.

James Sheppard ſaid, Mr. Foley aſked him for his vote; and he told him, Mr. Birch owed him money, but if he would pay Mr. Birch's bill, he would vote for him: that two or three days before the election, Mr. Foley told him, if he came to Stoke he ſhould have it; though he ſaid, Mr. Foley gave him nothing, ſo he voted for Mr. Price and Mr. Birch.

Theophilus Meyrick ſaid, Mr. Foley owed him money ſince the election of the laſt parliament, and he went to Stoke for it; and Mr. Foley told him, the parliament was diſſolved, and he could not have it now, but if he would truſt him till 14 days after the election, he ſhould have it: that Mr. Foley wrote a letter to Mr. Williams to let him have 40s. taking his bond, which was done; and Mr. Hoſier told him two days before the election, if he did not vote, he ſhould have never a penny, and if he did, he would engage he ſhould have it (which Hoſier denied): that he voted for Mr. Birch and Mr. Price.

In anſwer, Mr. Foley's counſel called Alben Thomas and William Hoſier, who ſaid, Morgan Evans paid 40 ſhillings rent to Birch, and pays rates, and had not been required to give ſecurity, if he would have voted for Mr. Birch: that Roſs pays 30 s. yearly, and was rated, though his landlord now pays it; and has voted in 3 or 4 elections, and not excepted to before: that Philpot is rated, and not excepted to the laſt election: that Powell purchaſed an eſtate in the town, which coſt 30l. and has voted for Mr. Birch before: that Maunder and Price both voted for Mr. Foley; and Mr. Birch agreed to admit them, and ſo Maunder's name was ſet down in the poll: that Grey rents 40 s. yearly, and pays rates, and was not excepted to: that as to the four who voted for Mr. Foley, and were diſallowed by the conſtable. — Davis is a butcher by trade:—Synnock is a freeholder of 3 l. yearly, and pays his rates, and has voted before: that Barnes is a freeholder of 8 l. a year; and the eſtate hath been divided 12 years, but the landlord hath 3 l. a year and is in the poor's rate: that Mr. Lewis' Glebe is worth 30 l. *per annum*, and his predeceſſors did pay to church and poor, and agreed to find the ſacrament bread and wine, which he doth now, and voted before for Mr. Birch, and was allowed. ——As to thoſe four in Mr. Birch's poll: that Woolf comes occaſionally and dreſſes hats, and believes his rent not more than 15 or 16 s. yearly, and doth not pay rates: that Hyat is of another pariſh, and came but two days before the election, and went away about a week or 9 days after: that Griffith's eſtate was purchaſed by Mr. Hoſier, and is only 16 s. yearly: and no one has voted for Symonds' houſe theſe 20 years.

Evans ſaid, that Barnes, in December, being aſked if he knew any thing of the election worth going to London for—he ſaid, he did not.

Booth ſaid, he was at Stoke when Meyrick came thither: that no offer was made him; and when he told Mr. Foley, Meyrick was there, Mr. Foley ſaid, he was ſorry for it, for he was a rogue; nor would Mr. Foley ſpeak to him alone: that Meyrick demanded money, but Mr. Foley did not own it to be due, though ordered him to write a letter to Mr. Williams to let him have 40 s. on bond; but it was before the parliament was diſſolved.

In reply, Mr. Birch's counſel called Price; who ſaid, Woolf and Symmonds lived each in an houſe 20 s. yearly, and their landlords pay their rates: that Hyat, and his family came a fortnight or three weeks before the election, and is charged to church and poor.

That Hobſon ſaid, Symmonds' landlord paid to church and poor for him; and Griffith was not rated, becauſe no new rate had been made, ſince he came to reſide there.

Upon the whole, the committee reſolved,

That Thomas Foley, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for this borough.

Which being read a 2d time, was agreed to by the houſe.

Feb. 25, 1700. A petition of the unbribed burgeſſes of this borough was read; ſhewing, that Henry Cornwall, eſquire, by himſelf and agents, before and ſince the teſte of the writ for electing burgeſſes to ſerve in this preſent parliament, made public entertainments for the burgeſſes of the ſaid borough, and to ſome gave money, promiſes, gratuities, threats, and even confinement, for their votes; by which, and other illegal proceedings, the ſaid Mr. Cornwall hath procured himſelf to be returned as the petitioners repreſentative, in violation of the rights and the freedom of election: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

26th. A petition of captain Charles Cornwall, of Berrington, in the county of Hereford, was read; ſhewing, that at the election of a member to ſerve in this preſent parliament for this borough, the petitioner, Henry Thynn, John Birch, eſquires, and colonel Henry Cornwall, were candidates; at which election, the ſaid Mr. Thynn, Mr. Birch, and colonel Cornwall, by bribes, entertainments, and other undue means, procured the ſaid colonel Cornwall and Mr. Birch to be returned, in prejudice of the petitioner, who was duly choſen without ſuch practices: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

27th. A petition of ſeveral burgeſſes of this borough, was read; ſhewing, that John Birch, eſquire, by bribery and other indirect means, hath procured himſelf to be choſen, and returned, a member to ſerve in this preſent parliament for this borough, to the great reproach and ſcandal thereof: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Jan. 15, 1701. A petition of Henry Cornwall, eſquire, was read; ſhewing, that ſince the teſte of the writ for electing burgeſſes to ſerve in this parliament for this borough, John Birch, eſquire, by treating and bribing the voteſmen, and other indirect means, procured himſelf to be returned for a burgeſs, in prejudice of the petitioner, who would otherwiſe have had a right to have been returned: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Nov. 4, 1702. A petition of John Birch, eſquire, was read; ſhewing, that at the election of members to ſerve in this parliament for this borough; the petitioner, Henry Cornwall, and Thomas Price, eſquires, were candidates: and that Mr. Cornwall procured himſelf to be elected, by bribing the major part of the electors with 5 l. a man, and did alſo treat them at home and at public houſes: and the ſaid Mr. Price, and his agents, did alſo give conſiderable bribes and treats to many of the electors, and prevailed with the conſtables (who are the proper officers there) to admit ſeveral unqualified votes for the ſaid Mr. Price, and rejected divers legal votes for the petitioner; by which unfair practices, Mr. Price procured an equal number of votes with the petitioner, who ought to have been returned, or at leaſt the ſaid bailiffs ought to have made a double return of the petitioner and Mr. Price; but they have returned Mr. Cornwall and Mr. Price, in wrong to the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame with their opinion.

Jan. 10, 1708. A petition of ſeveral burgeſſes and voters of this ancient borough, was read; ſhewing, that a writ iſſuing for the electing of a burgeſs to ſerve in parliament for this borough, in the room of Henry Thynn, eſquire, deceaſed, who had choſe to ſerve for Weymouth, where he was alſo elected, Mr. William Badham, under-ſheriff of this county, did, on Friday the 10th day of December laſt, between 11 and 12 o'clock at night, affix a precept to one of the poſts of the market-houſe of this borough to proceed to an election on the Monday following: and accordingly did on Monday in the morning proceed, and in half an hour unduly elected Henry George, eſquire, who, the petitioners hope to prove, prevailed on the ſaid under-ſheriff, by bribery and large promiſes, to uſe thoſe unlawful proceedings, to the prejudice of the free electors and other candidates for the ſaid borough: and praying &c.

Ordered, that the merits of this election be heard at the bar of the houſe on the 5th day of May next.

March 29, 1715. A petition of John Birch, ſerjeant at law, was read; ſhewing, that Charles Cornwall, eſquire, Paul Foley, eſquire, and the petitioner were candidates for this borough; that the ſaid Mr. Foley, and agents, was guilty of bribery, by offering five guineas a-piece to every burgeſs that would vote for him, all which ſaid burgeſſes did accordingly vote for the ſaid Mr. Foley; that by means of the ſaid illegal practices the ſaid Mr. Foley has procured himſelf to be returned, to the prejudice of the petitioner, who was duly choſen and ought to have been returned; and the petitioner believes, that the ſaid Mr. Foley was not qualified to be elected: and praying &c. Alſo

A petition of Simon Gough, and John Moore, on behalf of themſelves, and others the electors, burgeſſes of this borough, was read; ſhewing, that at the election of burgeſſes for this borough, John Birch, Paul Foley, and Charles Cornwall, eſquires, were candidates; that the ſaid Charles Cornwall, and agents, did, by corrupt and other illegal practices, procure himſelf ſeveral voters to the number of ſixty and upwards; by which ſaid illegal proceedings the ſaid Charles Cornwall obtained a majority of votes upon the poll: and praying &c.

Ordered, that the ſaid petition be heard at the bar of the houſe on the 24th day of May next.

May 24th. Ordered, that it be heard on the 16th day of June next.

June 14th. Ordered that it be heard on Saturday next.

16th. Ordered the clerk of the Crown do then attend with the return for the ſaid borough.

18th. The houſe proceeded in the hearing of the matters of the ſaid petitions.

The counſel on both ſides were called in, and the two ſeveral petitions were read.

And the counſel for Mr. Serjeant Birch examined ſeveral witneſſes to diſqualify ſeveral of the voters for Mr. Foley, on account of bribery, and ſummed up their evidence.

Then the counſel for Mr. Foley proceeded and called Mr. G. Cook to give evidence, touching what one William Baily had confeſſed, of money offered him to vote for the petitioner Mr. Serjeant Birch.

And the petitioner's counſel objecting againſt Mr. Cook's being examined touching the ſame, for that he, the ſaid William Baily was, by the ſaid petitioner's evidence, charged with having received five guineas to vote for Mr. Foley.

The counſel were heard on both ſides and withdrew.

Reſolved (upon the queſtion) the counſel for Mr. Foley be not admitted to examine Mr. Cook as to any diſcourſe he had with William Bayly.

The counſel were called in and acquainted therewith by Mr. Speaker.

Upon which the counſel for Mr. Foley acquainted the houſe, that they had other witneſſes, but they were in the ſame circumſtances, and therefore they would not trouble the houſe with them, but made their obſervations on the petitioner's evidence.

Then the counſel for Mr. Serjeant Birch and Mr. Foley withdrew.

After which the counſel for the petitioners, Simon Gough and John Moore, opened the nature of the evidence they intended to give to the houſe; upon which the counſel for Mr. Cornwall, the other ſitting-member, objected againſt their examining any witneſſes, the petitioners having ſigned the indenture by which Mr. Cornwall was returned; and therefore the counſel for the ſitting-member alledged, they ought not to be admitted to controvert the ſame.

To which the counſel on both ſides were heard and withdrew.

Reſolved, that Simon Gough and John Moore having ſigned the indenture of return, by which Charles Cornwall, eſquire, is returned a burgeſs to ſerve in this preſent parliament for this borough, this houſe will not proceed in the petition of the ſaid Simon Gough and John Moore, complaining of an undue election of the ſaid C. Cornwall, eſq.

Reſolved, that Paul Foley, eſquire, is not duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

Reſolved, that John Birch, eſquire, ſerjeant at law, is duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

The clerk of the court attending according to order, was ordered to amend the return.

Reſolved, that it appears to the houſe, that Simon Gough is guilty of diſtributing money in order to procure Paul Foley, eſquire, to be elected a burgeſs to ſerve in this preſent parliament for this borough.

Ordered, that the ſaid Simon Gough be, for the ſaid offence, taken into the cuſtody of the ſerjeant at arms attending this houſe.

Oct. 25, 1722. A petition of Edward Hughes and John Carpenter, eſquires, was read; ſhewing, that at the election of members, to ſerve in parliament for this borough, the petitioner, Nicholas Philpot, and John Birch, ſerjeant at law, were candidates: that upon the writ coming to the under-ſheriff, he made out a precept, and directed it to John Davis and Walter Green, conſtables of the ſaid borough, who were the returning officers, in order to their proceeding to an election; but the meſſenger, inſtead of delivering it to the ſaid conſtables, was prevailed upon to carry it back again to the ſaid under-ſheriff, who kept it till the next day, and then brought it himſelf to Weobly; but inſtead of delivering it to the ſaid conſtables of the borough, gave it to John Moore and John White, two perſons, who Mr. Philpot, and Mr. Birch, or their agents, had procured to be ſworn in as conſtables; notwiſtanding the legal time of electing conſtables is at a court-leet held at Michaelmas: theſe proceedings were not only without the conſent of the inhabitants of the ſaid borough, but made againſt the ſaid conſtables John Davis and Walter Green: the ſaid Davis and Green attended the ſaid under-ſheriff when he came to Weobly with . . . precept, and demanded the ſame as the legal returning-officers; but the ſaid under-ſheriff delivered it to the pretended new conſtables, and not only took a return from them of the ſaid Mr. Philpot and Mr. Birch, but refuſed the return made by the petitioners by the legal conſtables: theſe with other corrupt practices, were the proceedings of the ſaid Mr. Philpot and Mr. Birch in order to get themſelves returned, to the prejudice of the petitioners: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Jan. 21, 1723. A petition of Edward Hughs and John Carpenter, eſquires, the ſame in ſubſtance with the former petition, was read.

Ordered it be referred to the committee of privileges and elections, to examine and report the ſame, with their opinion.

WESTBURY.

THIS borough is within the county of Wilts. Doctor Willis writes, its firſt return of burgeſſes to parliament was in the 27th of Henry VI. in which Mr. Prynne agrees. We meet with no memoirs relating to its elections, until ſince the reformation: after which time, the journals of the houſe of commons afford theſe following.

Willis 1749. 61.
B. P. R. 219.

May, 10, 1571. Foraſmuch as Thomas Long, gent. returned one of the burgeſſes for this borough, being a very ſimple man, and of ſmall capacity to ſerve for that place, hath this day in open court confeſſed that he gave unto Anthony Garland, mayor of the ſaid town, and unto one .... Watts of the ſaid town, the ſum of 4 l. for that place and room of burgeſs-ſhip; it was ordered by this houſe, that the ſaid Anthony Garland and the ſaid Watts ſhall forthwith repay unto the ſaid Thomas Long the ſaid ſum of 4 l. and alſo that a fine of 20 l. be by this houſe aſſeſſed upon the corporation, or inhabitants of the ſaid town, to the Queen's Majeſty's uſe, for their ſaid lewd and ſlanderous attempt. And that the ſaid Thomas Long, his executors and adminiſtrators, ſhall be diſcharged againſt the ſaid Anthony Garland and .... Watts, their heirs, executors, and adminiſtrators of and from all bonds made by the ſaid Thomas Long, to any perſon, or perſons, touching the diſcharge of the exerciſe of the ſaid room or place of burgeſs-ſhip, in any wiſe.

D'Ewes Journal p. 182.

11th. It is ordered, that a purſevant be ſent with letters from this houſe unto Anthony Garland, mayor of this town, and .... Watts of the ſaid town, for their perſonal appearance forthwith to be made in this houſe, and to bring with them all ſuch bonds, as Thomas Long, gentleman, lately returned one of the burgeſſes for the ſame town, ſtandeth bound in unto them, or either of them, or any other to their uſe; and alſo then and there to anſwer unto ſuch matters, as at their coming ſhall be objected againſt them by this houſe.

Feb. 21, 1677. A petition of William Trenchard, eſquire, complaining of an undue return for this borough, was read.

Reſolved, that it be referred to the committee of privileges and elections, to examine and report the matter thereof, with their opinion.

May 6, 1678. Sir Thomas Meeres reported from the ſaid committee, that they had conſidered the ſaid matter, and come to a reſolution.

That the preſent return of Henry Bertie, eſquire, as burgeſs for this borough, is a good return.

The houſe being informed, that the ſaid return was procured by the practices, threats and menaces, of one Mr. Chriſtian, to the under-ſheriff of the county of Wiltſhire, and that the ſame was not examined at the committee.

And a motion being made, that the ſame may be examined at the bar of the houſe.

Reſolved, &c. that the further examination of the matter, concerning the return for this borough, be heard at the bar of the houſe on this day ſevennight; and that the high-ſheriff and under-ſheriff for the ſaid county of Wiltſhire, and the mayor of this borough, and Mr. Edward Chriſtian do then attend this houſe; and the clerk of the Crown do then likewiſe attend with the return.

May 13, 1678. Ordered, that James Ivy be ſummoned to attend the houſe this day upon the cauſe concerning this borough.

The houſe then proceeded to the examination of the matter of the return for this borough,

And ſeveral witneſſes were examined relating thereunto.

But ſoon after, the King came to the houſe of peers, and put an end to this ſeſſion of parliament, by a prorogation until the 23d inſtant.

23d. The petition of William Trenchard, eſquire, was again read, complaining of the return of Henry Bertie, eſquire, in injury of the petitioner, who was duly elected, and ought to have been returned.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Oct. 25, 1680. A petition of William Trenchard, eſquire, and Edward Norton, eſquire, was read.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Nov. 26th. Sir John Trevor reported from the ſaid committee, that they had conſidered the matter touching the election and return for this borough; and had agreed upon 4 reſolves, viz.

1. That Henry Bertie, eſquire, is not duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

2. That Richard Lewis, eſquire, is not duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

3. That W. Trenchard, eſquire, is duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

4. That Edw. Norton, eſquire, is duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

The ſaid four reſolutions, being twice read, were agreed unto by the houſe: and the return ordered to be amended.

The houſe being informed by the chairman of the ſaid committee, that ſeveral miſcarriages and miſdemeanors had been committed by Samuel Gibbs, late mayor of the ſaid borough.

Ordered, that the ſaid Samuel Gibbs be ſent for in cuſtody of the ſerjeant at arms attending the houſe, to anſwer at the bar of this houſe for the great miſdemeanors by him committed in the ſaid election and return.

Oct. 24, 1702. A petition of Henry Bertie and Robert Bertie, eſquires, was read; ſhewing that the petitioners were duly elected to ſerve in this preſent parliament for this borough: but by divers illegal practices of Wil. Trenchard and Tho. Phipps, eſquires, and their agents, and the mayor's polling for them ſeveral perſons, whom he knew had no right to poll; he hath unduly returned Mr. Trenchard and Mr. Phips, in wrong to the petitioners.

Ordered, that the conſideration thereof be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Dec. 1ſt. Mr. Bromley reported, from the ſaid committee, the matter, as it appeared unto them, upon the ſaid petition.

That the poll was	For Mr. Robert Bertie	24.
	For Mr. Henry Bertie	22.
	For Mr. Trenchard	30.
	For Mr. Phips	28.

That for the petitioners it was inſiſted, that this is a borough by preſcription; and that the right of election is in the owners of burgage-houſes, either freeholders, or ſuch as held immediately of the lord for lives, or by leaſe for years, and reſident within the borough.

That in anſwer, it was agreed, the right was, as opened; only denied, the right of the leaſeholders for years, unleſs their leaſes were for lives. They farther agreed, that burgage-houſes were known by paying of a burgage-rent.

James Edghill, and others, were called to ſpeak to the right of leaſeholders, for years abſolute, to vote at elections for members of parliament for this borough: and they ſaid, they had known the borough for many years, and ſuch tenants were always reputed to have a right, if they lived in the borough; and one Brown, who had only a leaſe for years, had voted.

Robert Cox ſaid, he knew Brown's leaſe was for 99 years abſolute; and there were but nine years to come when he bought it.

In anſwer, Coward and another ſaid, they had known this borough many years: that freehold and ſome copyhold leaſes, if they paid a burgage-rent, had a right to vote; but that they had not heard, that leaſeholders, for years abſolute, had a right to vote: and one of them ſaid, he believed, Brown's leaſe was for lives.

That the committee reſolved,

That the tenants of burgage-houſes, by leaſe for years abſolute, have a right to vote at the election of members to ſerve in parliament for this borough.

That the petitioners counſel excepted to ſeveral, who did not reſide in the borough at the time of the election.

Hough ſaid, Edward Patient's family was in the town, no in the borough, at the time of the election; and that ſhe had heard him ſay, he would lodge in the borough to pleaſe Mr. Phipps and Mr. Trenchard in voting, and wiſhed the election over, that he might return to his family again.

Borne ſaid, the two Cowards lived out of the borough, but were often in the borough, and lived in a tenement with one Moor. Yet it was owned, they had always a little ſhop in the borough, and were cardmakers by trade. It was allowed on the other ſide, that John Coward lived in the borough, and his daughter lived with him, and the other had done ſo ſince April; though it was affirmed, that in Moor's houſe there was room only for two beds, and yet at the election he pretended to have 12 perſons in his family. — That Matthew Neat was at Moor's houſe, but pretended he had an houſe in the borough.

It was anſwered, he had conſtantly lived in the borough ſince April.

Bourne and Switters ſaid, that Cockle lived in the tything, but not in the borough; and only lodged at his brother's at the time of the election. But it was affirmed, he had a burgage-houſe.

Edghill ſaid, Wherats' eſtate was copyhold, and his father was to enjoy it for his life; though it was anſwered, Wherat was admitted tenant at the laſt court.

Brown ſaid, Murfitt had no burgage-houſe; and only paid two pence yearly for an encroachment, not for burgage rent, which he had collected on that account.—It was anſwered, that it was a burgage-houſe; and one Holdway voted for it formerly.

Taylor ſaid, Richard Clarey lived in a burgage-houſe with his mother.—But an aſſignment was produced from his mother, dated in May laſt.

Cox ſaid, Withers lived only in part of an houſe. It was anſwered, he had from his grandfather got the inheritance of the whole.

Borne ſaid, Smith's mother is in poſſeſſion of the houſe where he lives, and is in the rent-roll as tenant. But there was produced an aſſignment to him, dated the 1ſt of May laſt.

Then the counſel for the petitioners proceeded to the proving of bribery: and called Samuel Sicklin; who ſaid, there was a debt owing by John Phips, deceaſed, which Mr. Phips (the member) paid a little before the election.—To which it was anſwered, he was adminiſtrator, and had effects in his hands to pay debts.

Sweetland ſaid, his father had a bill from one Paul Phips for 20l. and that he told him, he had money lent him in conſideration of his voting. — But Downing ſaid, it was only a bill of exchange, and he had repaid the money.

Humphreys ſaid, Axford, the mayor, voted for Mr. Trenchard and Mr. Phips; and declared, he had been out of pocket 20 l. in his mayoralty; and whoever he returned ſhould repay him, and give him ſecurity to indemnify him for the return.

That to ill practices in general, was called Hancock; who ſaid, Mr. Phips, at his own houſe, about a month before the election, offered him 20 l. if he would vote for him; and he was offered half a tun of iron, being a blackſmith. But Downing and Murfit ſaid, that Hancock told him, three days after the election, Mr. Phips never aſked him for his vote, or offered him any money.

Sly ſaid, Mr. Phips ſaid, if he would vote for him, he would give 80 or 100 pounds amongſt the voters.

King ſaid, Mr. Phips aſked him for his vote; and ſaid, he ſhould have what money he wanted.— But Pierſon ſaid, King, three weeks after the election, aſked him to be a witneſs; and ſaid, he ſhould have 30 l. to pay Mr. Bates, to whom he was indebted.

Jordan ſaid, two months before the election, Mr. Trenchard aſked for his vote; and being a tallow-chandler, Mr. Trenchard told him, he had an intereſt in Ireland, and would help him to two or three hundred pounds worth of tallow from Ireland, from a good hand, and paſs his word for it.—Though in anſwer, Cockle, being examined, ſaid, he was preſent, when the diſcourſe was; and that it was only general, as to helping him to tallow from Ireland, but not reſpecting his voting.

That for Mr. Trenchard and Mr. Phips, it was inſiſted, it did not appear how long voters ought to be reſident to give a right of voting: but called ſeveral; who ſaid, in the Oxford parliament, they remembered ſome had voted, and were not excepted to, who only had lived two or three days, or a week, in the borough.

They then endeavoured to re-criminate: and called witneſſes; who ſaid, Borne offered Pierſon two trees, worth 5 l. to vote for the petitioners; and Gibbs and Humphreys threatned, he ſhould have no farther eſtate in his houſe, if he did not vote for the petitioners: that Gibbs was an agent for Lord Abingdon, and threatned, if he voted againſt that Lord's intereſt, he ſhould never have his leaſe, nor has he had it, though granted.

Auſtin and Robert Forſter ſaid, that Gibbs declared, if the petitioners had only ten votes, they would carry it in the parliament-houſe.

Downing ſaid, Millis offered him two lives in his houſe, if he would be for the petitioners, and to give him a bond of 30 l. to do it.

Taylor ſaid, Davis told him, he had a mind to renew his eſtate, and was kept off from it; and Mr. Moor, the Earl of Abingdon's chaplain, promiſed, he ſhould do it, which was the cauſe of his voting for the petitioners.

Some witneſſes ſaid, their leaſes were granted by the lord of the manor, but were detained from them. To this it was anſwered, they were detained, either becauſe they had not paid all their fines, or the ſtewards fees, or becauſe no court had been held ſince they were granted.

Thomas Brown was called to ſpeak of ſome bonds of 20 l. being given by the tenants to vote for Lord Abingdon's intereſt, as long as they lived. He ſaid, he had given ſuch a bond to Bayly; and Bayly told him, if his father and he did not give it, they ſhould have no leaſe.

Amyett ſaid the ſame: and ſaid, he voted for Mr. Trenchard and Mr. Phips; but the bonds were not ſued.

That the petitioners counſel offered to call witneſſes to prove theſe bonds given four years ſince; and had been all publickly cancelled long before the election in the late King's time, in the preſence of thoſe who gave them, and others, by the direction of Mr. Robert Bertie, one of the petitioners, as ſoon as he had heard of them. But

The committee hereupon reſolved,

1. That William Trenchard, eſquire, is not duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

2. That Thomas Phips, eſquire, is not duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

3. That Henry Bertie, eſquire, is duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

4. That Robert Bertie, eſquire, is duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

The ſaid four reſolutions being twice read, were agreed unto by the houſe: and the return ordered to be amended.

March 26, 1715. A petition of George Evans, eſquire, and Charles Allanſon, eſquire, was read; ſhewing, that at the election for this borough, the petitioner, with Willoughby Bertie, and Francis Anneſley, eſquires, were candidates: that the ſaid Willoughby Bertie, and Francis Anneſley, and agents, uſed illegal practices; that the petitioners had the legal majority: but William Bourn officiated as mayor, but was not mayor thereof: nor was there any but the conſtable, the chief officer thereof: and the ſaid Bourn polled ſeveral perſons for the ſaid Mr. Bertie and Mr. Anneſley, who had no right; and rejected others for the petitioners, who had a right of polling; and returned the ſaid Mr. Bertie and Mr. Anneſley, though the petitioners were returned by the conſtable; which proceedings are to the apparent wrong of the petitioners: and praying &c.

Ordered it be referred to the committee of privileges and elections, to examine and report the matter thereof, with their opinion.

A petition of Willoughby Bertie, eſquire, and Francis Anneſley, eſquire, was read; ſhewing, that the petitioners were candidates for this borough; and by a legal majority were elected and declared by Mr. Bourn, the uncontroverted mayor of the ſaid borough, to whom the precept was directed; and annexed to it an indenture, whereby the petitioners were returned: but notwithſtanding the return, George Evans, and Charles Allanſon, eſquires, the other candidates, did procure the conſtable of the ſaid borough, and others, voters, to ſign an indenture, in favour of the ſaid Mr. Evans, and Mr. Allanſon, and prevailed with the ſheriff to annex the ſaid latter indenture to the writ, though the conſtable never claimed to be the returning officer: and the ſaid Mr. Evans and Mr. Allanſon were abſolutely ſtrangers till near the time of the election; but by themſelves and agents . . . . illegal practices, in procuring votes to be elected for the ſaid borough, in prejudice of the petitioners: and praying &c.

Ordered it be returned to the committee of privileges and elections, to examine and report the matter thereof, with their opinion.

Ordered, that the clerk of the Crown do attend this houſe on Monday next, with the returns for the county of Wilts.

28th. The clerk of the Crown, according to order, attended with the ſaid returns for the ſaid county of Wilts.

The ſheriff's precept, directed to the mayor of this borough, the receipt given by the mayor for the ſame, and the return of Willoughby Bertie, and Francis Anneſley, eſquires, by indenture, under the common ſeal of the ſaid borough, ſigned by the mayor; and alſo the return of George Evans, and Charles Allanſon, eſquires, by indenture, under the hand and ſeal of John Turner, conſtable of the ſaid borough, and ſeveral other burgeſſes, were ſeverally read.

Ordered, that the clerk of the Crown do take off the file the indenture, by which Mr. Evans and Mr. Allanſon are returned.

And he took it off accordingly.

Ordered, that the petition of Mr. Evans and Mr. Allanſon, complaining of an undue election and return for this borough, be referred to the committee of privileges and elections, to examine and report the ſame, with their opinion.

Ordered, that it be an inſtruction to the ſaid committee, that they do hear the matter of the ſaid petition, on the 30th of April next.

May 27th. Ordered the report be received on Wedneſday next.

June 1. Mr. Hampden reported the matter of the ſaid election, upon the ſaid petition of George Evans, now Lord Carbery, and Charles Allanſon, eſquire.

That it was agreed, that this borough was a borough by preſcription; and only burgage-tenants have a right to vote.

The petitioners counſel inſiſted, they muſt be ſuch tenants only as hold in fee for life, or 99 years, determinable on lives, or by copy of court-roll, and pay an annual rent only of four pence, or two pence to the lord, from which rent they are called whole or half burgeſſes.

For the ſitting-members it was inſiſted, that tenants for terms abſolute, and quarter burgeſſes, viz. ſuch as pay a penny rent to the lord, have alſo a right to vote.

For the petitioners, was called

Zach. Baily; who ſaid, he had known the town ſixteen years: that thoſe who have an eſtate of inheritance, or for one, two, or three lives, or ſuch a long term as ordinarily extends to a man's life, or who pay an whole or half burgage-rent, have a right to vote: that he hath known two controverted elections when the quarter burgages were refuſed: that they were always refuſed in his time; and he has heard they were always refuſed before, but could not ſay, whether they had a right or not.

That the leaſes for terms were always for ninety-nine years, determinable on lives; and he never heard of any leaſe in the borough for ninety-nine years abſolute, or for any abſolute term, till of late, the leaſes have been ſhortened, to make voters.

Thomas Hayward ſaid, he had known the borough twenty-five years, and had been at five or ſix elections within theſe ten years: that the quarter burgeſſes were then allowed to vote, if they pleaſed Mr. Gibbs, and not elſe; but it was always looked upon they had no right; and that only whole and half burgages had a right.

That the petitioners counſel produced the town-books, wherein there is a declaration, entered under the hands and ſeals of the mayor and burgeſſes aſſembled at a general council, held the 5th of Jan. 1685: that by a cuſtom there, time out of mind, the right of voting for this borough, is in the perſons having any meſſuage or meſſuages within the borough, out of which a yearly rent of one, two, or four pence, or more, called burgage-money, is iſſuing, any eſtate in fee, fee-tail, or for one, two, or more lives, or for any number of years, determinable upon one, two, or more lives, or for any long term of years, and in no others.

It appears by the book, that in that part of this declaration which ſpecifies the rent, the words, “one, two, or” are wrote upon a razure, and the ſpelling differs from the reſt of the entry.

Mr. James Edgell ſaid, that he was ſteward of the borough when this declaration was made: that it is all his hand-writing, except the alteration where the raſure is, which is done ſince the making the declaration: that they keep books of entries of the burgage-tenures; and he has ſearched thoſe books down from the time of Philip and Mary, and finds no minute of any quarter-burgage until 1671.

That the right of voting is in ſuch as have a freehold, or an eſtate for life, or a term for ninety-nine years, or eighty years, or ſuch a term as ordinarily extends to a man's life, determinable on life or lives; out of which a burgage-rent iſſues of four pence, or two pence yearly.

That the penny burgeſſes have been objected to; but in his time he never knew them rejected; viz. from 1684; or did he know of any leaſes for years abſolute in the borough; — but he owned, that he polled the ſaid burgages when he was mayor; but firſt aſked them who they polled for: and ſaid, he did not remember that he gave any evidence for terms of years abſolute, when he was a witneſs in 1702.

To prove the quarter-burgeſſes and leaſeholders for years abſolute had a right to vote, for the ſitting-members were called

Samuel Gibbs; who ſaid, he hath known the borough 64 years; that he was taken into cuſtody for refuſing the quarter-burgages in his mayoralty, about 37 or 38 years ago: and ever ſince that time theſe burgages have voted. — That tenants for years abſolute voted in that election, but could not ſay what terms they held under.

Benjamin Bourn ſaid, he lived at this borough 60 years; and that all perſons living within the borough, whether whole, half, or fourth burgages or tenants for years, or copyholders for life, have voted: that 30 years ago, William Cockle, who was reported to have only a leaſe for 21 years abſolute, was allowed to vote in a controverted election.

They then read the journals of the houſe,

Dec. 1, 1702. When the right of election was agreed to be in the owners of burgage-houſes, no diſtinction was taken of the quarter-burgages; the objection was only to the leaſeholders for years abſolute: and

James Edgill and others gave evidence — That tenants for years abſolute were always reputed to have a right: and he gave inſtance of one Brown voting under a leaſe for 99 years abſolute: and the houſe then adjudged——

That leaſeholders for years abſolute had a right to vote.

Nov. 26, 1680. Samuel Gibbs, the mayor, was ſent for in cuſtody of the ſerjeant at arms, to anſwer at the bar of the houſe for great miſdemeanors in that election and return.

William Cockle and Benjamin Bourn were called, and confronting each other in relation to Cockle's voting; Cockle ſaid, that both he and his father always voted for a copyhold; and neither of them ever voted for a leaſe of years.

Bourn ſaid, neither Cockle nor his father ever had a copyhold, but they had a leaſehold, and always voted for that.

Cockle replied, his father had a copyhold 50 years, for which he voted, and died 30 years ago.

The committee reſolved,

That the right of election of members to ſerve in parliament for this borough, is in every tenant of any burgage-tenement in fee for life, or 99 years determinable on lives, or by copy of court-roll, paying a burgage-rent of four pence, or two pence yearly, being reſident within the borough, and not receiving alms.

The poll was,		
	For Mr. Bertie	29.
	For Mr. Anneſley	28.
	For Lord Carbery	19.
	For Mr. Allanſon	18.

For the petitioners, the counſel objected to ſixteen of the ſitting-members voters, as having no right: and alledged, they ſhould add twelve to the petitioners poll.

To take off the ſixteen, they called

William Cockle and Thomas Phipps; by whoſe evidence it appeared, that James Clift, the voter, owned his father had only a chattel-leaſe: and ſaid, Abingdon's ſteward told him, he could not renew till the election was over, becauſe it would be bribery if he did. — That his father died inteſtate, and left his widow in poſſeſſion.

The petitioners counſel objected, there was no adminiſtration taken out for the father.

The other ſide produced a leaſe to the father for 99 years, determinable on three lives, and letters of adminiſtration granted to the voter.

It appeared by the evidence of Cockle and others, that Thomas Grey voted for a houſe granted in leaſe to John Watts, deceaſed; who left a wife and a daughter: that Grey was in poſſeſſion, but they did not know his title.

To this it was anſwered, poſſeſſion was a title, until a better appeared.

John Withers and William Sweetland ſaid, John Barker voted for a houſe, which his mother-in-law and he lives in: and that Barker confeſſed, that his father had mortgaged the leaſe.

The other ſide produced a leaſe by Barker's father, determinable on three lives, and letters of adminiſtration granted to the voter.

Brown and others ſaid, Patrick Mackay voted for a copyhold tenement, formerly William Cockle's: and Sly was in poſſeſſion at the election, as tenant to Samuel Gibbs, who paid the poor's rate for it as his own houſe.

In anſwer it appeared, that Suſan Cockle, who had been dead eighteen years, was admitted to this houſe in 1681: that Samuel Gibbs purchaſed it of William Cockle in January 1712-13: and in Dec. laſt, Mackay was admitted thereto, as a purchaſer from Gibbs; and the payment of Mackay's purchaſe money was proved.

But the petitioners counſel objected to the title, for want of a ſurrender of Gibbs.

Kelloway ſaid, that the tenement, for which William Amills and Samuel Bigood voted, was never but one half-burgage, till about ten years ago, it was divided into two tenements; before which time it had only one vote.

In anſwer, George Amills ſaid, this was always two half-burgages: and for above forty years, he had known two votes for it.

Kelloway ſaid, his father told him, James Kelloway ſhewed him four guineas; which, he ſaid, Lord Abingdon's ſteward gave him to vote for the ſitting-members; and ſaid, they would not let him have his leaſe till the election-day.

To which it was anſwered, this evidence was only hearſay.

Sweetland and Jordan ſaid, that Michael Goddard voted for the houſe which his mother is in poſſeſſion of; and in which ſhe has her widow's eſtate: and Michael Goddard confeſſed, he had no intereſt in the houſe.

On the other ſide, William Amylls ſaid, that Michael Goddard had been in poſſeſſion 40 years, and has voted before for this tenement, which is copyhold; and his mother alſo lives in it.

William Jordan ſaid, that James Dier has for ſome years lived in the houſe he voted for; but it was generally reported, he never had any leaſe of it.

It was anſwered, this was only hearſay.

Joan Carpenter ſaid, that William Syms voted for his mother's houſe, in which they both live together: and that ſhe heard Syms ſay, his mother would not let him vote, unleſs Lord Abingdon added two lives to the leaſe; and that he had no title ſince the election.

In anſwer, was produced a title to William Syms, by aſſignment from his mother in December laſt.

William Cockle ſaid, Michael Bailey voted for a quarter-burgage, and ſuch his vote had been always denied.

This vote was not inſiſted on.

Thomas Brown and John Hayward ſaid, that they did not know that the houſe for which Philip Bendal voted had any vote.

But Hayward owned the former poſſeſſors had voted; and that it always had been voted for at three former elections.

Upon which evidence, the other ſide reſted his title.

William Cockle ſaid, that the houſe for which Samuel Watts, ſenior, voted, is a quarter-burgage. And,

Walter Smith ſaid, that Cliff, the former owner, had ſometimes voted; and was ſometimes refuſed, when they did not want quarter-burgages: and Mr. Gibbs refuſed him; telling him, there was no occaſion for him: that Watts has had it ten years, and his vote was always accepted, becauſe it was in the Earl of Abingdon's intereſt.

Upon this evidence of voting, the other ſide reſted his title.

William Jorden ſaid, he heard Samuel Watts, junior, own, that his houſe was mortgaged by John Hancock, the former owner, to George Turner; but Turner was never in poſſeſſion. — That Watts had not poſſeſſion twelve months; and this was the firſt time he voted.

The other ſide produced a leaſe from the Earl of Abingdon to George Turner, dated Dec. 5, 1711: and Turner's aſſignment to Watts thereof, dated June 24, 1714, for 25l. conſideration-money.

William Cockle ſaid, he very well knew James Manſell; and knew that he had no burgage-houſe to vote for.

William Jorden ſaid, that Roger Perkins has lived ſome years in the town, but never voted before: and that he had nothing to vote for.

On the other ſide, it was inſiſted, this evidence was not ſufficient to take off the oaths of Manſell and Perkins.

It was proved, that the ſixteen perſons beforenamed, were objected to at the time of the election.

To add twelve to the petitioners poll, who were proved to have offered their votes for the petitioners, but were refuſed—

Mr. Edgill ſaid, that the wife of John Whitaker the voter, was daughter of Edward Paſhion, who was a copyholder for three lives.

And produced the admiſſion of Paſhion: and ſaid, he thought Whitaker lived at Bratton; but could not tell whether he lived at Weſtbury, or not.

William Cockle ſaid, that Whitaker had a burgage-houſe, and lived within the borough before the teſte of the writ, and at the time of the election; but his father was at Bratton, which is in the pariſh of Weſtbury, but two miles from the borough.

Benjamin Bourn and John Coe in anſwer, ſaid, that Whitaker and his family have lived at Bratton theſe twenty years: that he comes to market every week, but never was reſident, nor kept houſe, nor ſervant within the borough: and though he has a copyhold there in right of his wife, they never knew him vote before.

A leaſe was produced from John Withers to Philip Withers, who voted, dated Oct. 4, 1714.

John and Thomas Phips, the witneſſes to the leaſe, ſaid, they ſaw the leaſe ſealed and delivered by John Withers, for the uſe of his brother Philip: but ſaid, they ſaw no money paid; but John declared, he was ſatisfied with the conſideration: and it was executed at Mr. Cockle's houſe. — John Phips ſaid, it was executed on the day of the date, or the day after: and Thomas Phips ſaid, it was executed about Chriſtmas; they ſaid Philip was not then preſent. That John Withers, after he had ſealed it, took it into his cuſtody for his brother Philip's uſe. —That Philips is in poſſeſſion, and his mother lives with him: and they did not believe it to be a fraudulent deed.

In anſwer to this,

Samuel Sweetland ſaid, that three weeks after the election, Philip Withers told him, that his grandfather, who died inteſtate, had promiſed to make a leaſe to his mother for the lives of her, him, and his ſiſter: and had given a verbal direction to his brother John, to grant ſuch a leaſe, but he would not ſeal any.

Barker ſaid, he was in company with Philip Withers upon the 20th of March laſt, when Philip owned he had no right or title from his brother John.

A conveyance to Walter Smith was produced, but not proved.

Roger Tucker ſaid, that Smith had voted eight or ten years for a half-burgage, which his father voted for before.

On the ſitting-members ſide,

Sweetland ſaid, Smith lived a mile and a half out of the borough.

As to William Cockle, who alſo voted for the petitioners,

An aſſignment of half a burgage was produced from Grace Cockle to Henry Murford, dated May 6, 1702: and a ſubſequent aſſignment from Murford to Cockle, dated Dec. 29, 1714, the conſideration in each is ten pounds.

Grace being called, denied her hand; and ſaid, the deed went for nothing: that ſhe never aſſigned or parted with the houſe to Murford, nor ever received any thing for it: and that ſhe has always had the poſſeſſion, and received the profits.

A leaſe from the Earl of Abingdon to Adam Watts was produced, dated May 1, 1683: and an aſſignment thereof, Jan. 1, 1714, from Ann Watts, as executrix of her mother Margaret Watts, to William Hilman, the voter: and the witneſs to it ſaid, the aſſignment was executed above a week before the election.

It appeared by the regiſter-certificate, that letters of adminiſtration had not iſſued.

Zach. Bailey ſaid, he knew Ann Watts was in poſſeſſion at Chriſtmas laſt; and knew ſhe had ſold to Hilman.

In anſwer it was ſaid, it did not appear Margaret Watts had any title.

Kemp ſaid, that about three days after the election, Ann Watts had offered to let the eſtate.

As to John Sly, who offered to vote for the petitioners, a leaſe was produced from the Earl of Abingdon to Francis Amiot in 1700. And an aſſignment by Elizabeth Amiot, as widow and adminiſtratrix of Francis, to Thomas Uſher in 1706. And a ſubſequent aſſignment from Elizabeth Uſher, as relict and adminiſtratrix of Thomas Uſher, to John Sly, executed in December laſt.

It was proved, that Sly was in poſſeſſion, and pays the rates.

To which it was anſwered, poſſeſſion without a title was not ſufficient; and that no adminiſtration was produced either to Francis, or Elizabeth Amiot, or Elizabeth Uſher.

Mr. Cockle, in anſwer ſaid, he had ſince the election, demanded the letters of adminiſtration to the Amiots, of the regiſter, and offered him his fees; but he refuſed to iſſue the ſaid adminiſtration; and ſaid, none ſhould go till the diſpute was over.

An aſſignment from Thomas Norton and his wife, to Thomas Wright, was produced; and proved to be executed at Mr. Cockle's in Oct. laſt, for 100 l. in conſideration of which, Wright paid down 30 l. and gave a note of his hand for the reſt.

That Wright carried away the deed, and was in poſſeſſion at the time of the election.

In anſwer — William Turner was called; who ſaid, that at the latter end of December laſt, Wright declared to him, he had no right to vote.

William Cockle ſaid, that his brother John Cockle who voted, had been in poſſeſſion of a burgage 18 years, and voted in the election between Mr. Trenchard and Mr. Bertie.

The ſiting-members counſel offered to produce a leaſe to Suſan Cockle, who was admitted to be dead: and it appeared to the committee, that no body had yet adminiſtred to her.

A leaſe dated 15th January, 1714, from George and William Taylor to John Seaſon, who voted, was produced and proved to be executed at Mr. Cockle's about a fortnight before the election. The leaſe appeared to be but for eighty years, determinable on two lives.

Matthias Amiot claimed by a leaſe for 99 years, determinable on the life of Edmund Patient, the leſſor, who was a copyholder for life.

In anſwer, it was inſiſted, this was not a good title, for ſuch copyholder could not grant ſuch a leaſe.

Mr. Turner ſaid, that Patient is in goal; and owned to him he had but a guinea for his eſtate.

Thomas Brown ſaid, that Thomas Amills, who voted for the petitioners had been in poſſeſſion of a burgage-tenement many years and voted formerly.

That William Sweetland, who voted, has lived in a burgage houſe about forty years; and both are tenants to the Earl of Abingdon.

It was anſwered, that Amills' title was not ſufficiently proved; and

Sweetland owned, that he lives in London, and had done ſo, for ſeven or eight years paſt.

On the head of ill practices the petitioners counſel obſerved upon the poll, that all the ſitting-members voters were taken, before any one was polled for the petitioners, and called

John Kelloway, who ſaid, ſix of the ſitting-members voters, viz. Samuel Watts, ſenior, Samuel Watts, junior, Roger Kelloway, John Barker, Samuel Sweetland, and Roger Perkin, were ſent ſix Miles out of town, to Weſt Lavington, on the Friday night before the election; and were entertained at an inn there, from that time to Tueſday morning, when the election was: On Saturday the witneſs was there; the maſter of the houſe told him they muſt not go home till the morning of the election; and they ſaid they would go home time enough to ſpeak the word; and they got drunk 3 times a day; the witneſs ſaw them at the Earl of Abingdon's on Saturday night and Monday morning; and on Tueſday they came to the election with his lordſhip, on horſes provided for them, but they went out of town on foot.

Humphrys ſaid, that none of theſe ſix voters had any horſes of their own; and that they came to the poll on horſeback with the earl of Abingdon.

Mr. Phipps ſaid, that James Kelloway told him, Lord Abingdon's Steward refuſed to let him have his leaſe till after the election; and threatened to take away his houſe, if he did not vote for the ſitting-members; before which, Mr. Kelloway ſaid, he would vote for the petitioners.

That John Barker, about a week before the election, declared he would vote for the petitioners; but Mr. Baxter, who had his leaſe in mortgage, upon which there was about 16 l. due, refuſed to let him have the leaſe till after the election; and told him he ſhould never have it, if he voted againſt the ſitting-members.

William Jorden ſaid, the Earl of Abingdon made a public treat a little before the election, and that there had been, once in three years, diſtributed amongſt the voters, a number of guineas, in wheat, woollen, or linnen, under the denomination of Bertie and Anneſly. The firſt diſtribution was about ſix years ago; ſince which, it hath been done twice or thrice; and the laſt time was about a twelvemonth ago, or not ſo much; when the witneſs received his proportion, to the value of a guinea in wheat; he ſaid, he could not be poſitive as to the laſt time in particular, to a month, or whether it was before, or after the Queen's death; but ſaid it was diſtributed under the denomination of Bertie and Anneſley; and none but voters had it.

Brown ſaid, that Mr. William Bourne, the mayor, declared publickly, in a court held about a fortnight or three weeks before the election, that he would return Mr. Bertie and Mr. Anneſley, though the other candidates ſhould have a majority; he ſaid, ſeveral other perſons were preſent, but he did not know their names.

Thomas Neat ſaid, that about a week before the election, on the day the Earl of Abingdon came to this borough, James Coward (who took the poll for Mr. Bertie and Anneſley) ſollicited his vote; and ſaid, he came from the Earl of Abingdon; and aſſured his father, that his lordſhip had promiſed upon his honour, that he ſhould have a farther eſtate in his houſe, if he voted for Mr. Bertie and Mr. Anneſley; and Coward offered 100 l. ſecurity for it by bond; but did not ſay, when he was to pay for ſuch further eſtate.

Roger Kelloway ſaid, that his ſon James ſhewed him four guineas, which he ſaid the Earl of Abingdon's ſteward, Mr. Paulgrave, gave him to vote for whom his lordſhip ſhould deſire; and Mr. Paulgrave ſollicited votes for Mr. Bertie and Mr. Anneſley.

That the ſitting-members counſel objected againſt nine of the petitioners voters; viz. againſt John Auſtin, as being in the ſame caſe with Samuel Watts, junior, a voter for Mr. Bertie and Mr. Anneſley, whoſe houſe was in mortgage.

To which it was anſwered, that Watts' title was good, but his vote was vitiated by bribery.

William Turner ſaid, that the houſe for which John Turner his brother voted, was a leaſe, to which himſelf and his other brother had an equal title with John; that his father had been dead 18 years, and that the houſe is now in leaſe to Wil. Hall from John Turner, but owned his brother John was not objected to, when he voted.

The ſitting-members counſel produced the leaſe to the father, dated 19th November 1692. And the petitioners counſel produced an aſſignment thereof from Turner the witneſs, and Robert Turner, as two executors of his father, unto the other executor John Turner the voter.

But the ſitting-members counſel objected, for want of producing the father's will, or any thing to manifeſt their title to aſſign.

Henry Cooks was objected to, as having no title under his father.

A leaſe to Robert Cocks, the father, was produced, dated Nov. 8, 1693. And

Samuel Gibbs ſaid, that Joan, the widow of Robert Cocks, had been in poſſeſſion ever ſince his death; and that Henry lives with her, and never voted before.

The petitioners counſel offered to prove a poſſeſſion in Henry Cocks, and that he had always voted.

To which it was anſwered, that would not do without a title.

Matthew Neate was objected to, for want of letters of adminiſtration to the father.

A leaſe to the father was produced dated April 28, 1670: And

Benjamin Bourne being examined on both ſides, ſaid, that Neate, the father, had been dead ten or twelve years, his widow is living; he left three children, Matthew the voter, and two daughters; and that Matthew the voter had been in poſſeſſion ever ſince the father's death; but he never knew him vote before.

Roger Fricker was objected to, as having no title under his mother; and

A copy of the father's will, dated 15th November, 1708, was produced, whereby he deviſes the weſt end of his houſe, and the uſe of his goods there, and half the garden, to his wife Alice, during her widowhood; and reſerves to his executors, his three ſons, the malting rooms.

To juſtify this voter, the petitioners counſel produced an aſſignment of the houſe, dated the 10th of May, 1709, from two of the three executors to Roger Fricker, the voter, who is the other executor.

It was replied, that the mother, who had her widow's eſtate in the houſe, had not aſſigned.

George Taylor was objected to, as voting under a leaſe to his father, who died inteſtate, and no adminiſtration taken out to him;—No leaſe was produced; but it was proved, that the father died in poſſeſſion, and the voter is his eldeſt ſon.

Thomas Norton was objected to, as having no title. A leaſe to Henry Belton, deceaſed, dated the 30th of September 1668, was produced, and it was proved, that Samuel Norton, the voter's father, married Belton's daughter, and that ſhe is in poſſeſſion.

It was anſwered by the petitioners counſel, that this leaſe was expired, and a new one granted to the voter 1707; but ſuch new leaſe was not proved.

John Amills was objected to, as having no title under Cicely and Mary Jones; to whom a leaſe was granted, dated April 1ſt, 1682.

It was anſwered for the petitioners, that this leaſe was expired; and they produced a new leaſe, granted to the voter, dated the 26th of March 1704.

To which it was replied, that Amills was diſqualified by bribery.

Benjamin Bourne ſaid, that he knew Richard Clacey's houſe is a quarter-burgage.

William Sweetland, in anſwer ſaid, he formerly collected the rents, and then this houſe was an half-burgage; but could not ſay what it is now.

On the head of bribery, the ſitting-members counſel called,

Samuel Watts, junior, who ſaid, he voted for the ſitting-members, but that Mr. Robert Holton offered him 20l. to redeem a mortgage of his houſe, if he would have voted for the petitioners.

Samuel Sweetland ſaid, he was preſent, when Mr. Holton offered Watts this 20 l. and that Holton ſaid then, if they could have ſuch men choſe as the petitioners, they would regulate the Saints days and the ceremonies of the church, that they might become one people.

George and William Amills ſaid, they heard John Davis, who is dead, declare that he would have voted for the ſitting-members, but that he voted againſt his conſcience for the petitioners, becauſe Mr. Holton and Gibbs offered him 10l. for it; he complained that he had it not, and to the time of his death, repented his voting for money againſt his conſcience.

James Kemp ſaid, that when Lord Carbery firſt came to this borough, he aſked the witneſs, if he was any ways incumbered? and offered to relieve him, as far as ten guineas would go, if he was.

Samuel Bigood, and others, ſaid, John Amills owned to him, that he would have voted for the ſitting-members, but voted for the petitioners, becauſe John and Thomas Phipps promiſed him ten guineas; which he has ſince declared, he is to receive as ſoon as the petition is over, whether the petitioners ſucceeded or not. But

William Amills owned, he had laid a guinea with Zach. Baily about the ſucceſs of the election.

Anthony Clacey ſaid, that Richard Clacey told him, he was offered money to vote for the petitioners; but did not ſay by whom, or what, and that he put his hand to a writing, but did not know what it was.

Elizabeth Auſtin ſaid, ſhe was preſent when the petitioner, the Lord Carbery, deſired her mother to make a bargain with any of the voters for their votes, and particularly with John Heyward, bargained for fifteen guineas; which his lordſhip being afterwards acquainted with, approved, and ſaid, he would pay the money; that his lordſhip put ten guineas into her hand, to engage her father's vote, but ſhe gave it back again.

That Richard Tracey was guarded about the town by another perſon to hinder his going over to the ſitting-members.

William Adlam ſaid, that William Jorden offered him ten guineas to vote for the petitioners; he voted for the ſitting-members, but was not polled.

Samuel Sweetland ſaid, he heard Jorden own, ſince the election, that he had depoſited ten guineas in the hands of a third perſon, to give to Adams, if he voted for the petitioners.

John Hale ſaid, he ſaw the petitioner, Lord Carbery, draw out his purſe, and offer Henry Cocks twenty guineas for his vote; he ſaw no money, but heard it rattle in the purſe.

Samuel Sweetland ſaid, that Zach. Baily, who made intereſt for the petitioners, told him, there were two gentlemen ſent down by my Lord Chancellor Cowper, and now was the time to do his family ſervice; he offered the witneſs thirty guineas to vote for the petitioners; and ſaid, if that was not enough he ſhould have forty or fifty; and if the witneſs would engage his brother-in-law Michael Goddard, Baily promiſed him 1000 l. ſecurity, that he ſhould have a place in the Stamp-office, which Gibbs formerly had; and ſaid, that now it lay in the Lord Chancellor's breaſt to diſpoſe of that office. Baily likewiſe ſaid to him, that Lord Chancellor could turn out what juſtices of the peace he pleaſed; and that Mr. Long would be put out, and Mr. Bennet put in; that Mr. Long made intereſt for the ſitting-members, and Mr. Bennet for the petitioners. That Mr. Bennet has a parſonage at Weſtbury, of 3 or 400 l, yearly; and that the witneſs, and his brother Goddard, voted for Mr. Bertie and Mr. Anneſley.

That Robert Hooper, ſome time before the election, told him and his brother Goddard, that if they would be for the petitioners, they ſhould have 100l. for a hayrick, which was Goddard's, and worth but 5 l. He alſo ſaid, he kept the books of the London waggon, had 5 l. yearly wages: And that his maſter acquainted him, he received commands from Mr. Robert Holton to turn him out of his ſervice, unleſs he voted for the petitioners.

That his father William Sweetland, who came down ten days before the election and lodged at William Cockle's, told the witneſs, he was to be there on free-coſt as long as he ſtaid in town; that he was ſent down by Mr. Bere a commiſſioner of the Victualling office, and that his charges were borne, and his wages went on in the mean time; and, ſince the election, he has a watchman's place upon Tower-wharf.

That Mr. Read, ſome time before the election, invited the witneſs, in the Duke of Bolton's name, to a treat at John Hayward's; and ſhewed him a letter, ſigned Bolton, deſiring him to come to Weſtbury, and, in the Duke's name, to make intereſt for the petitioners.

Samuel Gibbs ſaid, that upon the Monday the writs bore date, Mr. Read ſhewed him a letter which he received that morning, and was dated the Saturday before, from the Duke of Bolton, authorizing him to make intereſt for the petitioners; the ſubſtance whereof was, that the Duke deſired Read to go to this borough, and give his ſervice to the voters, and that his grace would take the votes for the petitioners as a favour; the witneſs could not ſay it was the Duke's hand, but ſaid it was ſigned Bolton in capital letters; that Read deſired of the witneſs (being church-warden) that the bells might ring on the occaſion; which he refuſing, Read replied, if he would not let them be merry with the bells, they would be merry without them; and then Read invited the voters to a treat that day.

Bigood ſaid, he heard Thomas Hayward declare he got 50 l. for his father's voting for the petitioners.

Michael Bayly ſaid, that Mr. John Cooper offered to cloath his three children, if he would vote for the petitioners.

William Sims ſaid, that 22d January laſt Mr. Robert Holton offered him ten guineas to vote for the petitioners; or if he would not vote, offered him the ſame ſum and a horſe to carry him out of town.

John Adlam ſaid, the Lord Carbury offered him any money for his vote; that he did not vote; and that he had been threatened by William Jorden upon account of his giving evidence.

Samuel Sweetland ſaid, that George Taylor, one of the petitioners voters, ſaid to him in the market-place, ſince the election, that it was a damned toadiſh, whiggiſh, low parliament; and that he was ſure the petitioners would be brought in, had they had but ten votes; and that William Jorden threatened him, if he gave evidence.

William Kemp ſaid, that Roger Fricker threatned him, that he ſhould be thrown into Newgate, if he came up on the ſitting-members ſide.

Samuel Sweetland ſaid, that Thomas Brown, a witneſs for the petitioners, is a lazy troubleſome fellow; that in 1710, he ſtole a hood from his lodgings, which he afterwards returned with ſhame; that he inticed a woman from her huſband, and kept her all night.

To invalidate the credit of Samuel Sweetland, a witneſs for the ſitting-members, the petitioners counſel on their reply, called

Walter Smith, who ſaid, that ſome time before the election, when the petitioners firſt came down, Sweetland told him, that if the petitioners would give him 50 l. he would vote for them himſelf, and bring two others, and would diſcover all the roguery in the borough; that Sweetland is a bailiff, and has as ill a character in the corporation as any body.

This witneſs being croſs-examined, owned, himſelf was two years ago, a week in Saliſbury goal, but ſaid it was for no harm.

Hugh Whatley ſaid, that Samuel Sweetland is a bailiff, a ſcandalous fellow, of very ill reputation, and a great liar.

All the leaſes produced on either ſide, appeared to be ſuch, as gave a qualification to vote within the reſolution of the committee, except to John Seaſon and Matthias Annat, whom the petitioners would add to their poll.

The committee reſolved,

1. That the honourable Willoughby Bertie, eſquire, is not duly elected a burgeſs to ſerve in this parliament for this borough.

2. That Francis Anneſley, eſquire, is not duly elected a burgeſs, to ſerve in this parliament for this borough.

3. That the right honourable Lord George Carbery, of the kingdom of Ireland, is duly elected a burgeſs, to ſerve in this parliament for this borough.

4. That Charles Allanſon, eſquire, is duly elected a burgeſs, to ſerve in this parliament for this borough.

The ſaid four reſolutions being twice read, were agreed unto by the houſe, and the return ordered to be amended.

Oct. 18, 1722. A petition of George Lord Carbery, of the kingdom of Ireland, and Thomas Bennet, eſquire, was read; ſhewing, that at the election of members to ſerve in parliament for this borough, the petitioners, with the honourable James Bertie and Francis Anneſley, eſquires, were candidates; that Samuel Gibbs, mayor of the ſaid borough, did poll divers perſons for the ſaid Mr. Bertie and Mr. Anneſley, who had no right to vote, and refuſed to poll ſeveral perſons who had a right, and offered to vote for the petitioners; and a ſcrutiny being demanded on behalf of the petitioners, the mayor refuſed to grant the ſame: that the ſaid Mr. Bertie and Mr. Anneſley, by themſelves and agents, uſed divers illegal and corrupt practices, in order to procure ſeveral perſons to poll for them; and are returned, notwithſtanding the petitioners had the majority, and ought to have been returned: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine and report the matter thereof, with their opinion.

Jan. 10, 1723. The petition of the ſaid George Lord Carbury, and Thomas Bennet, eſquire, the ſame in ſubſtance with the former was read.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Feb. 19th. Ordered, the report to be received on Tueſday next.

25th. Mr. Gibbon reported from the ſaid committee to the matter of the ſaid election, as follows.

That the right of election was agreed to be in every tenant of any burgage-tenement in fee for life, or 99 years, determinable on lives, or by copy, of court-roll, paying a burgage-rent of 4 d. or 2 d. yearly; being reſident within the borough, and not receiving alms.

That the petitioners counſel allegded, there had been practices for the ſitting-members; and that the petitioners had a majority of legal votes, and ought to have been returned.

And in order to prove a copy of the poll, called

William Bourne; who produced, as a copy of the poll, a paper; which, he ſaid, he received that evening from one Mr. Blew, a ſtranger to him; that he believed it to be ſigned by the mayor, becauſe he knows the mayor's hand; but did not ſee him ſign it, nor could he ſay any thing to the truth of it, having never examined it with the original poll; but ſoon after the election, he ſaw this paper, in the hands of Mr. Turner, who died about five weeks ſince.

That the committee, not thinking fit upon this evidence, to receive the paper produced, as a copy of the poll, the counſel for the petitioners acquainted the committee, it was impoſſible for them to proceed; whereupon

The committee reſolved,

1. That the honourable James Bertie, eſq; is duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

2. That Francis Anneſley, eſquire, is duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

The ſaid two reſolutions being twice read, were agreed unto by the houſe.

March 31, 1724. A petition of Edward Conway, eſq; was read; ſhewing, that at the laſt election of a burgeſs to ſerve in this parliament for this borough, in the room of James Bertie, eſquire, the petitioner was duly elected by a great majority of legal electors, and ought to have been returned; but the Lord Carbury, by illegal practices, prevailed upon John Adlam, the mayor of this borough, to return him the Lord Carbury, in wrong to the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Nov. 13th. The petition of Edward Conway, eſq; the ſame in ſubſtance with the former, was read.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

WESTLOW or PORTPIGHAM.

THIS borough is ſituate within the county of Cornwall. Dr. Willis writes, it firſt returned burgeſſes to parliament in the reign of King Edward VI. It was afterwards incorporated by Queen Elizabeth. The memoirs relating to its election in the journals of the houſe of commons are theſe.

Willis, 1749. 9.

Cart. 14. Feb. 16. Eliz.

Oct. 12, 1553. Mr. Secretary Bourn, Sir R. Southwell, Mr. Tregonwell, Mr. Merſhe, Mr. Story, Mr. Goſnold, to enquire for Alexander Nowell, burgeſs of this borough, prebend of Weſtminſter, if he may be of the houſe.

13th. It is declared by the commiſſioners, that Alexander Nowell, being prebendary of Weſtminſter, and thereby having vote in the convocation-houſe, cannot be a member of this houſe, and ſo agreed by the houſe: and the Queen's writ for another burgeſs in that place.

March 21, 1678. A petition of Thomas Kendal, eſquire, complaining of undue practices uſed by John Trelawney, the younger, mayor of this borough, in returning John Trelawney, eſquire, the elder, to ſerve in this preſent parliament, for this borough, by one indenture; and procuring himſelf to be returned by another indenture; contrary to the ſtanding order of the houſe, and in injury of the petitioner, who was duly elected by the major part of the inhabitants, and ought to have been returned, was read.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Oct. 25th, 1680. A petition of Thomas Kendal and Humphrey Courtney, eſquires, was read.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

March 24th. A petition of Humphrey Courtney and Thomas Kendal, eſquires, touching the election for this borough, was read.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

July 13, 1717. Ordered a warrant for a new writ, for electing a burgeſs to ſerve for this borough, in the room of Thomas Maynard, eſquire, made commiſſary of the ſtores at Minorca.

November 22. A complaint was made to the houſe, that there was no return made of the new writ which iſſued for the election of members to ſerve in parliament for this borough.

Ordered the clerk of the Crown do attend this houſe to-morrow morning.

23d. The clerk of the Crown attended according to order, acquainted the houſe, that there is no return made into the office of the clerk of the Crown for this borough, purſuant to the writ which was made out of the 15th day of July laſt.

Ordered, the deputy-ſheriff of the county of Cornwall do attend this houſe on Monday morning next.

25th. The deputy-ſheriff of Cornwall attended at the door according to order;

The houſe was informed that the return for this borough was returned into the Crown-office;

Ordered, that the ſaid deputy-ſheriff of the county of Cornwall be diſcharged from any farther attendance.

June 29, 1726. Ordered a warrant for a new writ, for electing a burgeſs for this borough, in the room of Edward Trelawney, eſquire, made a commiſſioner of the Victualling-office.

WESTMINSTER.

THIS city is within the county of Middleſex, and extends itſelf to the gates of the city of London. It is the ancient reſidence of our kings, and the place where the parliament hath for the moſt been held. The time of its ſending members to parliament is not certain; nor are the grounds for its ſo doing, known. It is certain, that the ſheriff of Middleſex made no return of it before the 12th of Edward IV. There are ſeveral returns of the ſheriff of Middleſex, before this time, of knights of the ſhire,— *Quod non ſunt cives nec burgenſes in balliva mea:* nor is there any footſtep of any return it ever made, before it became a city.—Upon the diſſolution of the abbey, in the year of our Lord 1539, King Henry VIII. made it a city and biſhop's ſee: and, it is ſuppoſed, in right of being a city, it was firſt ſummoned to ſend burgeſſes, or citizens to parliament; though the firſt return, which appears, is in the 1ſt of Edward VI. The right of election has never had a determination in the houſe of commons: but it has always been apprehended to belong to the inhabitants of the city and liberty, paying ſcot and lot. The great queſtion, that has in modern times aroſe, has been, who are to be deemed the inhabitants? of which I ſhall in this place take ſome notice.

See Returns 26 Ed. V. and H. V. &c.

See Middleſex. Pat. 32 H. VIII.

Return Br. Parl. 1 Edw. VI.

The extent of the city and liberties is eſteemed to be from Temple-bar to Kenſington, Chelſea, and St. Mary-le-bone: a great part of the two former vills are within this liberty: but within this circumference there are ſeveral parts, which are not within the juriſdiction of the city, altho' within the liberty or ſcite thereof; and therefore thoſe who dwell therein, are not to be looked upon as inhabitants of the city and liberty.

The duchy of Lancaſter has a great juriſdiction on the Thames' banks, or Strand. This was certainly formerly within the limits: but upon the foundation of that duchy, ſeparated from it, and became ſubject to the duchy-court; nor has the high-bailiff, who is the returning officer, any juriſdiction therein. The inhabitants have often been admitted to vote: but there has been no determination in parliament concerning it.

See the charter of the dutchy.

The palace of Whitehall and Scotland-yard are free from the juriſdiction of the high-bailiff. It was formerly the palace of the archiepiſcopal ſee of York, and ſo continued, until Henry VIII. got it from Cardinal Wolſey, and made a royal palace thereof. It is neither rated to the pariſh levies within the city, nor ſubject to the juriſdiction of the high-bailiff: nor have I met with any memoirs of the abbot of Weſtminſter claiming juriſdiction therein, as he did over the other parts of the city; nor do the preſent dean and chapter, who are lords of Weſtminſter, look upon it as a part of their juriſdiction.

See Willis's account of the archbiſhoprick of York. See the recovery, 14 Rymer. 365.

The Mews is a part of the royal palace, and of the King's manſion-houſe; therefore not within the juriſdiction of the city and liberty: nor rated to the pariſh levies; therefore its inhabitants are not deemed to pay ſcot and lot within the city and liberty.

The liberty of St. Martin's-le-Grand claim a right to vote at the election of members to ſerve for this city. It was formerly a religious houſe, granted to the church of Weſtminſter; and in ſome reſpect is ſubject to the offices of the dean and chapter. They have been, for the moſt part, allowed to vote; but ſometimes queried: nor has any determination been made thereupon.

See Dugdale Monaſtichon: Newpourt's Repertorium &c.

This is the preſent ſtate of the right of election; and though there has never been a determination of it in parliament, there have been ſeveral petitions, complaining of undue elections, before the houſe of commons; and ſeveral reſolutions, relating to perſons voting for the ſaid city and liberty; which here follow.

Feb. 26, 1620. Sir Thomas Ireland and Mr. Holt, counſel at the bar for Mr. Mann's election.

Sir Edward Coke:— that the committee of opinion, that the * opinion of Mr. Mann void, therefore the counſel now to make good the election.

* Sic orig. Query Election.

Sir Edward Wardor, that if the houſe ſhall not be ſatisfied then they will have counſel.

Sir Thomas Ireland *pro* Mr. Mann's election.— The queſtion, whether the writ ſo perfected by the election of Mr. Doubleday, and the indentures of it ſealed, but not returned to the ſheriff, nor by him into Chancery.——That the election, but the inception; the conſummation, the return of the ſheriff, and from him to the Chancery.—No full election till the return; for could not come to treat here.

Difference between a *Venire Facias*, where the names not mentioned. Upon an *Habeas Corpora*, may return them, which are dead; becauſe may be ſupplied by *tales*.

Mr. Holt. The caſe rare.—The queſtion never ſearched into before.——An abortive execution.— The writ three parts *Eligi Facias.—Retornari Facias*; Two *Ita Quods*; which muſt be ſupplied.

Mr. Speaker interrogateth Sir Thomas Ireland; What if the election had been returned to the ſheriff? who anſwered, the ſheriff had been bound to return it.

Mr. Mallet agreeth that every election muſt be free, and abſolute.—That the firſt indenture may be avoided by a 2d writ.—36 Hen. VIII. Trewinnard's caſe,—No new writ.

Mr. Hackwill — againſt the election of Mr. Mann. That the election perfected by their conſents appearing.—A man can elect but once; the ſtatute 23 Hen. VI. againſt it.—The reaſon that maketh moſt for the ſecurity, honour, and power, of the houſe, is beſt to be accepted; then may put him out again, that is once choſen.—A man elected, and after called to the upper-houſe, or choſen a judge, they cannot chooſe again.

Mr. Serjeant Towſe— for the election.

Mr. Glanvyll:—In doubt of the law herein.—Two points; 1. The inconvenience the ſheriff may receive by his return:— 2dly, The prejudice, this houſe may receive by this precedent.—The ſheriff may be puniſhed both by the party grieved and this houſe.—No inconvenience here, becauſe no practice in any; but by the act of God.—Relation here by this death, as if never had been choſen.—Moveth for ſome reſpite to adviſe.

Mr. Crew. This caſe without book or precedent. That we have never queſtioned any return, where no abuſe, or practice.——Not to do it *ex officio*.

Sir Edward Coke. Rather *preparatus* than *properatus meditationes*.——The King's writ of record. —No man a burgeſs till returned of record. — 7 Rich. II. baron called by writ to parliament (till then all called by writ) he died before he came to the houſe.—Queſtioned, whether he a baron or not? reſolved, no; nor his ſon a baron, becauſe the writ not returned, nor he ſat in parliament. The election, but an inception; the indentures progreſſion; the return, the conſummation.

Where a man executeth part of his authority, there he may execute his power, ——*De coronatore eligendo*.— One choſen and dieth before the return, they may chooſe another by that writ. — No removing any member of this houſe, but where practice or abuſe.——To adviſe.

Maſter of the wards.—To hear no more of it.

Sir George Moor. That the complaint was by many inhabitants, and that double; of matter of law, and matter of fact; the matter of fact, to be farther examined.

Mr. Pye. That Weſtminſter-hall, full that day of the election of Mr. Mann. For Mr. Mann's election.

Sir William Herrick, accordant.

Sir Edward Wardor, *contra*. That the dean refuſed to number them by the poll.

Sir A. Ingram. For Mr. Mann's election.

Maſter of the rolls. Not to trouble ourſelves any longer with it.

Sir Robert Philppes. To defer it.

March 22d. Sir George Moor reporteth for this city, that the committee held Doubleday being once choſen, and the writ executed, could not after chooſe without a new writ.— That objected, no warning given.——But appeared, notice was given, and that they appeared accordingly; alledged, that a cry of women and children, and that no diviſion; but appeared, that a diviſion made in three parts; for Mann, Forſett, and Sir John Davys; and teſtified by divers, that two or three for one, for Mr. Mann, therefore no diviſion needed. Objected, that the return of Mann void, becauſe no indentures made between the ſheriff and electors; but between the electors and the bailiff.

Sir Edward Wardor. To have the lawyers deliver their opinion, concerning the validity of the return of Mr. Mann.

Sir Arthur Ingram. That Mr. Mann deſireth to be heard by counſel in this point.

Sir William Heale. That the ſheriff is to be appointed to amend the return.

Mr. Mallet. That the bailiff here in the nature of the ſheriff, hath execution and return of writs: that this done between the mayor and jurats of the Cinque Ports.

Mr. Brook, *contra*.—— That the ſheriff awardeth his precept to Weſtminſter; the ſtatute of 23 H. VI. ſo. Therefore this return void and none.—Yet moveth counſel may be heard.

Mr. Shervyle. That by the words of the ſtatute the return void; becauſe not made to the ſheriff. No uſe, nor precedents, in this caſe, can ſerve.

Mr. Crew. Two queſtions; whether the return good?——That uſe, in a ſpecial liberty, time out of mind, may make this good; as a cuſtom in a country for non-payment of tythe-wood, notwithſtanding the ſtatute of *ſylva cedua*.—That if the return bad, we may cauſe it to be amended, as in Leiceſterſhire caſe.

Mr. Hackwyll, *contra*.— No preſcription againſt a ſtatute, which, expreſs in point.—The return, both of Sir Edward Villiers and Mann, void. And that divers boroughs having *retorna brevium*, yet make indentures to the ſheriff.

Serjeant Towſe.—To amend the return, becauſe uſe ſo.

Sir Edward Coke.——*Conſuetudo optima interpres legum*.—The election clearly good. — If the bailiff of Weſtminſter have ever done it ſithence the ſtatute, not to alter it.

Upon the queſtion: whether the return of Sir Edward Villiers and Mr. Mann, good? Reſolved, it was.

June 21, 1625. Sir John Danvers preſenteth a petition for this city.

Referred to the committee of privileges.

June 26, 1661. Serjeant Charleton reported from the committee of privileges, touching the election for this city: that Sir Philip Warwick and Sir Richard Everard, having much the greater number, are declared burgeſſes upon the view by the bailiff of Weſtminſter: after the demand of a poll, on behalf of Sir Thomas Clarges, Sir William Playters, and Sir William Pultney had appointed five clerks to take the poll; and ſtaid above half an hour to take it; and none came to purſue it: and the opinion of the committee, that Sir Philip . . . . and Sir . . . . Everard, were duly elected burgeſſes for the ſaid city, and ought to ſit in this houſe.—Whereto the houſe agreed.

March 20, 1678. A petition of Sir Philip Matthews, baronet, and Sir William Waller, knight, complaining of undue practices uſed by the bailiff of this city and liberty, in the electing and returning Sir Stephen Fox and Sir William Pultney, to ſerve in this preſent parliament for the ſaid city, in injury of the petitioners, who were duly elected, and ought to have been returned, was read.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

March 21ſt. A petition of ſeveral of the inhabitants of this city, complaining of an undue election and return of Sir Stephen Fox and Sir William Pultney, to ſerve in this parliament for this city, in injury of the petitioners, was read.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Oct. 25, 1680. A petition of Sir William Waller was read.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Nov. 4th. A petition of Sir Philip Matthews, touching the election for this city, was read.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion. And to be heard at the ſame time that Sir William Waller's petition is heard.

15th. Mr. Treby reported from the committee of privileges and elections, touching the election and return of members, to ſerve in this preſent parliament, that they come to 4 reſolves; viz.

1. That the King's menial ſervants, not having proper houſes of their own within the city, have

not right to give voices in the election of citizens, to ſerve in parliament for this city.

2. That Sir William Pultney is duly choſen a citizen, to ſerve in this parliament for this city.

3. That Sir Francis Withens was not duly choſen a citizen, to ſerve in this parliament for this city.

4. That Sir William Waller is duly choſen a citizen, to ſerve in this preſent parliament for this city.

The ſaid 4 reſolutions being twice read, they were alſo reſolved by the houſe. And the return ordered to be amended.

Dec. 14, 1698. A petition of Sir Henry Dutton Colt was read; ſhewing, that the petitioner was invited by a conſiderable number of voters for this city, to ſtand as their repreſentative in this parliament; for which purpoſe, the petitioner was a candidate at the laſt election: but by the manifeſt partiality of the head-bailiff of this city, and by votes procured by entertainments and menaces, and of others not qualified, the ſaid bailiff hath returned James Vernon, eſquire, and Charles Montague, eſquire, as choſen repreſentatives for this city; although Mr. Montague was otherwiſe incapable of being choſen repreſentative for the ſaid city: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Ordered, that the ſaid committee do hear the matter of the ſaid petition in the firſt place.

21ſt. Ordered, that the report be made to-morrow morning.

A complaint being made, that one William Woolaſton, a witneſs, at the committee of privileges and elections, was upon Monday laſt arreſted, as he went from the ſaid committee, by one Leiceſter and his follower, who ſtill detain him in their cuſtody, in breach of the privileges of the houſe;

Ordered, that the ſaid Leiceſter and his follower do attend the houſe to-morrow morning, and bring with them the ſaid Woolaſton.

22d. Sir Rowland Gwyn, according to order, reported the matter of the ſaid election upon the ſaid petition, as followeth.

That the petitioner's counſel allowed the ſitting-members to have a great majority upon the poll; but inſiſted, there had been irregularities in the election; and alſo that Mr. Montague was not qualified to be elected.

As to the irregularities, they called Mr. Smith, clerk of the peace, and others; whoſe evidence was, that a paper was tendered to the grand jury, by the foreman, in the nature of a preſentment; by which they recommended the ſitting-members as perſons of great parts, worth and loyalty, and the moſt fit perſons to ſerve in parliament for this city: that there were no threats or promiſes made uſe of to prevail upon any of the grand jury to ſign it; and four of them refuſed to do it: that the ſame was after preſented to the juſtices in ſeſſions.

Ball ſaid, the foreman told the jury, it came from the bench. — But Mr. Meard, the foreman, ſaid, that a glover, one of the four who refuſed, told him afterwards, he had ſigned it, if Sir Henry had not engaged him to the contrary. And another, who lived at the Sun-Tavern in Piccadilly, refuſed it, as living in the ſame pariſh with the petitioner, and it might hinder his trade, though he afterwards wiſhed he had ſigned it. He alſo ſaid, he had no directions from the juſtices about the ſaid preſentment, but ordered it himſelf to be made; and after making the ſaid preſentment, ſeveral of the juſtices and jury went to Mr. Montague's houſe, though they miſſed him, but met with Mr. Vernon, and made it their requeſt to him to be a candidate, though they did not carry the preſentment with them.

That to another point they called Evans, Dolben, and others; who ſaid, they were in Tothilfields at the election, and there were great diſorders in the fields: that a party of horſe, who appeared for Mr. Montague and Mr. Vernon, broke in upon many perſons on foot, who were for the petitioner, and trode upon ſome, and forced others into a ditch, and wounded others; particularly one Gill, who died of his bruiſes.

Gillingham ſaid, captain Dent ordered the horſe grenadiers to put off their houſeings, and ride as houſekeepers in coloured cloaths; and ſerjeants Hedly, Chitham and Barton, were then under Dent's command; and that Jennings, a corporal of horſe grenadiers, knocked down ſeven or eight with a broom-ſtaff.

Giles and Woodburn ſaid, that one in a gold-laced ſcarlet coat, like an officer, rode up to the petitioner, and held a piſtol at him, and ſwore there would be murder, if he did not go out of the field: and Giles ſaid, the ſaid perſon being aſked what he had to do there? ſaid, his buſineſs was to bring men on and off.

Boſwell ſaid, they beat and abuſed, and threatned a man, till he cried out, *A Montague and a Vernon.*

Woodburn ſaid, he being a ſoldier, was commanded by Harding to poll for Mr. Montague and Mr. Vernon; but anſwered, he did not pay to church and poor: yet owned, he polled for the petitioner.

Dando ſaid, that Taylor, the meſſenger, knocked him down, for which he paid him a guinea afterwards in ſatisfaction.

Jeffrys ſaid, that Gibbons and Ferryman, and others, with whips and ſticks, ſtruck and abuſed many of the petitioner's party.

Several witneſſes ſaid, one party was led by Jennens, who had no vote, but was followed by Hollingworth and Mears, and others; ſome armed with clubs, piſtols and ſwords, on horſeback; and the horſes were large, like ſoldiers or coach-horſes: and the petitioner's men aſſaulted without provocation, as they ſaw; only it had been reported, that cards and dice had been thrown, and ſand and duſt thrown.

Two ſurgeons ſaid, they had ſeveral of the wounded under their care.

Jeffries ſaid, he heard Mr. Argus ſay, Mr. Montague got Tom of Weſtminſter given to the pariſh.

Rogers ſaid, it was reported, that a door into the Park would be opened by Mr. Montague's means.

That as to treating, they called Woolley and Stroud; who ſaid, they were ſent by Brown, a meſſenger, and one Bateman, to a publick houſe, and aſked to vote for Mr. Montague and Mr. Vernon, and eat and drank there, and Brown and Bateman paid for it. They were alſo, Stroud ſaid, treated at a coffee-houſe, but could not ſay it was by Mr. Montague's and Mr. Vernon's order, or that they paid for it.

Wade ſaid, Brown and Bateman were three times at his houſe, and ſent for ſeveral, and deſired their votes for Mr. Montague and Mr. Vernon: that they beſpoke a ſhoulder of veal, but he not knowing them, did not get it; ſo they had cold lamb, and paid for the reckoning 1 s. 5 d.

Jefferies, the ferryman, ſaid, he had 3 s. 6 d. given him for his horſe.

Nelthorp ſaid, Eads aſked him to come to his houſe and eat bacon; and ſaid, they would go in a body to vote for Mr. Montague and Mr. Vernon.

Sprat ſaid, that juſtice Tully aſked one, whither he was going? and he ſaid, to vote for the petitioner: and Mr. Tully touched him with his cane, and bid him go about his buſineſs; and told him, he had better not go.

As to the poll, they called Baldwin, who took the poll for the petitioner; who ſaid, that a little before the cloſe of the poll, the petitioner deſired it might be adjourned for an hour, becauſe he expected a great number in the afternoon; but it was denied: though Baldwin owned, there were none to be polled at the time when it was cloſed; and that there were ſeven or eight proclamations, before it was cloſed: that after the poll was over, he went by the petitioner's order to the high-bailiff for his book, which he did not then deliver; but ſaid, he ſhould have it, when the other candidates had theirs.

As to the exception to Mr. Montague's qualification, the petitioner's counſel explained it was in relation to his being one of the Lords Juſtices, who ſigned a proclamation for proroguing the parliament.

For Mr. Montague and Mr. Vernon, were called Mr. Stone and others; who ſaid, they were at the election, and the diſturbance began by the petitioner's party throwing dirt and ſand, &c. and ſtriking the horſes, without provocation: that Mr. Montague and Mr. Vernon were at a diſtance, and did not encourage the diſturbance.

Sir Talbot Clark ſaid, that the petitioner's blackmoor ſtruck his horſe over the noſe, and beat his man; and the petitioner ſaid, go on, go on; and he did not ſee any diſturbance before the petitioner's party began it.

Fox ſaid, he had known the elections 25 years; and it was uſual for the ordinary people to make diſturbance, and they come in an inſolent manner, and frighten the horſes: and formerly, Sir Gilbert Gerrard and Mr. Owen, were forced to be carried off upon a diſturbance occaſioned by their own party. He alſo ſaid, he wrote the poll, and could ſay it was the faireſt he had known, and no partiality on either ſide: that all perſons were admitted to the bar indifferently, to poll: that there was no threatning or browbeating of the petitioner's voters; and for the convenience of gentlemen, they were let into court, and polled for each ſide alternately: that it was a quarter paſt two then, and 16 proclamations were made before it was cloſed: that for ſeveral proclamations, only one man came in at the 3d proclamation, to keep it on foot: that the reaſon of not delivering the petitioner's clerk the books was, becauſe the candidates were firſt to meet, and agree the ſeals, the books having been ſealed at every adjournment: that upon caſting them up, they all agreed; and there were

For Mr. Montague	2836.
For Mr. Vernon	2662.
For the Petitioner	2026.

That Mr. Vernon and Mr. Montague would have called more witneſſes as to the poll: but the committee were ſatisfied; and having conſidered the objection to Mr. Montague's qualification, as to his being one of the Lords Juſtices, reſolved,

1. That Charles Montague, eſquire, is duly elected a citizen, to ſerve in this parliament for this city.

2. That James Vernon, eſquire, is duly elected a citizen, to ſerve in this parliament for this city.

3. That the petition of Sir Henry Dutton Colt is frivolous, vexatious, and ſcandalous.

The ſaid three reſolutions being twice read, were agreed unto by the houſe.

Reſolved, that no alien, not being a denizen or naturalized, hath right to vote in elections of members to ſerve in parliament.

Ordered, that it be an inſtruction to the members, who are to prepare a bill for qualifying of members to ſit in parliament, and further regulating elections, that they bring into the ſaid bill a clauſe, or clauſes, purſuant to the ſaid reſolution.

23d. Mr. William Woolaſton and John Leiceſter attended, according to order, and were called to the bar; where they were examined touching the arreſting Mr. Woolaſton, and they withdrew: and it appearing to the houſe, that the ſaid John Leiceſter, a marſhal's-court man, did arreſt the ſaid Mr. Woolaſton, as he was going from the committee of privileges and elections, to which he was ſummoned.

Reſolved, that the ſaid John Leiceſter is guilty of a breach of privilege of this houſe; and ordered, that he be taken into cuſtody of the ſerjeant at arms, attending the houſe.

Nov. 24, 1708. A petition of Sir Henry Dutton Colt was read; ſhewing, that at the election for citizens, to ſerve in this preſent parliament for this city and liberty, the right honourable Mr. ſecretary Boyle, the petitioner, and Thomas Medlycot, eſquire, ſteward of the court of this city, were candidates; and Mr. Boyle and the petitioner had the majority of votes upon the poll, and were proclaimed after the uſual manner: that John Huggins, eſquire, high-bailiff of the ſaid city and liberty, during the poll, conſtantly refuſed to tender the oaths of abjuration to papiſts and reputed papiſts, contrary to the ſtatute for that purpoſe, though the petitioner ſeveral times required him ſo to do: that by combination between the ſaid Mr. Medlycot and the high-bailiff, a ſcrutiny was contrived, and carried on with undue and arbitrary proceedings; by which means the ſaid bailiff framed pretences, that Mr. Medlycot had a majority of votes, in order to return him, contrary to juſtice, and the petitioner's apparent right: and many other foul practices were uſed before and after the poll, to the prejudice of the petitioner; which will fully appear upon examination: and praying &c.

Ordered, that it be heard at the bar of the houſe on the 4th of December.

29th. Ordered, that Mr. John Huggins, high-bailiff of this city, do forthwith lay before the houſe the original poll-books of the laſt election for the ſaid city, and the names of thoſe which he upon the ſcrutiny has diſallowed, together with their ſeveral additions and places of abode.

30th. Ordered, that Mr. John Huggins, high-bailiff of this city, do attend this houſe on Saturday morning next, with the original poll-books of the late election for the ſaid city.

N. B. By means of hearing other elections, it did not come to be heard until—

December 16. The houſe, according to order, proceeded to the hearing of the merits of the ſaid election.

And the counſel were called in, and the petition read: and after hearing counſel on both ſides, and ſeveral witneſſes examined in relation to the proceedings of Mr. John Huggins, high-bailiff of this city, who preſided at the ſaid election: and the counſel withdrawn—

Reſolved, that Mr. John Huggins, high-bailiff of this city, at the late election of citizens, to ſerve in this preſent parliament for this city, has, in defiance of the laws, arbitrarily and illegally refuſed to tender the oath of abjuration, when required ſo to do, and thereby is guilty of an high crime and miſdemeanor.

Ordered, that the ſaid Mr. Huggins be, for his ſaid offence, committed to her Majeſty's goal of Newgate.

Ordered, that the merits of the election be conſidered again on Saturday next.

18th. The houſe proceeded in hearing the matter of the ſaid election: and the counſel being called in, and heard; and ſeveral witneſſes examined—

Reſolved, that Thomas Medlycot, eſquire, is duly elected a citizen, to ſerve in this preſent parliament for this city.

Oct. 25, 1722. A petition of William Lowndes, eſquire, was read; ſhewing, that at the election of members, to ſerve in parliament for the city and liberty of Weſtminſter, Archibald Hutchinſon, eſquire, John Cotton, eſquire, Sir Thomas Croſs, baronet, and the petitioner, were candidates: that the high-bailiff of Weſtminſter appointed a day for his viewing the houſekeepers who had right to vote in Tothillfields; and the poll to be taken in New-Palace Yard: and as the petitioner and Sir Thomas Croſs rode through ſeveral parts of the liberty, the houſekeepers who followed them, were violently annoyed with ſtones and filth, thrown by a looſe, diſorderly ſort of people: and when the ſaid Sir Thomas Croſs and the petitioner were entered into the fields, they found the other candidates were in poſſeſſion of the higher ground, and among them a great number of looſe and diſorderly perſons who had no right to vote; on which ground they were provided wiih brickbats, ſtones, and clods of dirt; and were armed with clubs, and other weapons; and they did violently aſſault the houſekeepers that were with Sir Thomas Croſs and the petitioner, without any provocation given; whereby many, who reſolved to vote for the petitioner, were wounded and otherways injured, and ſeveral narrowly eſcaped with their lives: and by the ſaid violences, ſo committed before any poll was taken, great numbers of the houſekeepers were deterred; ſo that the petitioner loſt the benefit of their votes: that during the time of the poll, great numbers of the ſaid looſe and diſorderly perſons lay in wait in ſeveral ſtreets and places, and particularly at Charing-Croſs, and before Whitehall, and in King's-ſtreet, Union-ſtreet, and other avenues leading to Palace-Yard: who in an hoſtile manner attacked the houſekeepers, coming as well in numbers as by themſelves, to vote for the petitioner, or for Sir Thomas Croſs, and wounded and knocked down, and barbarouſly uſed many of them, and forced a great number to retire home; and a great multitude of ſuch looſe and diſorderly perſons filled the ſaid Palace-Yard, who made it their buſineſs by menaces, to influence votes in favour of Mr. Hutchinſon and Mr. Cotton, who would have polled for the petitioner or Sir Thomas Croſs, whereby many were intimidated; and ſuch as did venture to give their votes for Sir Thomas Croſs or the petitioner, were treated with ſuch opprobrious language, as ſerved to deter others: that all the outrages and violences were committed in behalf of the ſaid Mr. Hutchinſon and Mr. Cotton; and are repugnant of the laws of this realm, which injoin the freedom of election: that Sir Thomas Croſs and the petitioner, finding a great number of houſekeepers who had a right to vote were deterred, and would not venture their lives or limbs to give their votes, wrote a letter to the high-bailiff, acquainting him they could not conceive an election, begun and carried on in ſuch a manner, could be conſidered as a due or free election; and declaring that the ſaid Sir Thomas Croſs and the petitioner would not appear farther as candidates at the place where he took the poll: that the petitioner did comply with the ſaid notice given: that by reaſon of the ſaid outrages and violence, a very great number of houſekeepers within the city and liberty of Weſtminſter remained unpolled; and a great number of thoſe who intended to vote for the petitioner, have been deprived of their voices, in the manifeſt wrong and prejudice, as well of the ſaid inhabitants as of the petitioner: and the ſaid Mr. Hutchinſon and Mr. Cotton have, by ſuch means and practices, gotten themſelves to be returned by the ſaid high-bailiff: and praying &c.

Ordered, that it be heard at the bar of the houſe on Saturday ſeven-night.

Nov. 3. The houſe proceeded in the hearing of the matter of the ſaid petition.

And the counſel on both ſides were called in.

The petition was read.

And the petitioner's counſel were heard; and ſeveral witneſſes were examined on the petitioner's behalf, in relation to riots and tumults, before and at the time of the election.

After which the counſel for the ſitting-members were heard.

Ordered the matter of the ſaid petition be farther heard on Tueſday next.

6th. The houſe proceeded in the farther hearing of the ſaid petition.

And the counſel were called in, and the ſitting-members counſel produced ſeveral witneſſes, who were examined in regard to the method of carrying on the election, and ſummed up their evidence.

Then the petitioner's counſel were heard by way of reply, and examined ſome witneſſes.

Reſolved, that it appears to this houſe, that there were notorious riots and tumults at the late election of citizens, to ſerve in parliament for this city, in defiance of the laws of the realm, and in violation of the privileges of parliament.

Reſolved, that Archibald Hutchinſon, eſquire, is not duly elected a citizen, to ſerve in this preſent parliament for this city.

Reſolved, that John Cotton, eſquire, is not duly elected a citizen, to ſerve in this preſent parliament for this city.

Reſolved, that the late election of citizens to ſerve in parliament for this city, is a void election.

See further Journ. Comm. 9, 10 Dec. 1741. 22.
25. Jan. 1750.

WESTMORELAND County.

THIS is one of the Northern counties of this kingdom; and has, I apprehend, returned knights to the parliament from the 22d of Edward the firſt: but I neither meet with any particular memoirs thereof amongſt the returns; nor do I find any complaint in the houſe of commons concerning the election: the only matter I have to inſert is, May 23, 1726. Ordered a warrant for a new writ, for electing a knight of the ſhire for this county, in the room of Anthony Lowther, eſquire, made a commiſſioner of the revenue in Ireland.

WEYMOUTH and MELCOMBE-REGIS.

Stat. 13 Eliz. 15 Jac. I.

THESE are ſituate in Dorſetſhire, and were formerly two boroughs; but in Queen Elizabeth's time, by act of parliament they were united: which act was confirmed in the 15th year of King James the firſt: and as formerly they ſent each two burgeſſes, ſo now there are four returned, by one returning officer, in two indentures; viz. the two, who have the majority, are returned as burgeſſes for Weymouth; and the other two as burgeſſes for Melcombe-Regis.

Willis's Notitia, vol. II. p. 436, 442. Ib. 446, &c.

The firſt of theſe, as Doctor Willis writes, viz. Weymouth, firſt ſent burgeſſes to parliament in the 22d of Edward the ſecond, and only once after, viz. in the 19th of the ſame reign, before the 9th of Edward the third: ſince which time it has returned, as other boroughs.

Ib. 453.

Melcombe firſt returned in the 8th of Edward the ſecond, though ſummoned in the 33d and 34th of Edward the firſt — *et ballivi nullum reſponſum dederunt*. In the 2d of Henry the fifth, the burgeſſes for both were elected by deputation from each borough in the county-court, as appears by the indenture of return. After this, I meet with no memoirs of its elections, or repreſentative in that reſpect, till ſince the Reformation, when the journals of the houſe of commons afford theſe following.

Br. Parl. red. 256.

See Indenture for this county, 2 Hen. V. in Appendix.

See D'Ewes Journal, p. 553.

Nov. 8, 1597. Mr. Brograve, attorney for the duchy, one of the committee for the examination of matters of privileges and returns, reported, that he and the reſidue of the committee had ſeen the return of the ſheriff of Dorſet, for the electing into this parliament the burgeſſes of Weymouth and Melcombe-Regis, heretofore two diſtinct boroughs; but of late years united and incorporated into one by her Majeſty's letters patent, with ability and privilege to elect nevertheleſs four burgeſſes into the parliament, as in former times they had uſed to do, when they were diſtinct boroughs: and that the mayor, bailiffs, and commonalty, of Weymouth and Melcombe-Regis, had, upon the ſheriff's precept, directed unto them, elected four burgeſſes, and returned them under the ſeal of their corporation, and that the bailiffs have elected two others beſides; which four burgeſſes are certified into this houſe from the clerk of the Crown, and are ſworn into the ſame houſe accordingly; but the ſaid two other burgeſſes are neither certified nor ſworn into the houſe, neither elected by precept from the ſaid ſheriff, forany thing the ſaid committee could perceive: and that therefore their opinion was that the ſaid four burgeſſes, ſo as aforeſaid duly and orderly elected and returned, ſhould ſtill continue members of this houſe, and not the other two indirectly returned, if it ſhall be ſo thought good, into the houſe; for that if the ſaid two burgeſſes, if they find themſelves aggrieved or injured in the ſaid election, may take their remedy againſt the ſheriffs.

All which being recited to the houſe by Mr. Speaker, it was ordered thereupon, that the ſaid four members for theſe boroughs ſhould continue accordingly.

May 5, 1660. Mr. Turner reported from the committee of privileges and elections, touching the double return for the borough of Melcombe-Regis; that upon examination of the fact it appeared to the committee, that Peter Middleton, merchant, returned by one indenture, had more voices of thoſe who had right to elect burgeſſes for the ſaid borough, than Samuel Bond, eſquire, who is returned by another indenture: and the opinion of the committee, that the ſaid Peter Middleton is duly elected, and ought to ſit: whereto the houſe agreed.

Oct. 15, 1667. A petition of Michael Harvey, eſquire, was read.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Nov. 20th. Serjeant Charlton reported from the ſaid committee, touching the election for the town of Weymouth, between Sir John Coventry and Mr. Harvey, that the committee clear of opinion, that Sir John Coventry was duly elected, and ought to ſit: whereto the houſe agreed.

May 25, 1685. A petition of Michael Harvey, eſquire, touching the election for theſe boroughs, was read.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

27th. A petition of the freeholders of theſe boroughs touching the election for the ſaid borough, was read.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Jan. 4, 1697. The houſe being informed, that Mr. Reginald Marryot had ſent to ſeveral members of this houſe letters, acknowledging that he had been concerned in the irregular indorſement of Exchequer bills; and therein offered fully to relate how that notorious practice had been projected and carried on; and in what manner he had been drawn into the ſame:

Ordered, that the ſaid Reginald Marryott be ſummoned to attend this houſe immediately.

And the ſaid Mr. Marryott attending accordingly;

He was brought in by the ſerjeant at arms attending this houſe to the bar, where he delivered an account of his knowledge of that matter in writing, ſigned by himſelf, which he read at the bar; and afterward delivered into the houſe.

And then withdrew.

There being named in the ſaid information John Knight, eſquire, a member of this houſe, Mr. Bartholomew Burton, Mr. William Knight, and Patrick Crawford, eſquire;

And the ſaid Mr. John Knight not being in the houſe;

Ordered, that the ſaid Mr. John Knight, Mr. Bart. Burton, Mr. William Knight, and Mr. Patrick Crawford, do attend this houſe in their places immediately.

The ſerjeant at arms acquainted the houſe, that Mr. John Knight would be here preſently, and that Mr. Crawford attended; but that Mr. Burton and Mr. William Knight are not to be found.

Mr. John Knight attending in his place.

The information given by Mr. Marryott was was read; (See Appendix.)

And Mr. Knight was heard thereupon, and then withdrew.

Reſolved, that there being information given to this houſe againſt John Knight, eſquire, a member thereof, in relation to the falſe indorſement of Exchequer bills, to which he not having given a ſatisfactory anſwer to this houſe; the ſaid Mr. John Knight be committed priſoner to his Majeſty's Tower of London, during the pleaſure of this houſe, and that Mr. Speaker do iſſue his warrants for that purpoſe.

Ordered, that the chief governor of the Tower do take care that no perſon be admitted to diſcourſe with, or bring any letters to the ſaid Mr. Knight, without order of this houſe.

Ordered, that the ſaid Mr. Knight have a copy of the ſaid information, and that he do give in his anſwer thereto in writing upon Friday morning next.

7th. Mr. Speaker acquainted the houſe, that he had by the chief governor of the Tower this morning received a letter from Mr. John Knignt, with his anſwer to the information given againſt him; and with a requeſt from Mr. Knight, that his wife might be admitted to come to him.

Ordered, that Mrs. Knight have leave to reſort to her huſband in the Tower.

Then the letter from Mr. Knight was read; and is as follows, viz.

Honourable Sir,

"Being made a cloſe priſoner in the Tower, by "your warrant of the 4th inſtant; and not having "the liberty of pen, ink, or paper, till laſt night "about 10 of the clock; when my Lord Lucas, "underſtanding by the votes, that I was to ſay "ſomething in anſwer to Mr. Marriot's charge, "to-morrow being Friday, thought it reaſonable "to permit me the uſe of it: I could not apply "myſelf till this morning, to lay any thing before "the houſe, which is ſince done; and I beg your "favour, that the incloſed papers may be communicated to them. I am, Sir,

"Your moſt obedient, and

Jan. 6, 169⅞. "moſt humble ſervant,

"JOHN KNIGHT."

Then the anſwer to the information was read; for which (See Appendix.)

11th. Mr. Speaker acquainted the houſe, that the chief governor of the Tower had been with him this morning, and informed him that Mr. J. Knight was very ill; and deſired that his doctor and apothecary might have leave to reſort to him.

Ordered, the ſaid Mr. Knight's doctor and apothecary have leave to reſort to him, in the Tower.

Feb. 1ſt. The houſe proceeded according to the order of the day, in the further conſideration of the matter touching the falſe indorſement of Exchequer-bills.

It appearing to this houſe upon examination, that John Knight, eſquire, a member of this houſe, is guilty of falſe indorſement of Exchequer-bills:

Reſolved, that the ſaid Mr. Knight be expelled this houſe.

4th. Ordered, the Speaker do iſſue his warrant to the clerk of the Crown, to make out a new writ for electing a burgeſs to ſerve in parliament for this borough, in the room of John Knight, eſquire, expelled this houſe.

Dec. 1, 1710. A petition of John Ward and Richard Hallet, eſquires, was read; ſhewing, that the petitioners (being invited) were candidates with Anthony Henly, Maurice Aſhley, Captain Littleton, and William Betts, eſquires, at the election of burgeſſes to ſerve in this preſent parliament for theſe boroughs: that the four other candidates, having united their intereſts, uſed ſeveral corrupt practices to procure themſelves to be elected and returned: that the mayor proceeded very arbitrarily in taking the poll; refuſing to poll ſeveral of the petitioners voters; and (among many other partial expreſſions) told the petitioners, he would ſhew them a game at all fours: and this partiality of the mayor encouraged his officers to inſult the petitioners voters; who, as they came to poll, were beaten back by the conſtables, and ſo not polled at all: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

March 10th. Ordered, that the report be made on Monday.

12th. Odered, that the report be made on Saturday

17th. Mr. Freeman reported the matter upon the ſaid petition, viz. that the right of election was not diſputed.

The poll was,	For Mr. Henley,	216.
	For Mr. Aſhley,	189.
	For Mr. Littleton,	181.
	For Mr. Betts,	190.
	For Mr. Ward,	145.
	For Mr. Hallet,	54.

That the election of Mr. Henley and Mr. Aſhley were not conteſted: but they objected to 44 for Mr. Littleton, and 57 of thoſe for Mr. Betts, for bribery:——And called

Gerrard, Hallet, and 9 others; who ſaid, about a month before the election, Mr. Betts' agent cauſed four bullocks to be brought, and diſtributed in 14 pound pieces, with a twelve-penny loaf, and 1s. apiece in money, to thoſe voters; and they were aſked to vote for Mr. Betts; and he would not allow of a ſix-penny loaf given to one (a poor widow) who had no vote.

Langriſh and Thrup ſaid, there was a bond given in behalf of Mr. Littleton for payment of 200 l. to the mayor and another; and they gave a counter bond to deliver up that 200 l. bond, if Mr. Littleton was not elected; and to pay the money to the uſe of the town, if he was: that the mayor declared, he was for the preſent tenſe; and before the election, the 200l. was paid, and the bond cancelled: that after the bond was given, Mr. Littleton was complimented with the freedom of the corporation, and gave the mayor ten guineas for the poor; and that ſome of the voters had 1 s. and others 5 s. each, to vote for Mr. Littleton.

Coulſon, Thrup, and others, ſaid; admiral Aylmer and Sir J. Jennings came to anchor with a ſquadron of 8 men of war; two of which were the Royal Sovereign and the Royal Anne, and ſeveral merchant ſhips with them: that they lay there ten days, and other ſhips came into, and went out of the harbour again; and they never knew a firſt rate there before: that the corporation were invited, and treated on board Admiral Aylmer; and Mr. Betts' and Mr. Littleton's health drank: that ſome ſaid, the fleet came thither by contrary winds; others ſaid, it was at Captain Littleton's inſtance, and to make intereſt for him: that it was a fine ſight: and the country people came twenty miles to ſee it.

To prove ill practices by the mayor; Humfreys, and five others ſaid, that the mayor ſollicited votes, for the ſitting-members; and declared, he would ſhew a new game at all fours; that divers old votes, who had formerly voted, were refuſed their poll by the mayor, when they offered for the petitioners; becauſe they had not brought the deeds of their freeholds, though they were known to be good voters: that the deeds were not required from the voters for the ſitting-members; and the mayor admitted ſeveral of them, who were only leaſeholders, and had no title; and cauſed ſeveral, who came to vote for the petitioners, to be beat and abuſed by the conſtables, and thruſt out of the hall, without taking their poll; and threatened ſome, and refuſed others, who ſhewed their deeds, and offered to poll for the petitioners; alledging they were not for his intereſt; and declared, if Mr. Ward had 40 majority, he ſhould not be returned.

For Mr. Littleton and Mr. Betts, were called Cooper and others; who ſaid, other gentlemen had given ten guineas for their freedom, beſides Mr. Littleton: that the mayor polled ſeveral for the petitioners, who did not ſhew their titles, and ſome, whoſe titles were doubtful: that Mr. Ward deſired a ſcrutiny; and when it was granted, he deſiſted, and ſent the mayor word, that he would give him no further trouble: that matters were tranſacted as fairly in the hall, as he ever ſaw at any election; and none turned out of the hall, but to make room for ſuch as had not voted: that the mob came from Portland; and ſaid, they would have Mr. Ward, right or wrong.

Edward Tucker, and others, ſaid, ſeveral perſons, who had no votes, had Mr. Betts' benefaction of bread, beef, and money; and ſome, who had it, voted for Mr. Ward.

Tucker ſaid, it was very ſtormy weather, and the wind hard at South and South-Weſt, when the fleet came in: that he was ſent by the corporation to invite the admiral on ſhore; who excuſed himſelf, by ſaying, he could not leave his ſhip; but returned an invitation to the corporation to come on board: that they went in an hye: that the wind was then commonly South and South-Weſt, and againſt the fleet; and on the 22d they went again to Spithead: that they heard the fleet was at Spithead, but did not hear, they intended to touch there: that the road is large enough for the royal navy, and not dangerous, but in an eaſterly wind.

Mitchell ſaid, Mr. Ward promiſed him the building of an houſe at Odiham, if he would vote for him.

Mary Bowden ſaid, by direction of Mr. Manſel, who ſolicited for Mr. Ward, two or three days before the election, ſhe diſtributed 27 ſhillings worth of freeholding beer, to drink Mr. Ward's health.

Saxton ſaid, Mr. Ward's agents bought 9 freeholds for one guinea each, to make votes for the election; and the freeholds were to be returned again, when the election was over.

Upon the whole the committee reſolved,

That Anthony Henley, eſquire, is duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

That the honourable Maurice Aſhley, eſquire, is duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

That James Littleton, eſquire, is not duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

That William Betts, eſquire, is not duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

That John Ward, eſquire, is not duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

That Richard Hallet, eſquire, is not duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

That the election for the ſaid borough, as to the ſaid Mr. Littleton and Mr. Betts, is a void election.

That Edward Tiffard, mayor of this borough, is guilty of ſeveral arbitrary and illegal practices, in the late election of members to ſerve in parliament for this borough.

The ſaid reſolutions (being twice read) were agreed unto by the houſe.

Ordered, that Edward Tiffard, mayor of the ſaid borough, be taken into cuſtody of the ſerjeant at arms, attending this houſe, for the ſaid arbitrary and illegal practices.

And a new writ was ordered, in the room of James Littleton, and William Betts, eſquires.

March 3, 1713. A petition of Sir Thomas Hardy, knight, William Hardy, John Ward, and Reginald Marriott, eſquires, was read; ſhewing, that at the election of Weymouth and Melcombe-Regis, the petitioners were candidates: that upon the ſaid election, the petitioners had the majority, and ought to have been returned; but by the undue practices of John Friend, mayor of the ſaid town, and the bribery and corruption of Daniel Harvey, &c. or their agents at the ſaid election, the ſaid John Friend hath returned the ſaid Daniel Harvey, admiral Baker, captain Littleton, and William Betts, in wrong of the petitioners: and praying &c.

Ordered it be referred to the committee of privileges and elections, to examine and report the ſame, with their opinion.

April 26, 1714. Ordered, that the committee be diſcharged from proceeding on ſo much of the petition, as relates to John Ward, eſquire.

May 21. Ordered, the ſaid report be received on Thurſday next.

May 27th. Mr. Medlycott reported the matter of the ſaid election, as follows; viz.

That upon the 26th of April the committee proceeded to hear the merits of the election.

The petitioners counſel alledged, the right of election is in the mayor, aldermen, bailiffs, capital burgeſſes, and freeholders, having a freehold in the corporation.

The ſitting-members alledged it to be, in the mayor, recorder, aldermen, burgeſſes, capital burgeſſes, town-clerk, and freeholders, having a freehold in the corporation.

The counſel on both ſides, ſubmitted the right of election to be, according to the determination of the houſe, in the laſt controverted election; and did not further conteſt this point. The poll was,

For the hon. Daniel Harvey, eſquire,	301.
For Mr. Baker	308.
For Mr. Littleton	340.
For Mr. Betts	323.
For Sir Thomas Hardy	147.
For Mr. William Harvey	172.
For Mr. Ward	169.
For Mr. Marriott	162.

The committee found themſelves diſcharged by order of the houſe, from proceeding on ſo much of the petition, as related to Mr. Ward.

The petitioners counſel admitted Mr. Littleton to be duly choſen.

They complained of partiality in the mayor againſt the petitioners; and alledged, they ſhould add 59 to their poll, and take off 165 from the ſitting-members poll; and called

Mr. Thomas Cowper, junior; who ſaid, he took the poll for the mayor: that the mayor rejected above 100 voters for the petitioners, and admitted a great many of the ſame date, for the ſitting-members: that many voters for the petitioners came from diſtant places, with conveyances juſt wrote; of which they would give no account; nor whether they were in poſſeſſion, nor whether the grantors had a freehold; ſeveral for the petitioners were ſplit voters, and from grantors who had only leaſeholds:

That the firſt ſplitting of votes for this borough, which began to be very notorious, was, in October 1710. In 1711, they went farther; and in this laſt election, they went ſo far as, he thinks, they could go. That he believes the new votes on all ſides, are of the ſame nature; there are upon the poll 58 new voters for the petitioners, and 186 for the ſitting-members; he could not tell how many of the petitioners voters are bad: that theſe made in 1710, are of the ſame nature of thoſe made ſince.

Upon the 28th of April the committee met again.

The petitioners counſel proceeded to add 59 to their poll.

It appeared by the evidence of Thomas Knapton and George Gould, that theſe 59 did tender themſelves, and were refuſed by the mayor; 29 of thoſe claimed by deeds, which had been read in the houſe on the controverted election 1711; and therefore admitted to be read in the committee: and are as follow; viz.

In 1710. dat. 12th and 13th of Sept. Richard Colle, by leaſe and releaſe from Edward Glover, and his wife:

15th Jan. Jonathan Combden, John Byott, Giles Combden, Robert Byott, and William Combden, from Joan Manſell, by ſeveral leaſes for her life, with livery and ſeiſin indorſed:

15th and 16th Jan. Daniel Arden, junior, by leaſe and releaſe, from Daniel Arden, his father:

1ſt and 2d March. George Clark, by leaſe and releaſe, from Joan Bartlett.

2d and 3d March. John Hardy, by leaſe and releaſe, from Thomas Gerrard, junior; and James Shorto, by leaſe and releaſe, from James Hunt:

And John Hardy, William Thornton, Thomas Gape, John Knapton, Robert Weare, Richard Henville, George Abington, Thomas Ironſide, Edward Cooper, Joſeph Hardy, William Gale, and Morgan Harbin, by leaſes and releaſes, from Margaret Ledoze:

5th March. Elias Read and John Foſter, from Thomas Offett, by feofment in fee, with livery and ſeiſin indorſed:

6th March. John Samways, by feofment in fee, with livery and ſeiſin indorſed, from Richard Forſey. And,

William Andrews from Mary Marſhall, by feofment for her life, with livery and ſeiſin indorſed:

6th and 7th March. John Pitt and John Stone, from Devereux Beal, by feofment for life of Bale, with livery and ſeiſin indorſed:

12th March. John Seager, from Mary Curtis, by feofment for her life, with livery and ſeiſin indorſed.

Charles Langriſh is one of the ſubſcribing witneſſes to twenty-five of theſe deeds.

The petitioners counſel proceeded to add to their poll nine others of the fifty-nine rejected voters; and called

Mr. Charles Langriſh; who ſaid, William Flann has a freehold, which was conveyed to him by his brother Richard, by leaſe and releaſe: that Richard voted in the laſt election; and upon that controverſy, his deed was produced at the bar of the houſe: the witneſs drew the conveyance to William; there was a receipt upon it: he did not ſee any money paid: he ſaid, William Flann had the conveyance; and had a tenant in poſſeſſion at the time of the laſt election; but could not ſay his deed was loſt:

That George Pyke has a freehold tenement by leaſe and releaſe from John Croom; but knew nothing of Pyke's poſſeſſion:

That Robert Pearſe has a freehold houſe by leaſe and releaſe from John Cooper, which he ſaw executed on the 25th of July laſt; he don't know Pearſe has poſſeſſion:

That William Roberts has a freehold from Daniel Arden; and Robert Combes, who is dead ſince the election, had a freehold from Thomas Ethered. And,

Henry Hopkins, Edmund Taunton, Robert Frampton, and John Benfield, had alſo freeholds; and that all their deeds were likewiſe produced, and read in the houſe upon the laſt controverſy; but ſaid, that he doth not know that any of the voters have loſt their deeds, or parted with their freehold; nor did he know of any conſideration paid: he only brought up their deeds upon the former controverſy; and ſaid, he took them to be good freeholds.

Ten others of the rejected voters for the petitioners, claimed by the following conveyances by fee; viz.

1708. 7th Feb. John Thorn by feofment in fee, with livery and ſeiſin, from Peter Slade:

1710. 13th and 14th July. Richard Legg by leaſe and releaſe from Thomas Loader:

1ſt and 2d Auguſt. Robert Gibbs, by the ſame, from the ſame grantor:

19th and 20th July. Thomas Randall, by the ſame, from John Thrupp:

2d and 3d Auguſt. Samuel Manſell, by the ſame, from John Pollard:

9th Jan. Joſeph Sanger by feofment, with livery and ſeiſin, from Sanger:

3d March. Francis Hamlin, by the ſame, from Daniel Arden, ſenior:

10th March. William Farr, by the ſame, from Mary Farr:

1711. 3d and 4th Dec. William Hammond, by leaſe and releaſe from Samuel Manſell:

1713. 1ſt and 2d July. John Tibbs, by the ſame, from Richard Oliver.

Mr. Charles Langriſh, one of the ſubſcribing witneſſes, proved the execution of theſe deeds; but ſaid, he did not ſee any money paid, except by Randall and Hammond; he knew three had actual poſſeſſion; viz. Farr, Manſell, and Thorn; and that Thorn has had poſſeſſion ſince 1708.

Mr. Manſell, a witneſs to the deeds to Hamlin and Tibbs, ſaid, he ſaw thoſe deeds executed, and livery given, but ſaw no money paid.

As to the remaining eleven rejected votes, the petitioners counſel called

Mr. Samuel Manſell; who ſaid, Thomas Purſe had been ten years poſſeſſed, and had voted before.

Mr. Langriſh, Green, and Sadler, have freeholds by deſcent from their fathers, and are in poſſeſſion:

That Whatly and Beale have been twenty years in poſſeſſion, and voted anciently:

That John Manſell was an old voter:

That George Euſtace voted for a freehold, conveyed by Ralph Carter, in November 1711, for which Carter voted in 1710:

That Peter Jolliff and Jacob have freeholds: the firſt in right of his wife, the other in right of his mother (co-heireſs of Jacob Chub) and that Jolliffe and Pope are old voters:

That Thomas Farr hath been ten years in poſſeſſion of a freehold under an old voter:

That the mayor rejected three old voters, becauſe they came without their deeds.

Upon the 30th of April the committee met again.

The petitioners counſel proceeded to add Ralph Henville to their poll.

Mr. Langriſh ſaid, that Henville voted for a piece of land in his poſſeſſion, called Henville's land, which pays a rent to the town; and for which the Henvilles have voted twenty-five years.

Richard Woodcock, who took minutes at the election for the petitioners, ſaid, the mayor objected againſt Henville: that the title to Henville's lands was not in him, but in his uncle; the next day the uncle voted under a conveyance from Mrs. Ledoze, and ſatisfied the mayor, he had no title to the land, but that the title was in Ralph Henville.

That the petitioners counſel proceeded to diſqualify 165 voters for the ſitting-members; and called

Martha Gladwell; who named 14 of thoſe voters: and ſaid, they were treated at the Crown, in the time of the election by Mr. Richards, who was an agent for the ſitting-members, and paid the reckoning, which came to 5l. 15s. 4d.

1. The committee reſolved, that no freeholders of this borough, made ſince the election of members to ſerve in parliament in April 1711, unleſs claiming by deviſe or deſcent, had any right of voting at the laſt election of members, to ſerve in parliament for the ſaid borough.

Upon the 3d of May the committee met again, and reſolved,

2. That all conveyances to ſplit and divide the intereſt in any houſes or lands in this borough amongſt ſeveral perſons, in order to multiply votes at the election of members, to ſerve in parliament for the ſaid borough, are illegal and void.

Then the petitioners counſel objected againſt 151 of the ſitting-members voters, made ſince the election in April 1711, by deviſe or deſcent, and bad votes.

Mr. Cowper ſaid, that he truly wrote down upon the mayor's poll, the years in which the voters deeds produced at the election, were dated.

By which poll it appears, that 14 voted for the ſitting-members by conveyances, dated in 1712; and 97 others by conveyances, dated in 1713.

Thoſe in 1712, were Benjamin Way, Richard Garland, Richard Brixey, Benjamin Whiting, Edward Goteham, John Andrews, junior, Edward Crocker, Joſeph Way, John Frankland, Samuel Templeman, James Brown, Marmaduke Tizard, George Pitt, Barth. Peach:

Thoſe in 1713, were George Richards, eſquire, John Much, Thomas Purſe, George Carter, Thomas Beaſant, John Polden, Peter Templeman, John Batten, Thomas Morriſe, Benjamin Bragg, John Saben, Peter Hoſkins, Edward Keetch, Samuel Cox, Robert Smith, Matthew Paul, Bernard Banger, John Peeket, Robert Henly, William Tucker, Richard Channing, junior, John Crumplier, Samuel Darby, Stephen Bowditch, Henry Seymour, eſquire, John Roſe, William Pyke, Joſhua Colefox, Alexander Waker, Bernard Newman, Daniel Cox, George Gibbs, Giles Meach, Daniel Moore, Robert Batten, Andrew Way, Andrew Waren, Thomas Notting, Thomas Stone, Benjamin Hounſell, Henry Davis, Daniel Sherry, Richard Langhorn, John Langhorn, William Nuſſard, John Andrews, Daniel Sherry, junior, John Clare, John Squier, Morgan Deveniſh, John Talbot, John Follett, Robert Leſter, Nathaniel Holland, William Bellman, Nicholas Ayres, Joſeph Cuſſens, Richard Steyner, John Barrett, William Sheppherd, Jaſper Seager, Robert Higgens, John Beale, Henry Creech, John Mitchell, eſquire, John Morey, Robert Oliver, junior, John Colefox, John Hounſell, Henry Nye, Nich. Pearſon, James Langhorne, Robert Jennings, William Samways, Joſiah Norman, Robert Roper, junior, George Maſters, Richard Gallop, William Beere, John Lovelace, Thomas Tapp, John Gray, John White, William Paddock, Theodore Aubie, Richard Rounſſevalle, John Brown, John Howard, Sydenham Thornhill, William Palfary, Leonard Cuſſens, Enoch Forteſcue, junior, George Garret, William Bayley, William Piercy, William Braddock, William Hallett.

George Gould ſaid, that Francis Bennett and Elias Daw voted by deeds, dated 1ſt and 2d July, 1711; and John Cheevely by deeds, dated the 1ſt and 2d July, 1713.

Richard Woodcock ſaid, that 15 voted by conveyances, dated in 1711, after the election in that year; viz.

William Turner, George Luckham, John Bunter, Abraham Gray, Jonas Whetcomb, Samuel Gray, Daniel Gundrey, John Wardman, Oliver Hayward, William Bayley, Giles Laurence, Enoch Forteſcue, John Denning, William Lacy, Lionel Broune.

And that 7 voted by conveyances, dated in 1713; viz.

James George, John Lock, Joſeph Randall, John Beſt, William Wallis, Arthur Patten, John Read.

Mr. Langriſh ſaid, he had been converſant in the borough in former polls, and has copies of thoſe in 1710, and 1711; and never knew the following 12 perſons vote before this election; viz.

George Hawker, eſquire, Nathaniel Templeman, William Smirke, Thomas Littleton, eſquire, Henry Hunter, eſquire, Richard Leyſtock, eſquire, Barth. Peach, Edward Laitmer, Thomas Braines, Samuel Cooke, Robert Bowler, eſquire, John Curtiſe.

That John Humphrys had only a chattel-leaſe: and that Richard Kellaway and Samuel Martin had ſold their freeholds before the election.

On the 7th of May the committee met again.

The ſitting-members counſel inſiſted, that none of the 59 voters rejected by the mayor, ought to be added to the petitioners poll; for that all their deeds are fraudulent; no conſideration-money having been paid, or any poſſeſſion had under them.

And to diſqualify theſe 59, they called

Mr. Cowper; who ſaid, John Stone voted under Beale, who had only a mortgage for 1000 years from Thorn; and that he read Beale's deeds at the election.

Fry and Henly ſaid, that James Samways voted for an houſe, of which Richard Foſſey has been ſeven years in poſſeſſion.

Mr. Read, who took notes for the ſitting-members, gave the following account of the voters which the petitioners would add; and the reaſons why they were rejected: viz.

That Richard Colle was rejected, becauſe Edward Glover had voted for the ſame premiſſes.

That five claiming under Joan Manſell were rejected as fraudulent and void deeds, becauſe ſhe had no title.

Daniel Arden, junior, becauſe a ſplit vote; being part of the Golden-Lyon, for which his father voted.

George Clarke; becauſe he could not ſhew any title in John Bartlett the grantor.

John Hardy; becauſe a ſplit vote, made by Thomas Gerrard; and the deed mentioned Gerrard to be in poſſeſſion.

James Shorto; becauſe a void deed from James Hunt; the *habendum* being to Margaret Ledoze, who was alſo mentioned in the deed to be the grantor.

The twelve claiming under Margaret Ledoze were rejected, becauſe ſhe had only a leaſehold.

Elias Read and John Foſter, becauſe ſplit votes under Thomas Offett, who voted.

William Andrews; becauſe Mary Marſhall, the grantor, was proved to be in poſſeſſion.

John Seager ſaid, his deeds had been proved in parliament; but could not tell where his lands lay.

William Flann voted by deeds, dated 16th and 17th July 1711: and was rejected, becauſe Richard Flann, the grantor, was at ſea long before, and at that time.

George Pyke, Robert Combs, Henry Hopkins, Robert Frampton, and John Benfeild, voted by deeds, dated in 1713.

Robert Pearſe, by deed, dated ſince the election 1711.

William Roberts, a ſplit vote, by Daniel Arden.

Edmund Taunton produced no deed; and would not ſay whether he was in poſſeſſion or not.

John Thorn, James Sadler, and Thomas Farr, were queried upon the poll.

Richard Legg and Robert Gibbs were rejected, becauſe Thomas Loader the grantor, was in poſſeſſion of what Legg voted for; and William Wiggat, another grantee from Loader, had voted for what Gibbs claimed to vote.

Thomas Randall was rejected, becauſe of a defect in his title.

Samuel Manſell had ſold to his brother, who had voted for the ſame houſe.

Joſeph Sanger rejected, becauſe the grantor had only a leaſehold.

Francis Hamling and Farr, becauſe ſplit votes.

William Hammond's deeds were dated the 3d and 4th Dec. 1711.

John Tibbs, 1ſt and 2d July 1713.

Thomas Purſe had only a mortgage for years; and livery and ſeiſin not executed.

Richard Green would not produce any title, and his mother was in poſſeſſion.

Thomas Watley produced a conveyance to Towne 1674; with a memorandum indorſed, that Towne has conveyed to him; but no ſuch conveyance appeared.

Beale had only a leaſe for years: John Manſell's deed was in Auguſt 1713: and George Euſtace 5th and 6th Nov. 1711.

Peter Jolliffe ſhewed no title; it was alledged, the freehold was in Wadden.

Jacob Pope was rejected, becauſe the inheritance was in his mother; and he had no title during her life.

Ralph Hanville produced no title; only a certificate from Mr. Langriſh, that he had a freehold in a houſe that was pulled down.

This farther evidence againſt twenty-four of thoſe votes mentioned by Mr. Read, was produced; viz.

Mr. Cowper ſaid, he had read Shorto's deeds at the election; they were leaſe and releaſe from James Hunt: the conſideration was mentioned to be paid by Margaret Ledoze, and ſhe is the grantee in the deed.

Mr. Paſhen ſaid, George Clark has often declared to him, that he never paid any money for the tenement conveyed to him by Bartlett; and he was an occaſional vote in 1710.

Mr. Cowper ſaid, Joan Manſell's huſband died about fourteen or fifteen years ago: three of his ſons are living: that John Manſell, one of theſe ſons, is his heir at law: he did not know whether Manſell made a will, or who is in poſſeſſion.

Mr. Paſhen ſaid, Hamling told him he voted for part of the Golden-Lyon, for which he never paid any conſideration-money; and he had no right to vote.

Mr. Cowper ſaid, James Sadler was diſallowed upon the ſcrutiny; becauſe Combden had voted under a conveyance from him.

Thomas Watley produced a conveyance to another perſon; but could not produce any title to himſelf.

Paſhen ſaid, he knows, of his own knowledge, that the inheritance of what Peter Jolliffe voted for is in Wadden; and Jolliffe had ſold the freehold, for which he had frequently voted formerly.

That Ralph Hanville never voted before: he pretended to vote for ſome lands which were his uncle's, but never produced any title; and the witneſs knew it to be Perrin's eſtate.

It appeared by the inventory of the goods and chattels of Thomas Ledoze, deceaſed, exhibited in Feb. 1700, by Margaret Ledoze, his adminiſtratrix, that his title to the houſes, called the Square, in Melcombe-Regis, was a long leaſe.

The petitioners counſel admitted this to be a leaſehold eſtate at that time; but alledged, that Margaret Ledoze afterwards purchaſed the inheritance; and her title was produced at the bar of the houſe in the laſt controverſy.

They admitted twelve perſons voted under her for her houſes; and alledged, they were good freeholds.

The ſitting-members counſel proceeded to diſqualify 68 on the petitioners poll; 36 of which the petitioners counſel admitted did vote under deeds, dated ſince the election 1711; viz.

William Salmon, John Pollard, Thomas Gundry, junior, John Morton, John Martin, Robert Sharpe, John Whitell, John Crome, John Stevenſon, Simon Durant, Nathanael Gould, Robert Elliot, William Pond, Chr. Wade, John Cullen, Henry Harriſon, James Gould, junior, Joſeph Henning, Robert Coker, Daniel Sagittary, Clerk, Simons Nichols, Reginald Corbin, Richard Mitchell, John Ferry, Owen Lanoe, Robert Bartholomew, Robert Shaddock, Humphry Jolliffe, Richard Oliver, William Deane, Copus Atwell, John Channing, John Deane, William Humfrys, William Harvey, Henry Stone.

But that William Harvey, one of thoſe 36, voted for Mr. Littleton and Mr. Harvey, and for the petitioners, Sir Thomas Hardy and Mr. Ward: and,

Mr. Read ſaid, Joſeph Clark, another of the petitioners voters, polled by deed, dated 1713.

As to 14 others, who voted for the petitioners, the ſitting-members counſel called

Mr. Cowper, and others; who ſaid, that 8, viz. Robert Brown, Thomas Biſhop, James Lintern, Henry Robinſon, John Scovell, Charles Young, Thomas Combden, and William Lacy, were ſplit votes, and fraudulent: and John Sherſton and James Gould owned they had no title.

Latimer Croſſe, Humphry Hardy, and Jonathan Ledoze, voted for leaſeholds.

Edward Pearſe, junior, was queried, becauſe his title appeared doubtful.

As to 13, viz. Henry Chaffin, eſquire, Thomas Hopwood, Henry Atwell, William Freeke, Auguſtus White, Richard Lanoe, William Wiggott, George Elleot, Edward Pearſe, ſenior, John White, John Meech, William Prouſe, Robert Arthburtnot,

Mr. Cowper ſaid, theſe 13 were queried by the mayor upon the poll, for not producing a title in the grantors; and he afterwards allowed them upon the ſcrutiny, though they did not appear, nor produce their title there: but he owned, that upon the ſcrutiny, the mayor turned to the minutes of the poll taken by Mr. Read, for the ſitting-members; and the mayor allowed ſuch as he found was in poſſeſſion, and ſuch as he thought had a good title.

To qualify 8 of the ſitting-members voters, objected to, as claiming by late titles;

Mr. Cowper and Mr. Read ſaid, that thoſe voters were old voters, and had voted formerly; viz. John Meech, Richard Kelloway, John Curtice, Samuel Cooke, Arthur Patten, Thomas Braine, Edward Latimer, John Reede.

John Pollard ſaid, that Samuel Manſell ſent to him, and gave him two writings, which he carried back when he voted; and that he ſaw ſeveral deeds lie upon the table; ſome half wrote, ſome in part: the conſideration of his deed was mentioned to be 30 l. but he never paid any thing: he voted in 1711, and ſaw no deed then: he voted for the petitioners by order of his maſter, Mr. Benjamin Gibbs, who told him, he had land, but he never bought any.

William Combs ſaid, his maſter gave him the writing, for which he voted on the morning of the election, and took them back again after he had voted.

To prove bribery in the petitioners, the following witneſſes were called; viz.

John Huſſey; who ſaid, the petitioners were bound in a bond of 1000 l. penalty, for building of the bridge at Weymouth.

Fabian Green ſaid, he took a ſixth part of the bridge to build, but did no work: Bartlett, who employed him, paid him 13 d. ½: and Richard Berry, who had the ordering that work, diſcharged him, becauſe he would not vote for the petitioners: that he believes the bridge coſt above 500 l. and the petitioners gained five or ſix, or more votes, by it.

Mr. Paſhen ſaid, the petitioners aſked his vote; and told him, they hoped to have it, becauſe they built the bridge: that the bridge gained Jerrard, and many other voters for the petitioners.

Mr. Cowper ſaid, that James Hardy declared, he voted for the petitioners, becauſe they built him a good bridge to walk over.

It appeared by the evidence of Samuel Hobart and Robert Henley, that Thomas Offet declared, that Mr. Langriſh and Mr. Manſell offered him two guineas to vote for the petitioners; and he complained they had not uſed him handſomly; for that afterwards they gave him but one guinea.

That Offet was ſerved with an order of the committee to attend as a witneſs for the ſitting-members, and thereupon promiſed to give evidence at the committee; but the next day he ſaid, he had better conſidered of it, and would not come.

The committee reſolved,

3. That the honourable Daniel Harvey, eſquire, is not duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

4. That John Baker, eſquire, is not duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

5. That James Littleton, eſquire, is duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

6. That William Betts, eſquire, is not duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

7. That Sir Thomas Hardy, knight, is duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

8. That William Harvey, eſquire, is duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

9. That Reginald Marriot, eſquire, is duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

And the houſe being informed, that there were ſeveral reſolutions relating to the rights and qualifications of electors within this borough, which are not inſerted in the report, though they ought to have been,

Ordered the report be withdrawn, in order to make the ſame more perfect.

31. Ordered the ſaid report be received on Thurſday next.

3 *Junii*. Medlycot reported the matter of the ſaid election in the ſame words as in the former report; only adding the two following reſolutions at the concluſion of the firſt day's hearing before the committee.

Reſolved, that thoſe perſons, who had no right of voting in the election of members, to ſerve in parliament for this borough at Lady-day 1710; and not claiming by purchaſe for a valuable conſideration, or by will, or deſcent, ſince that time; * had a right to vote in the laſt election of members, to ſerve in parliament for the ſaid borough.

* Sic orig.

Reſolved, that it appearing to the committee, that divers ſcandalous and illegal practices have been lately carried on in this borough to multiply votes, in order to the laſt election of members to ſerve in parliament: that all ſuch perſons, whoſe votes were not admitted at the determination of the laſt controverted election in parliament for the ſaid borough, and who have not acquired a right by deſcent or deviſe, ſince that time, had a right of voting in the laſt election of members, to ſerve in parliament for the ſaid borough.

The ſaid ſeveral nine reſolutions in the former report, with the two abovementioned, being read twice, were agreed unto by the houſe; and the return was ordered to be amended.

An information having been exhibited in the Court of King's-bench againſt John Ward, eſquire, one of the burgeſſes for theſe boroughs for forgery, and he being convicted thereon;

May 12, 1726. Ordered, that the proper officer do lay before this houſe a copy of the record of the proceedings, upon the information in the Court of King's-bench, againſt John Ward, eſquire, a member of this houſe.

13th. The houſe being informed, that Mr. Harcourt, ſecondary of the Crown ſide, in the Court of King's-bench, attended at the door, He was called in; and at the bar preſented to the houſe a copy of the ſaid record.

Ordered, that the ſaid copy of the ſaid record and proceedings, be conſidered on Monday next; and that Mr. Ward do then attend in his place.

16th. The order for taking into conſideration the ſaid record and proceedings againſt the ſaid John Ward, eſquire, and the ſaid Mr. Ward not attending in his place as ordered, and

Mr. Thomas Hollingſhead, one of the meſſengers belonging to the ſerjeant at arms attending this houſe, was called in; and being examined, gave the houſe an account of his leaving copies of the ſaid orders at Mr. Ward's houſe in London, and at his houſe at Hackney; and that upon inquiry after the ſaid Mr. Ward, he was informed, that the ſaid Mr. Ward was gone from his ſaid houſe; and that he could get no farther account of him.

Then the ſaid copy of the record of the ſaid proceedings was read. *Vide* Appendix.

And it appearing to the houſe by the ſaid record, that John Ward, eſquire, a member of this houſe, upon an information in the Court of King's-bench exhibited againſt him, by the name of John Ward, of Hackney, in the county of Middleſex, eſquire, hath, this preſent Eaſter-term, been convicted of the crime of forgery;

Reſolved, *nemine contradicente*, that the ſaid John Ward, eſquire, be expelled this houſe.

May 23d. Ordered a warrant for a new writ, for electing a burgeſs, to ſerve in this preſent parliament for this borough, in the room of John Ward, eſquire, expelled this houſe.

WHITCHURCH.

THIS borough is within the county of Hants or Southampton; and firſt ſent members until the 27th of Queen Elizabeth. The memoirs of its elections in the journals of the houſe of commons, do not occur till ſince the Reſtoration: after which time, I find theſe following.

May 23, 1685. A petition of John Deane, eſquire, complaining of the return of Henry Wallop, and James Ruſſel, eſquires, to ſerve in this preſent parliament for this borough, was read.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Nov. 30, 1695. A petition of Richard Woolaſton, eſquire, was read; ſhewing, that at the election of members, to ſerve in this preſent parliament for this borough, the Lord James Ruſſell, Chriſtopher Stoaks, eſquire, and the petitioner, were candidates; and that by ſeveral indirect practices, the ſaid Lord James Ruſſell procured himſelf to be returned, as one of the burgeſſes for the ſaid borough, to the petitioner's prejudice: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Feb. 20, 1698. The houſe (according to order) proceeded to take into conſideration the report from the committee, to whom it was referred, to examine the liſts of the receivers, and names of the commiſſioners of the Treaſury, Cuſtoms, and Exciſe, at the time of making the Act; made in the 5th and 6th years of his Majeſty's reign, for granting to his Majeſty certain rates upon ſalt, beer, ale, and other liquors; and of the preſent commiſſioners.

And Mr. Woolaſton, attending in his place, was heard, and then withdrew.

Reſolved, that Richard Woolaſton, eſquire, being a member of the houſe of commons, and having ſince been concerned, and acted as a receiver of the duties upon houſes, as alſo upon births, marriages, and burials, contrary to an Act made in the 5th and 6th years of his Majeſty's reign, for granting ſeveral duties upon beer, ale, and other liquors, be expelled the houſe.

Ordered, that a warrant be made for a writ for electing a burgeſs to ſerve in this parliament for the ſaid borough, in the room of the ſaid Mr. Woolaſton, expelled the houſe.

Oct. 24, 1702. A petition of Daniel Park, eſquire, was read; ſhewing, that at the election of burgeſſes to ſerve in this preſent parliament for this borough, the petitioner was duly choſen one of the burgeſſes, and ought to have been returned: but the ſitting-members, Richard Woolaſton, and John Shrimpton, eſquires, did, by themſelves and agents, uſe divers corrupt practices to procure votes; and Nicholas Broxton, the mayor, did poll ſeveral unqualified perſons for them, to the petitioner's prejudice: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Nov. 9. Ordered, that the report be made to-morrow morning.

10th. Mr. Bromley reported from the ſaid committee, the matter, as it appeared to them upon the ſaid petition, as follows.

That the right of election was agreed to be in the burgage-tenants, in thoſe that had a burgage-houſe, or one acre of burgage-land for life, either in their own right, or in the right of their wives. A copy of the poll was produced; by which it appeared, there were,

For Mr. Woolaſton	46.
For colonel Shrimpton	41.
For colonel Park	40.

But the counſel for the petitioner objected to Taylor, Butler, Talmage, Maſon, and Sawyer, who voted for Mr. Woolaſton and Mr. Shrimpton, as having no right to vote: that the 4 votes of others were obtained by corrupt practices; and the ſitting-members voted for themſelves.

Evidence was given, that Taylor owned, when he polled, he had no conveyance for the land he voted for. His father ſaid, he had given him the land a year and a half before the laſt election: that his ſon built an houſe upon it at his own charge, and that the conveyance was ordered to be drawn before, though not executed till after the election.

That Butler was only a mortgagee of burgage-lands for a term of years, and not in fee. It was anſwered, he had been four years in poſſeſſion, and voted at the former election.

That Talmage had not a title to his burgage-land, becauſe his mother had not joined in the conveyance, and ſhe had the right.

That Maſon voted for land not within the borough.

There were witneſſes, who ſaid, that he had paid a burgage-rent of one penny to the mayor: and the owners of the land had voted in former elections, for 30 years, without exception.

Bunney, who ſold the land to Maſon, ſaid, that it was not burgage-land: and as to the rent, he contracted with him to pay one penny yearly, which was a part of rent he was obliged to pay for other burgage-land.

That Sawyer voted for burgage-land belonging to an ideot, not his own.

As to corrupt and indirect practices; it was ſaid, that Powell and his wife were treated with meat and drink by the ſitting-members at Andover, on the Saturday before the election: but the landlord of the houſe ſaid, it was his treat to Mr. Woolaſton and colonel Shrimpton, who had bought an hogſhead of wine of him; and ſeeing Powell in the yard, he ſent him to them.

Haſlet ſaid, Read owned the reaſon of his voting againſt Mr. Dean and Mr. Park was, becauſe colonel Shrimpton had promiſed to make him a ſerjeant in the guards, and to give him five guineas to vote for Mr. Woolaſton; which he had received.

Haſlet and Read were confronted, and poſitively contradicted each other: but Read ſaid, colonel Park promiſed to keep him in work, if he would vote for him, and would make him a governor of his negroes in Virginia.

Haſlet ſaid, that Read told him, he would not give falſe teſtimony: that colonel Shrimpton had aſked him, if he could not prove, that colonel Park had offered 20 l. for his vote. He owned, Mr. Woolaſton had lent 50 l. to his brother, which his father was to repay; who told him, he would not have voted for Mr. Woolaſton, had it not been for that money.

There was no obligation under his father's hand, nor did Mr. Woolaſton demand, or threaten him for the money, before the election.

That a buck was ſent to Long's, a publick houſe in this borough, after the teſte of the writ; and Mr. Woolaſton told Long, if he would vote for him and colonel Shrimpton, the buck ſhould be eat in his houſe; otherwiſe it ſhould be carried to Phillips'.

Phillips ſaid, the buck was carried to Long's by miſtake; and he was ſpoke to by Mr. Woolaſton, and had notice of it three or four days before it came, and made other proviſion for the Duke of Bolton, and many other country gentlemen: that no elector dined with them: that the dinner is not yet paid for, though he hath received ſome money from Mr. Woolaſton: Sheppard and Alexander treated Weſton with a pint of wine, and deſired his vote for colonel Shrimpton; and Alexander alſo ſaid, he would buy ſhalloon of him; and Sheppard ſaid, he was coming to live in the country, and he would be his friend, if he ſo voted.

Waterman ſaid, Mr. Dean owed his brother about 30 ſhillings for work, and Mr. Woolaſton promiſed to pay it, if he would vote for him.

Gerrard ſaid, he aſked Waterman to vote for Mr. Woolaſton; and he mentioning the wages owing from Mr. Dean, Mr. Woolaſton replied, he was a juſtice of the peace, and would get him his wages, whether he voted for or againſt him.

That the counſel for Mr. Woolaſton and Mr. Shrimpton excepted to ſome who voted for the petitioner: and evidence was given,

That Smith voted for a burgage-eſtate he held in right of his wife, in which ſhe had only thirds; though he ſaid, he had other burgage-land.

That Mr. Wood had an acre of burgage-land, but ſold half before the election.

That Edwards had only a third part of an acre of burgage-land in right of his wife.

As to corrupt practices by the petitioner,

Butler ſaid, colonel Park had promiſed to take off his ſhalloon at a dead time, and to give him his price, and to lay out 50 l. yearly with his brother for ſhoes for his negroes. He ſaid, he wanted not his cuſtom, nor deſired; but voted for him.

That Millet was aſked by the petitioner, and told, he ſhould do half his work, and his brother ſhould ſhoe his horſes. His brother voted for Mr. Dean; and he for colonel Park and colonel Shrimpton. That he had not voted for the petitioner, if he had not done his work; though he paid only the common rate, and was in the work before he came into the country.

That before the diſſolution of the parliament, an hogſhead of beer was drank at one Pointer's, by Stokes' order, to make intereſt for colonel Park amongſt the freeholders; and the colonel told him after, if he voted for him, he would pay for it, otherwiſe Stokes ſhould.

Upon the whole, the committee reſolved,

1. That Richard Woolaſton, eſquire, is duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

2. That John Shrimpton, eſquire, is duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

The ſaid reſolutions, being twice read, were agreed unto by the houſe.

Nov. 13, 1705. A petition of Thomas Aleyn, junior, William Painter, junior, John Cox, and other freeholders and burgeſſes of this borough, was read: ſhewing, that at the laſt election of burgeſſes, to ſerve in parliament for this borough, Daniel Park, John Shrimpton, and Richard Woolaſton, eſquires, were candidates: that the petitioners had a right to vote at ſuch election, and offered their votes for Mr. Park: but James Butler, the mayor, refuſed their votes, and yet admitted ſeveral to vote for Mr. Woolaſton, that had no right to vote; and hath arbitrarily returned Mr. Woolaſton, though he was not duly elected: that the petitioners finding Mr. Park had not petitioned the houſe for relief, they are apprehenſive, that by an acquieſcency under ſuch illegal proceedings, they may be deprived of their right of voting at future elections: and praying &c.

Ordered, that it be heard at the bar of the houſe, on the 4th of December next.

15th. Ordered, that the ſaid petitioners do then attend the houſe at the ſaid hearing.

27th. Ordered, that leave be given to withdraw the ſaid petition.

March 26, 1715. A petition of Frederick Tylney, eſquire, was read; ſhewing, that at the laſt election for this borough, Thomas Vernon, George Carpenter, eſquires, and the petitioner, were candidates: that the petitioner had a great majority of legal votes of the ſaid Mr. Carpenter, and ought to have been returned; but Lawrence Turton, mayor of the ſaid borough, was very partial in drawing up a poll of what perſons he thought fit ſhould vote for the ſaid Mr. Carpenter; and he admitted ſeveral of them to vote for the ſaid Mr. Carpenter who had no right, and refuſed others who had a legal right to vote, and offered to poll for the petitioner, and the ſaid mayor hath returned the ſaid Mr. Carpenter, to the manifeſt injury of the petitioner: and praying &c.

Ordered it be referred to the committee of privileges and elections, to examine and report the ſame, with their opinion.

May 18. Ordered leave be given to withdraw the ſaid petition.

May 8, 1721. The Maſter of the Rolls acquainted the houſe, that he was directed by the committee of ſecrecy to acquaint the houſe of an application made to a member of the ſaid committee, relating to a matter depending before the houſe; and thereupon named the honourable General Roſſe as the gentleman, to whom ſuch application was made: whereupon,

General Roſſe acquainted the houſe, while he was at the committee he received a note, that a gentleman was at the door to ſpeak with him; and found there Thomas Vernon, eſquire, a member of this houſe, who deſired him to go into a little room near, whither they went; and Mr. Vernon ſhut the door; and Mr. Vernon acquainted him, that he had ſomething to ſay to him, which he deſired might go no further: whereupon, General Roſſe told him, he hoped he had nothing to ſay to him which might be improper for him to hear: after which Mr. Vernon told him, there was a diſpoſition in the houſe to be favourable to Mr. Aiſlabie in the bill upon which the houſe was to be in a committee this day; and that it was in his power to do him ſervice; and for the ſame, Mr. Aiſlabie would make him any acknowledgment, and in any manner he ſhould think fit: upon which, Mr. Roſſe, from what he ſaid firſt, concluding it was upon ſome corrupt matter, left him in a paſſion, and thought it his duty to acquaint the committee of ſecrecy therewith: and the ſaid committee thought it was proper to have the matter laid before the houſe.

To which matter Mr. Vernon was heard in his place, and owned the ſaid words and circumſtances; withal declaring, that he did not mention, or intend any thing of money, or any other corrupt matter; and begged the pardon of the gentleman, and of the houſe, if he had committed any offence; he ſaying the words without any corrupt intention, and only on account of friendſhip, being nearly related to Mr. Aiſlabie.

And then Mr. Vernon withdrew.

Reſolved, that it appears to this houſe, that Thomas Vernon, eſquire, a member of this houſe, hath made a corrupt application to General Roſſe, a member of this houſe, and one of the committee of ſecrecy, in relation to a matter depending before this houſe.

Reſolved, that the ſaid Thomas Vernon, eſquire, be, for his ſaid offence, expelled the houſe.

Ordered, that the thanks of this houſe be given to General Roſſe, for the juſtice he has done to this houſe and to his country, in laying the application made to him by Thomas Vernon, eſquire, before this houſe.

Whereupon Mr. Speaker ſaid;

" General Roſſe,

" The houſe has ſo juſt a ſenſe of your having
" laid aſide all falſe notions of honour, and of your
" regard to the only true notion of it, which is the
" doing juſtice to your country, that they have
" commanded me to give you their thanks for the
" juſtice you have done to this houſe and to your
" country, in laying the application made to you
" by Thomas Vernon, eſquire, before this houſe:
" and I do give you the thanks of the houſe accordingly."

Then General Roſſe ſaid;

" Mr. Speaker,

" I cannot have a greater ſenſe of any honour
" done me, than I have of that which is done me
" by the commands of this houſe, and expreſſed
" to me by a perſon of ſo great honour, and for
" whom I have the greateſt reſpect: I am ſorry
" there was any occaſion for it; but thought it indiſpenſably my duty, in execution of the truſt
" repoſed in me by this houſe."

May 12th. Ordered, a warrant for a new writ for electing a burgeſs for this borough, to ſerve in this preſent parliament, in the room of Thomas Vernon, eſquire, expelled this houſe.

June 7. A petition of John Conduit, eſquire, was read; ſhewing, that at the late election of a burgeſs to ſerve in parliament for this borough, in the room of Thomas Vernon, eſquire, Frederick Tilney, eſquire, and the petitioner, were candidates: the petitioner had a majority of legal voters; but by the mayor's allowing a great number of illegal votes, and by other indirect and unlawful practices, he returned Mr. Tilney, in wrong to the petitioner: and praying &c.

Ordered, that the matter of the ſaid petition be heard at the bar of the houſe, on the 22d of June inſtant.

20th. Ordered, that the matter of the ſaid petition, which was ordered to be heard at the bar of the houſe on Thurſday, be heard on Friday next.

23d. The houſe proceeded in the ſaid hearing.

The counſel were called in, and the petition of John Conduit, eſquire, was read.

And the petitioner's counſel producing a copy of the poll taken at the ſaid election, which was delivered to the petitioner's agent by the mayor of the ſaid borough, as a copy of the poll; but was not examined with the original poll by the perſon to whom the ſame was delivered:

The ſitting-member's counſel objected to the ſaid copy's being admitted as evidence.

And the counſel on both ſides were heard thereupon.

Reſolved, that the paper offered by the counſel for the petitioner, as a copy of the poll taken at the late election of a burgeſs for this borough; which was delivered to the petitioner's agent by the mayor of the ſaid borough, as a copy of the poll taken at the ſaid election, be admitted as evidence.

Mr. Speaker acquainted the counſel therewith.

The ſaid copy of the poll was delivered in: and the petitioner's counſel proceeded in their evidence to prove, that ſeveral perſons who had a right to vote, and who offered to vote for the petitioner, were refuſed; and alſo to diſqualify ſeveral perſons who voted for the ſitting-member: and afterwards ſummed up their evidence.

Ordered, that the ſaid matter be farther heard tomorrow morning.

24th. The order for proceeding in the ſaid hearing being read, the counſel were ordered to be called in.

And the counſel for the ſitting-member came in: but no counſel appearing for the petitioner; after ſome time, the counſel for the ſitting-member were ordered to withdraw.

A motion was made, and the queſtion put, that the farther hearing the merits of this election be adjourned till this day month.

It paſſed in the negative.

The counſel on both ſides called in,

And the ſitting-member's counſel proceeded in the juſtifying the votes of ſuch perſons as had been objected to by the petitioner's counſel; as alſo to diſqualify ſuch perſons as the petitioner's counſel had endeavoured to add to the petitioner's poll.

The counſel withdrew and were called in again; and the counſel for the ſitting-member ſummed up their evidence.

And the petitioner's counſel replied.

And then the witneſſes and counſel withdrew.

And Mr. Tylney was heard in his place.

Reſolved, that Frederick Tylney, eſquire, is not duly elected a burgeſs to ſerve in this preſent parliament for this borough.

Reſolved, that John Conduit, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for this borough.

Ordered, the clerk of the Crown to attend the houſe, and amend the return.

March 30, 1727. Ordered a warrant for a new writ, for electing a burgeſs, to ſerve in this preſent parliament for this borough, in the room of John Conduit, eſquire, made maſter-worker of his Majeſty's Mint.

WIGAN.

THIS borough is within the county Palatine of Lancaſter. Doctor Willis writes, it returned members to parliament in the 23d and 35th of Edward the firſt; but Doctor Brady writes, it was not returned in the 26th of Edward the firſt: nor doth Mr. Prynne take notice of it, except in his 2d part of his Regiſter, where he mentions the return of the 26th of Edward the firſt, in the ſame manner with Doctor Brady. So that I find no traces of certainty of any return, until the 1ſt of Edward the ſixth; when, Doctor Willis writes, it was reſtored. The memoirs relating to its elections in the journals, are theſe.

Willis, 1749. 30.

Brady, 56.

2d Reg. Br. Parl. 45.

Willis, ut ante.

June 20, 1660. Mr. Turner reports from the committee of privileges and elections, on the double election for this borough:

Reſolved, that the matter of the election for this borough, be re-committed to the committee for privileges and elections: and the mayor of this borough is required to produce before the ſaid committee the charter, whereby the ſaid borough is incorporated: and the committee are to examine, whether there were any miſdemeanor in the carriage of the mayor about this buſineſs; and to make report of the whole.

July 31. Sir Edward Turner reported from the ſaid committee, the caſe upon the election of burgeſſes to ſerve for this borough:—That upon examination of the fact, the committee were of opinion, that in regard of the ſurprizal of the freemen, by the mayor's ſigning his return before the day to which the court was adjourned, (on which day of adjournment many attended, in order to the perfecting the election) the former election was void:—whereto the houſe agreed: and ordered a new writ, for electing burgeſſes for this borough.

Sept. 3d. The houſe being informed that a writ, for a new election for this borough, was delivered by the clerk of the Crown to one Mr. Stoughton, who detains the ſame in his hands; whereby the execution thereof is delayed, and this houſe is deprived of a member;

Ordered, that the ſaid former writ be ſuperſeded; and that the Lord Chancellor and the Chancellor of the duchy of Lancaſter, reſpectively, do ſuperſede the ſame accordingly; and that Mr. Speaker do iſſue his warrant to the clerk of the Crown in Chancery, to prepare a new writ for a new election for the ſaid borough: which the Lord Chancellor, and the Chancellor of the duchy, reſpectively, are to iſſue and paſs under the great ſeal of England, and ſeal of the duchy accordingly.

Nov. 25, 1678. The houſe being informed, that Sir Roger Bradſhaigh, a member of this houſe, is made ſheriff of the county of Lancaſter;

Reſolved, that a committee be appointed to conſider of a proper way for ſuperſeding the commiſſion, for making Sir Roger Bradſhaigh high-ſheriff of the ſaid county; and a committee was appointed accordingly.

Dec. 26. Ordered the ſaid committee be revived.

But the ſeſſions ending four days afterwards, and the parliament being diſſolved on the 25th of Jan. following, no report was ever made.

March 19th. A petition of Alexander Rigby, eſquire, complaining of an undue return of Charles, Earl of Ancram, to ſerve in this preſent parliament as burgeſs for this borough, in injury of the petitioner, was read.

Reſolved, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Jan. 8, 1693. Ordered, that the clerk of the Crown do take care, the writ for electing a burgeſs, to ſerve in this preſent parliament for this borough, be, without further delay, ſealed to-morrow; and be immediately afterwards ſent to the Chancellor of the county Palatine of Lancaſter.

Nov. 30, 1695. A petition of Alexander Rigby, eſquire, was read; ſhewing, that the petitioner, at the election of burgeſſes to ſerve in this preſent parliament, was a candidate for this borough againſt Peter Shackerly, eſquire, who is wrongfully returned, in prejudice of the petitioner: that the petitioner is ready to prove, that Mr. Shackerly was guilty of ſeveral undue practices, at and before the election: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Feb. 11. Ordered, that Mr. Rigby have leave to withdraw his petition.

Dec. 12, 1698. A petition of Sir Alexander Rigby, knight, was read; ſhewing, that at the laſt election of members to ſerve in parliament for this borough, many undue practices were uſed by Sir Roger Bradſhaigh, and Orlando Bridgeman, eſquire, or their agents; viz. by making perſons free after the diſſolution of the laſt parliament, who were not only ſtrangers to the town, but many dwelling in other counties, and altogether unqualified, purpoſely to vote for them; and denying others their freedom, both before and after, who were of the corporation, and had a right to, and did claim it, becauſe they would vote for the petitioner; and though he had a ſufficient majority upon caſting up the poll, yet the mayor hath returned the ſaid Mr. Bridgeman, in wrong of the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Nov. 24, 1699. A petition of Sir Alexander Rigby was read; ſhewing, that at the election of burgeſſes to ſerve in this preſent parliament for this borough, the petitioner, Sir Roger Bradſhaigh, and

Orlando Bridgeman, eſquire, were candidates; when, and before, many undue practices were made uſe of by Sir Roger and Mr. Bridgeman, or their agents, viz. *inter alia*, the making perſons free after the proclamation for diſſolving the laſt parliament, who were ſtrangers to the town, and many of them dwelling in other counties, on purpoſe to vote for them; and denying others their freedom, who were of the corporation, and had a right, and claimed the ſame, becauſe they would vote for the petitioner; and yet the petitioner, upon caſting up the poll, had the majority, and ought to have been returned; but the mayor of the ſaid borough hath returned the ſaid Sir Roger Bradſhaigh or Mr. Bridgeman, in wrong of the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Jan. 27. The houſe being informed, that the petition of Sir Alexander Rigby, touching the election for this borough, this ſeſſion, is different from that which was preſented the laſt;

Ordered, that it be an inſtruction to the ſaid committee, that they do examine, whether the petition, this ſeſſion, be the ſame in ſubſtance with that which was preſented the laſt ſeſſion, and report the ſame, with their opinion therein, to the houſe: and that the committee do proceed upon the ſame in the firſt place.

31ſt. Sir Rowland Gwynn reported from the ſaid committee, the reſolution of the ſaid committee, in relation to the ſaid matter:

That the petition of Sir Alexander Rigby, preſented to the houſe of commons this ſeſſion of parliament, touching the election for this borough, is not the ſame in ſubſtance with the petition of the ſaid Sir Alexander Rigby, preſented to the houſe of commons in the laſt ſeſſion of parliament, relating to the ſaid election.

The ſaid reſolution being twice read, was agreed to by the houſe.

Ordered, that the ſaid committee do not proceed any further upon the ſaid petition, touching the ſaid election.

March 3, 1713. A petition of James Barry, Earl of Barrymore, in the kingdom of Ireland, and Orlando Bridgeman, eſquire, was read; ſhewing, that on the 3d of Sept. 1713, the election for this borough came on; when the petitioners, Sir Roger Bradſhaigh, baronet, and George Kenyon, eſquire, were candidates; and a great number, who had a right, appeared and polled for the petitioners: that the petitioners are, each of them, poſſeſſed of an annual eſtate of 300 l. value, above reprizes; ſo are duly qualified by act of parliament, 9 *Annæ*: that neither the ſaid Sir Roger Bradſhaigh, or George Kenyon, eſquire, are poſſeſſed of ſuch an annual eſtate, whereby to qualify them to ſerve according to the ſaid act 9 *Annæ*: notwithſtanding which, William Bradſhaigh, mayor, did declare them, the ſaid Sir Roger Bradſhaigh, and George Kenyon, eſquire, to be duly elected, and hath returned them accordingly; therefore the petitioners inſiſt, that the election is void, and that they ought to have been returned in the room of the ſaid Sir Roger Bradſhaigh, and George Kenyon, eſquire: that the petitioners are ready to lay before the houſe an exact rental of their eſtates, to make out their qualifications: and praying &c.

It was moved, to hear the matter at the bar; but diſagreed to. And

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

12th. The houſe being informed, that the ſaid petition is not ſigned by the petitioner,

Ordered, that it be an inſtruction to the ſaid committee, before they proceed on the ſaid petition, that they do examine into the matter of ſigning the ſame.

19th. Ordered, the committee of privileges and elections be diſcharged from proceeding upon that part of the ſaid petition, which relates to Orlando Bridgeman, eſquire.

April 1. Ordered the report to be received upon Tueſday next.

6th. Sir Gilbert Dolben, according to order, reported from the ſaid committee, the matter, as it appeared to them, touching the manner of ſigning the ſaid petition of the Earl of Barrymore.

That the counſel examined Edward Harvey, eſquire, who delivered the petition; and alſo the petitioner, the Earl of Barrymore.

Mr. Harvey ſaid, he received the petition from the petitioner, the Earl of Barrymore, at Wardley, as he was coming to London: that his Lordſhip deſired him to conſult with his friends in town, whether it was according to the methods of the houſe; and if he found it to be ſo, his Lordſhip gave him authority to ſet his name to it; and deſired him to deliver it, which he did accordingly: that if he had not found it according to the methods of the houſe, he was to ſend it back to his Lordſhip to ſign; and ſaid, the petition delivered in is the very individual paper which he received from his Lordſhip.

The Earl of Barrymore confirmed what Mr. Harvey ſaid; and declared, he owned the petition delivered, and is ready to proceed upon it.

The committee did not enquire into the manner of ſigning the ſaid petition by Mr. Bridgeman; there being an order of the houſe, whereby the committee is diſcharged from proceeding upon that part of the petition which relates to Mr. Bridgeman.

The journal of the 14th of Nov. 1689, relating to the proceedings of the weavers petition, being read;

A motion being made, and the queſtion propoſed, that the committee of privileges and elections be diſcharged from proceeding upon the petition of the Earl of Barrymore, complaining of an undue election for this borough;

An amendment was propoſed to be made thereunto, by adding at the end thereof theſe words, “The ſaid petition not being ſigned by the ſaid Earl himſelf:” and the ſame was, upon the queſtion put thereupon, agreed unto by the houſe.—Then another amendment was propoſed to be made by adding theſe words, “but having been ſigned by order of the ſaid Earl, and owned by him:” and the ſame was upon the queſtion, agreed unto by the houſe. And then

Reſolved,

That the committee of privileges and elections be diſcharged from proceeding upon the petition of the Earl of Barrymore, complaining of an undue election for this borough; the ſaid petition not having been ſigned by the ſaid Earl himſelf, but having been ſigned by the order of the ſaid Earl, and owned by him.

A motion was made, and the queſtion was put, that the Earl of Barrymore be at liberty to preſent a new petition ſigned by himſelf, and containing the ſame allegations which were contained in the former petition: but it was diſagreed to.

WILTON.

B. P. R. 220. Vide return for Wiltſhire in the Appendix.

THIS borough is ſituate within the county of Wilts; and is the ſhire-town thereof. It has returned burgeſſes to parliament from the 28th of Edward the firſt. Its original method of election I have not met with, other than that they were choſen by deputation in the county-court, in the 2d of Henry the fifth: after which, the next memoirs are in the journals of the houſe of commons; but not till ſince the Reſtoration, and they here follow.

May 3, 1660. Mr. Turner reported from the committee of privileges and elections, touching the double return for this borough: — that the precept is directed to the mayor and burgeſſes, and the return made under the ſeal of the corporation (but without the hand of the mayor) of Francis Swanton, and William Hughes, eſquires, by one indenture; and that William Hughes, eſquire, who is returned, is the mayor: and that upon another indenture, from the burgeſſes, there is returned the ſaid Francis Swanton, and Richard Grubham How, eſquires: whereupon the judgment of the houſe is prayed, whether the mayor be capable to be elected, or whether he can return himſelf.

Reſolved, that the report be re-committed to the ſame committee for their farther conſideration.

June 14th. Mr. Turner reports from the ſame committee, upon the ſaid double return; that upon examination of the fact, the queſtion was, whether Mr. Hughes, being at preſent mayor of the ſaid borough, and returned by himſelf in one of the ſaid indentures to ſerve for the ſaid borough, have power to return himſelf: and that the committee were of opinion, that the ſaid Mr. Hughes, the preſent mayor, being ſo returned by himſelf, the election is void as to him; whereto the houſe agreed: and ordered a warrant for a new writ, for electing a member to ſerve in this preſent parliament for this borough.

March 25, 1690. A petition of Sir John Nicholas was read; ſhewing, that the petitioner, with Thomas Wyndham, eſquire, were duly elected for this borough, by the majority of duly qualified electors: and yet John Toogood, the mayor, by indirect practices, hath returned Sir Richard Grubham How, baronet, inſtead of the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Oct. 9. Another petition of the ſaid Sir John Nicholas (in ſubſtance the ſame with the former) was read, and referred in like manner.

Feb. 17, 1700. A petition of Sir Henry Aſhurſt, baronet, was read; ſhewing, that the petitioner was duly choſen a burgeſs to ſerve in this preſent parliament for this borough; but Mr. Phipps, by groſs bribery, and promiſing larger ſums from a conſiderable trading corporation in London, whoſe agent he ſaid he was, prevailed on the majority of the ſaid borough to vote for, and declare him choſen, whom they have returned with Mr. Gauntlet, in wrong to the borough and the petitioner: and praying &c.

A motion was made to hear the matter of the ſaid petition at the bar; but diſagreed to.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

A petition of Anthony Burnaby, eſquire, was read; ſhewing, that the petitioner had been choſen with Mr. Gauntlet, a burgeſs to ſerve in this preſent parliament for this borough; but that Mr. Phipps, by bribery, promiſes, and other indirect means, drew away ſeveral of the electors that would have voted for the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Oct. 24, 1702. A petition of John Gauntlet, eſquire, was read; ſhewing, that at the election of members to ſerve in this parliament for this borough, the petitioner, Sir Henry Aſhurſt, Sir John Hawles, and George Bodington, eſquire, were candidates: that John Pranker, the then mayor of the ſaid borough, was guilty of many indirect practices in behalf of Sir John Hawles and Mr. Bodington; by admitting unqualified voters to poll for them, and by making burgeſſes, by procuring votes for them, and denying the petitioner a ſcrutiny (which was demanded immediately after the poll) and by returning the ſaid Sir John Hawles and Mr. Bodington; though the petitioner had the greater number of legal voters for him: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

27th. A petition of Sir Henry Aſhurſt was read; ſhewing, that at the election of members to ſerve in this preſent parliament for this borough, the petitioner, John Gauntlet, eſquire, Sir John Hawles, and George Bodington, eſquire, were candidates: that John Pranker, the mayor of the ſaid borough, admitted ſeveral illegal votes for Sir John Hawles and Mr. Bodington; and he, and Elias Chalk, the former mayor, were guilty of many indirect practices, in making burgeſſes, and procuring votes: that the petitioner, immediately after the poll was cloſed, demanded a ſcrutiny; but Pranker denied it, and hath returned Sir John Hawles and Mr. Bodington, though the petitioner had a majority of legal voters from either of them: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Nov. 16th. Ordered, that Sir Henry Aſhurſt have leave to withdraw the ſaid petition.

24th. Ordered, that it be reported on Saturday morning next.

28th. Mr. Bromley reported from the ſaid committee, the matter upon the petition of John Gauntlet, eſquire, viz. That the right of election was agreed to be in the mayor and burgeſſes.

That upon the poll, there were

For Sir John Hawles	37.
For Mr. Bodington	37.
For the Petitioner	24.

That for the petitioner it was agreed, that the mayor and burgeſſes conſtituted the corporation, and did all corporate acts; and therefore according to the Act 13 *Car.* II. for the well-governing and regulating corporations, they ought to have received the ſacrament, according to the rites of the church of England, within one year before they are elected burgeſſes. The counſel ſaid, they ſhould on this head object to 20, who had voted for Sir John Hawles, and 21 who had voted for Mr. Bodington;

dington; and that they had long ſince delivered in a liſt of their names to the ſitting-members: that 19 of theſe had been made burgeſſes between the 1ſt of Sept. 1701, and 25th of June 1702: that John Lee and Joſeph Cleves were made burgeſſes in 1697, and John Carpenter before that time. Some witneſſes were called to the manner of making theſe burgeſſes.

Thomas Danet ſaid, he was at a former election of parliament-men there; and that as ſoon as it was over, the mayor and burgeſſes returned to the council-houſe, where the mayor ſpoke to this effect; that Sir Henry Aſhurſt and Mr. Gauntlet had then carried the election; but, before another election, he would make ſo many new burgeſſes, that there ſhould be no occaſion for the old to attend.

William More ſaid, he had heard the mayor ſay, he would make none burgeſſes that were not diſſenters fror the dam's teat; for if they choſe churchmen, they would be always againſt them.

That it appeared by the witneſſes, that according to the conſtitution of the corporation, the mayor ſummoned the burgeſſes to do every corporation-act: that they had all a right to come to theſe meetings: that 16 muſt be preſent to make any act valid; and that at ſuch meetings, they let leaſes, and made bye-laws, for the better governing the corporation.

That moſt of the burgeſſes excepted to, were generally reputed diſſenters, and others of them were very rarely at church; and therefore it was inſiſted, they had not received the ſacrament according to the 13 *Car.* II. a year before they were choſen burgeſſes; which made ſuch their election void.

That in anſwer it was argued, that in this caſe the office of a burgeſs was an inferior office, and the act did not extend to it; however, if it did, and that they were only burgeſſes *de facto*, all acts done by them while in office were valid: and alſo inſiſted, there was no evidence offered by the petitioner; that the burgeſſes, who voted for him, had qualified themſelves according to the ſaid act.

To which it was replied, that if they had made the objection before, and given the petitioner any liſt of names (as it was done on the other ſide) that they intended to except to on this head, care would have been taken to have come prepared to juſtify the electors, and proved them qualified.

That the committee reſolved,

1. That the election of any perſon to be a burgeſs of this borough, who hath not taken the ſacrament of the Lord's ſupper, according to the rites of the church of England, within one year before ſuch election, is a void election.

2. That Sir John Hawles is duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

3. That George Bodington, eſquire, is not duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

4. That John Gauntlet, eſquire, is duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

The ſaid 4 ſeveral reſolutions being twice read, were agreed unto by the houſe: and the return ordered to be amended.

Dec. 1, 1710. A petition of Peter Bathurſt, eſquire, was read; ſhewing, that the petitioner was duly elected a burgeſs to ſerve in this preſent parliament for this borough, and ought to have been returned: but that Charles Mompeſſon, and John London, eſquires, the other candidates, by bribery, and other undue practices, have procured themſelves to be returned to the petitioner's prejudice: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

March 10th. Ordered, that the report be made on Monday next.

12th. Ordered, that the report be made on Saturday next.

17th. Mr. Freeman reported the ſtate of the evidence in the caſe touching the ſaid election upon the ſaid petition; viz.

That the poll was,

For Mr. Mompeſſon	28.
For Mr. London	30.
For the Petitioner	26.

That the right of election was agreed to be in the mayor and burgeſſes.

That it was alſo agreed, that the mayor and burgeſſes do all corporate-acts: and according to the corporation-act, they ought to receive the ſacrament of the Lord's ſupper, according to the rites of the church of England, within one year before they are elected burgeſſes, or their election is void: and to this purpoſe was read a reſolution of the houſe, of the 28th of Nov. 1702: and that on this head, the petitioner inſiſted, he ſhould object to 5 voters for the ſitting-members; viz. Mr. London himſelf, Brown, junior, Robert James, and Pranker, junior.

That it was alledged, and not denied, that Mr. London goes to Shower's meeting-houſe.

The counſel for Mr. Bathurſt called Dennet and Ward; who ſaid, Brown and the three Prankers are all diſſenters, and never came to church, unleſs when the biſhop of Saliſbury preached; and they never ſaw them receive the ſacrament.

They then excepted to 9 others for bribery and corrupt practices: and called

Ward; who ſaid, Mr. Moor, the mayor, deſired his vote for Mr. Mompeſſon and Mr. London; and he anſwering it was promiſed, he ſaid, he had rather have given 100 l. than he ſhould have promiſed it, for he depended on this election: that Mr. Daniel Moor, a voter for Mr. Mompeſſon and Mr. London, abuſed him, becauſe he would not vote for them; and told him, care was taken for the future, never to aſk his vote more, for they had made 15 burgeſſes ſince the election; and Mr. London promiſed the cloathing of one or more regiments, and if he voted for him, he ſhould never want work: that Mr. London offered to take off all the cloth he made, and would keep him, and ſeveral others at work, if he voted for him.

Glide ſaid, he had been town-ſerjeant between 20 and 30 years, and was ſo till he voted for Mr. Bathurſt in this election: that Mr. Moor, the preſent mayor, three days before the election, aſked him to vote for Mr. Mompeſſon and Mr. London; and told him, if he had voted ſo, it would have been 10 l. in his way, and that he could then have aſked to keep him in his office, but could not now aſk it; and another was appointed in his place.

Cole ſaid, Mr. Cable, the then mayor, Wanſborough, Payne, Hopgood, Matthews and Cleves (who voted for Mr. Mompeſſon and Mr. London) and ſeveral others, were treated at Mr. London's lodgings, at the Bell in the ſaid town.

Mary Friend ſaid, that Mr. London, the morning and evening of the election-day, expended between 4 and 5l. upon ſeveral voters at the Bell; and the like ſum at other times in the houſe, before the election.

Windle ſaid, that Mr. London, on the election-day, ſaid to the two Browns, after they had voted, that now the 10 l. was their own, for what they had done that day; and he knew they had no money before they went to the hall; and when they came out they had ſeveral guineas: that he being ſummoned as a witneſs, Mr. William Moor, the preſent mayor, told him, he would give him any money to hold ſtill his tongue; and if he did not, he would ſend him for a ſoldier, when he came back.

Henry Jeffreys ſaid, his brother Joſeph told him, if he came to London as a witneſs for Mr. Mompeſſon and Mr. London, his journey would be worth 5 l. to him, after the election was over.

Dennet ſaid, that Cuckney, a voter for Mr. London, is a cottager, and does not pay to church and poor.

For Mr. Mompeſſon and Mr. London, ſeveral witneſſes were called to juſtify the 5 voters excepted to, and to diſqualify one of the petitioner's voters, and to prove bribery and indirect practices on the petitioner's ſide: and they called

Wood, church-warden of St. Michael, Cornhill; who ſaid, Mr. London received the ſacrament at that church on the 2d of July laſt, and had a certificate; and could not ſay, he had ſeen him there at church before.

Brown junior, and Pranker junior, ſaid, that they and Robert Pranker, go to the ſame meeting-houſe: that in 1706, it was publickly known, they would be elected burgeſſes; and that a month before ſuch election, the witneſſes, and Robert and James Pranker, received the ſacrament at the cathedral of Sarum.

That John Pranker ſaid, one John Pranker received it at the ſame time. And John Brown ſaid, John Pranker was not there.

John Pranter ſaid, that John Lee, a month after the election, told him, if he had voted for Mr. Bathurſt, as he did, he might have had guineas, as he had; but did not ſay, who he had the money from, or that he had it for his vote.

Chalk junior, ſaid, that three weeks before the election, the petitioner ſaid to Mr. William Moor, and the miniſter of the town, that he would give 200 l. to the borough, if the corporation would chooſe him, and he might ſit quiet in parliament; but would not give any thing if he was not choſen: that Mr. Hewes aſked votes for the petitioner, and told him, ſince the election, that the Monday before the election, he gave to Brown junior, 5 guineas, to engage his father's vote for the petitioner: that Twogood, who alſo aſked votes for the petitioner, offered him 50 l. to bring the petitioner into the houſe: that Green, one of the petitioner's voters, ſaid, the late houſe of commons made 6 more than 16, and he did not doubt, but that this houſe of commons would make 6 more than 26, and that unqueſtionably the petitioner would come in; and Hewes told the witneſs before the election, if he and his father did not vote for the petitioner, they ſhould have no clay for their mill from the petitioner's clay-pits.

Cant ſaid, Mr. London gave directions at the Bell, that no one ſhould have any thing on his account; and ſaid, if they had, he would not pay for it: and Mary Friend told him on the election-day, that none but his own company had any thing; that only two of the corporation, with two other perſons, dined there that day, and all paid for their dinner.

That the committee upon this reſolved,

1. That Charles Mompeſſon, eſquire, is duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

2. That John London, eſquire, is not duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

3. That Peter Bathurſt, eſquire, is duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

The ſaid three reſolutions being twice read, were agreed unto by the houſe: and the return ordered to be amended.

May 27, 1723. Ordered a warrant for a new writ, for electing a burgeſs to ſerve in this preſent parliament for this borough, in the room of Robert Herbert, eſquire, made groom of the bedchamber.

WILTSHIRE.

THIS county is in the Weſtern circuit or diviſion of the kingdom; and hath returned knights to the parliament, in the ſame manner as the other counties, from the firſt ſummons of counties.

The writ of return of 2 *Hen.* V. will be found in the Appendix. The memoirs relating to its elections, do not occur till ſince the Reſtoration: after which *æra* the following petitions are to be ſeen in the journals.

Vide Appendix.

March 25, 1679. A petition of Henry Coker, knight, and John Bennet, eſquire, and others, freeholders of this county, on behalf of themſelves, and the major part of the freeholders of the ſaid county; complaining of undue and illegal practices in the ſheriff of the ſaid county, in electing and returning Sir Richard Grubham How, to ſerve as knight of the ſhire for the ſaid county, in injury of the petitioners, was read.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

April 3, 1690. A petition of Henry Lord Colrain, of the kingdom of Ireland, was read; ſhewing, that the petitioner was elected to ſerve as knight of the ſhire for this county, by the majority of the freeholders of the ſaid county: but that by the undue practices of James Edghill, under-ſheriff, and one Sanſbury, the county-clerk, perſons unqualified being admitted to poll, and the county-court unduly adjourned from Wilton to ſeveral places the firſt day, the laſt adjournment being to Saliſbury, then viſited with the ſmall-pox, the fear whereof reſtrained and diſcouraged ſome hundreds that would have polled for the petitioner; and by multitudes of other manifeſt and wicked practices, they, the ſaid Edghill and Sanſbury, notwithſtanding the due election of the petitioner, have made a return in prejudice of the petitioner, by declaring the election againſt the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Oct. 8. Another petition of the ſaid Lord Colrain (the ſame in ſubſtance with the former) was read.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

March 6, 1713. A petition of Edward Aſh, and Thomas Pitt, eſquires, was read; ſhewing, that at the election for this county, the petitioners, Sir Richard How, baronet, and Robert Hyde, eſquire, were candidates: that by the illegal practices of the under-ſheriff, Sir Richard How, and Robert Hyde, eſquire, deferred opening the poll till the afternoon, when many freeholders, who would have voted for the petitioners, were neceſſitated, by reaſon of the harveſt, to go away without voting: and that the ſaid ſheriff refuſed thoſe who voted for the petitioners, and had a right; and polled others againſt them, who had no right: that a mob was raiſed and paid by the ſitting-members, appearing with clubs and drums, marching round the place of polling, till the cloſe thereof; to the great terror of the electors: that the under-ſheriff ordered the oath of abjuration to be given to none but the Quakers, the majority of whom would have voted for the petitioners: that by theſe means, and ſeveral other illegal practices, the ſitting-members have procured themſelves to be returned, in wrong of the petitioners: and praying &c.

Ordered, that it be heard at the bar on Tueſday come month.

18th. Ordered, that Thomas Pitt, and Edward Aſh, eſquires, have leave to withdraw the ſaid petition.

WINCHELSEA.

THIS is now called one of the cinque-ports, though only a member of the port of Haſtings, as appears by record, *anno* 1 *Johannis—Quod* 4th Inſt. 222. *Winchelſea et Rye debent eſſe in auxilium villæ de Haſtings, ad faciend. Regis ſervitium* 20 *navium.* It ſent burgeſſes to parliament at the ſame time with the others (of which ſee Dover.) The memoirs relating to its elections, which are in the journals, are theſe.

March 3, 1623. Mr. Glandvylle offered a report for this town.—Sir Alexander Temple complained.—No opinion given at the committee, but proved by three witneſſes. — That Paul Weyman notably miſdemeaned himſelf in this buſineſs.— Fit to have him ſent for.—Proved there, that never any aſſembly to be there under 24 hours: here warning but overnight againſt next morning. —Kept them from 7 o'clock to 12, and would not read his commiſſion; after threatned, and bid them be gone.—Charge Sir Alexander Temple to be popiſh, and allied to the arch-recuſants of England. — Then after this they certified for Mr. Finch.—Mayor got Sir Alexander Temple's letters; broke them up and concealed them. — The committee thought fit this mayor ſhould be ſent for.

Mr. Nicholas:—To have him ſent for by a friend, and not as a delinquent.

Ordered the mayor of Winchelſea ſhall be ſent for by a meſſenger.

4th. Mr. Recorder:— Upon Tueſday the committee of privileges ſat. Yeſterday when the committee went to the lords, the report made, being but one ſide heard: — Can ſhew the practice wholly on the other ſide.—To forbear the ſending for the mayor, till the other ſide be heard at the committee.—To reſpite it till to-morrow.

Mr. Glandvylle: — This will draw in a breach of the privileges of this houſe.—Not a negative voice at the committee, but that he ought to be ſent for.

18th. Mr. Glandvylle reports from the committee of privileges:—1. Whether two men have voices?— 2. Whether Mr. Finch duly elected?— 3. Whether Paul Weyman have offended?—4. Puniſhment.

Winchelſea, an incorporation.— Mayor, jurats, and freemen:—Now 8 with the mayor: freemen 11. Agreed they ought to elect. They met at the common-hall. — A queſtion, whether two Tildens ought to have voice, becauſe non-reſident in the town, one 5 months; another, 6?—A decree made, that whoſoever ſhould not dwell there within three months, ſhould loſe his voice.

Mayor proceeded not, till theſe two withdrawn. Before they went, ſaid, they gave their voices for Sir Alexander Temple; when they were gone, 16 preſent. Then the precept read; and the mayor, and 7 of thoſe, gave voice one way; other 8 gave another way for Temple. Upon this, a new queſtion, whether by the cuſtom of that place, the mayor, upon equality of voices, could carry the election?

Urged by Mr. Finch's counſel, that he ought to have it: but upon debate, the committee ſatisfied.— Not appeared, the mayor had any ſuch privilege; rather the contrary: no example for it. Some conſenting afterward, they conceived the mayor had caſt; and therefore over-ruled that Mr. Finch choſen; and putting hands to indenture after, no aſſent but in aſſembly.—The committee reſolved, that theſe Tildens excluded, ought to have voices.——Reaſons:——This decree could not alter the law.——2. Reaſon: found theſe Tildens exerciſed the quality of freemen: had empty houſes in the town: mayor himſelf had been out of town two years, yet ſerved as mayor.——Had their ſhare in common profits: never queſtioned till now. —— Proved by witneſſes, that the cuſtom of the ports, they muſt be abſent a year and day.

2. No good election of Mr. Finch, becauſe theſe men excluded unjuſtly. — Yet they likewiſe conceived, that Sir Alexander Temple not duly elected, becauſe theſe men gave not their votes at the time of the election; and therefore a new writ.

3. The miſdemeanor of the mayor. Agreed, he had committed a contempt againſt this houſe, in hindering a due election. 1. Gave not ſufficient warning; but over-night, when the election to be next morning. 2. He gave warning generally: no man knew wherefore he came. 3. Would not diſcloſe the cauſe of their meeting. 4. He did threaten one to disfranchiſe him; and he confeſſed, he had cauſe ſo to do. 5. Scandalized Sir Alexander Temple, ſaying, he was allied to the arch-papiſts of this kingdom * * Richard. This utterly falſe.

Laſtly, for puniſhment. They propound, that this man as worthy of puniſhment, as the ſheriff of Cambridgeſhire.

To be committed to the ſerjeant, and then to make his ſubmiſſion in this houſe; and then afterwards in the country.

Reſolved upon the queſtion, that this election of Mr. Finch is not good; and that a new writ ſhall iſſue forth a new election.

Reſolved upon the queſtion, that the mayor of Winchelſea hath committed a contempt and miſdemeanor againſt this houſe, and ſhall therefore ſtand committed to the ſerjeant till Saturday morning; and then making his ſubmiſſion here at the bar, to be diſcharged from any further puniſhment here, but to make his acknowledgment in the town before a new election.

Reſolved upon the queſtion, that Paul Wyman ſhall be called in, and brought to the bar, and heard before ſentence.—

Called, and brought to the bar.

Demanded what he could ſay for himſelf.

Mr. Speaker gave him his charge, concerning the * *; words he ſpake upon the report.——

He is ſorry he hath offended ſo honourable a perſon; for Sir Alexander Temple knew him but only by report. For the warning, as it uſed to be.—— All therefore preſent.—— Their cuſtom never to declare the cauſe of their meeting, till come in open court.——Sorry he hath offended.

Reſolved upon the queſtion, that the two Tildens ought to have voice in the election.

The mayor brought to the bar again; and Mr. Speaker pronounced the ſentence upon him.

20th. The mayor of this town brought to the bar, and made his ſubmiſſion. —— Heartily ſorry for his offence, and deſires pardon.

Diſcharged, making his ſubmiſſion in the town, and paying his fees.

May 28, 1624. Mr. Glandvylle reports for this town:—The mayor there an intruder: diſfranchiſed ſeveral perſons that ſtood for Sir Alexander Temple.

Committee clear of opinion, that the election of Mr. Finch, good.——He a good mayor to this purpoſe.

Reſolved, Mr. John Finch was duly elected for this town.

Oct. 16, 1666. A petition of Baptiſt May, eſquire, was read.

Reſolved, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Nov. 13th. Ordered, that the report concerning the election for this town, be made on Monday next come ſevennight. — But it was not then called for.

Jan. 5th. Ordered, that the report concerning the election for this town, be made on Wedneſday next.

9th. Sir Job Charleton reports from the committee of elections, touching the election for this port, between Mr. May and Mr. Auſten.

Upon the petition exhibited by Mr. May, that the committee had examined the matter, and heard the evidence on both ſides: that it did appear, that the mayor of this town had not, within one year next before his election, taken the ſacrament of the Lord's ſupper, according to the rites of the church of England. And that therefore the committee, upon peruſal of the clauſe in the act of parliament for regulating corporations, which enjoins the taking the ſacrament, were of opinion,

That the return made by the mayor, of the election made of Mr. Auſten, to ſerve for that place, was not good; but the election void. —— Which matter being debated,

Reſolved, that the debate of the ſaid matter be adjourned till to-morrow.

10th. The debate was reſumed, and the queſtion put, to agree with the committee, that the return, made by the mayor of this town, of the election of Mr. Auſten, to ſerve for that place, was not good; but the election void. The houſe diſagreed with the committee; and

Reſolved, that Mr. Auſten was duly elected for the ſaid port, and ought to ſit.

Feb. 6, 1677. A petition of Creſhield Draper, eſquire, was read, concerning the election for this port. But the petition not being ſigned by the petitioner, it was withdrawn.

7th. A petition of Creſhield Draper, eſquire, was read; complaining of an undue return of Sir John Banks, to ſerve for this port, in wrong of the petitioner, who was duly elected.

Reſolved, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

March 7. Sir Thomas Meres reported from the committee, the ſtate of the election for this port; and two votes of the committee:

1. Reſolved, that Sir John Banks is not duly elected a baron, to ſerve in this preſent parliament for this port.

2. That Creſhield Draper, eſquire, is duly elected a baron, to ſerve in this preſent parliament for this port.

Which two reſolutions being twice read, were agreed to by the houſe: and ordered the clerk of the Crown, and mayor of the ſaid town, to attend, and amend the return.

Feb. 13, 1700. A petition of Robert Auſten, eſquire, was read; ſhewing, that the petitioner, and John Hayes, eſquire, were duly elected to ſerve in this preſent parliament for this town and port; but one Edward Martin, contrary to law, being an officer of the cuſtoms, taking upon himſelf the office of mayor, hath returned Thomas Newport, eſquire, a commiſſioner of the cuſtoms, and unknown to the electors, and Robert Briſtow, eſquire; though the jurats of the ſaid town preſſed him to return the petitioner and Mr. Hayes; proteſting againſt the ſaid pretended return, and refuſing to conſent to the ſetting the common ſeal thereto: but the ſaid Martin did himſelf affix the common ſeal to the ſaid return, in violation and wrong to the rights of the ſaid town and the petitioner: and praying &c.

Ordered, that the ſaid matter be heard at the bar of this houſe, on this day fortnight.

17th. A petition of John Hayes, eſquire, was read; ſhewing, that the petitioner, and Robert Auſten, were duly choſen to ſerve in this preſent parliament for this town and port; but one Edward Martin, a cuſtom-houſe officer, taking upon him illegally to act as mayor, hath returned Thomas Newport, a commiſſioner of the cuſtoms, and Robert Briſtow, eſquire, as duly elected; although the jurats proteſted againſt that return, and refuſed ſetting their common ſeal to it, and preſſed him to return the petitioner and Mr. Auſten: and praying &c.

Ordered, that it be heard at the ſame time with Mr. Auſten's petition, at the bar of the houſe.

27th. The houſe, according to order, proceeded to the hearing the merits of the ſaid election. And the counſel were called in on both ſides, and were heard, and divers witneſſes examined: and then the witneſſes and counſel withdrew.

Reſolved, that Thomas Newport, eſquire, is not duly elected a baron, to ſerve in this preſent parliament for this town and port.

That Robert Briſtow, eſquire, is not duly elected a baron, to ſerve in this preſent parliament for this town and port.

Reſolved, that Robert Auſten, eſquire, is not duly elected a baron, to ſerve in this preſent parliament for this town and port.

Reſolved, that John Hayes, eſquire, is not duly elected a baron, to ſerve in this preſent parliament for this town and port.

Declared, that the late election of members to ſerve in this preſent parliament for this town and port, is a void election.

Reſolved, that John Dunmall, agent of Robert Briſtow, eſquire, is guilty of bribery in the late election of members to ſerve in this parliament for this town and port.

Ordered, that the ſaid John Dunmall be, for his ſaid offence, taken into the cuſtody of the ſerjeant at arms attending this houſe.

Reſolved, that Mr. Edward Martin, mayor of this town and port, is guilty of threats and indirect practices, in order to procure an election of members to ſerve in this preſent parliament for this town and port.

Ordered, that the ſaid Mr. Edward Martin be, for his ſaid offence, taken into the cuſtody of the ſerjeant at arms attending this houſe.

Ordered, that no writ do iſſue this ſeſſion, for electing any members to ſerve in this parliament for this town and port.

Reſolved, that an humble addreſs be pteſented to his Majeſty, by ſuch members of this houſe as are of his Majeſty's moſt honourable privy counſel, that he will order that the ſaid Edward Martin be turned out of all his employments in his Majeſty's Cuſtoms.

Oct. 30, 1702. A petition of Robert Auſten, eſquire, was read; ſhewing, that the petitioner was duly elected a member, to ſerve in this preſent parliament for this town and port; yet the mayor of this town and port hath been induced, by divers undue practices, not to return the petitioner: and praying &c.

And the ſaid petition not mentioning againſt whom he petitioned; a motion was made, and the queſtion was put, to refer the conſideration thereof to the committee of privileges and elections, to examine and report the matter, with their opinion; but diſagreed to.

Nov. 4th. A petition of Robert Auſten, eſquire, was read; ſhewing, that the petitioner was duly elected a burgeſs, to ſerve in this parliament for this port; but the mayor, by divers undue practices, hath been induced to return James Hayes, eſquire, inſtead of the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Dec. 1, 1710. A petition of William Penn, and Richard Jones, eſquires, was read; ſhewing, that at the laſt election of barons, to ſerve in this preſent parliament for this port, the petitioners, with Robert Briſtow, eſquire, and Sir Francis Daſhwood, were candidates: that the mayor took on him the office of mayor, though he was not qualified, not having taken the ſacrament within the time limited by law; and he polled ſeveral unqualified perſons againſt the petitioners, and refuſed ſeveral to poll for them, that were qualified: and the mayor, Sir Francis Daſhwood, and Mr. Briſtow, were guilty of bribery, treating, and threatning, whereby they procured ſeveral votes; notwithſtanding which, the petitioners had the majority of legal votes, and ought to have been returned; but the mayor refuſed the ſame, and hath returned Sir Francis Daſhwood and Mr. Briſtow, in prejudice of the petitioners: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Dec. 8, 1711. A petition of the ſaid Mr. Penn, and Mr. Jones, in ſubſtance the ſame with the former, was read.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Feb. 4. Ordered, that the report be made on Thurſday next.

7th. Mr. Freeman reported from the committee, the matter, as it appeared unto them, upon the ſaid petition:

That the right of election was agreed to be in the mayor, jurats, and freemen:

For the ſitting-members it was inſiſted, that the freemen, who had been abſent above twelve months, had no right without a re-admiſſion.

And alſo for the petitioners, that freemen of this port are in the nature of common-council-men, and ought to qualify themſelves by receiving the ſacrament, according to the corporation-act.

The poll was,

For the petitioners each 12.
For each ſitting-member 10.

That the matter of the petition as to Mr. Jones, was abſolutely waved. For Mr. Penn, was called

Newman; who ſaid, Thomas Cooper tendered his poll for the petitioner, but was refuſed: that he had formerly voted, and had lived out of the port above twelve months before the election: that if a freeman has lived out of the port above twelve months, they do not admit him, unleſs he demands it, and pays a bottle of wine: that Cooper demanded to be re-admitted on the election-day, but did not offer his wine; he had then an houſe in the town, and paid to church and poor, but lived ten miles out of town: that the freemen were in all aſſemblies, and no corporate-act can be done without them.

For the petitioner, the counſel objected to 7 votes of the ſitting-members, for not having qualified themſelves: and produced the town-book of this port; whereby it appeared, that on the 29th of June 1703, Richard Aſhdown was admitted and ſworn a jurat; and on the 5th of October 1703, he filed his certificare of duly receiving the ſacrament: and that John Parnell, Thomas Jenkin ſenior, and Thomas Marten, were admitted freemen in 1707, in Aſhdown's mayoralty: that it was ſaid, neither Jenkins nor Marten qualified themſelves: and it appeared by the town-book, that on the 25th of April 1710, Abraham Butler, William Giles junior, and Thomas Jenkin junior, were admitted freemen in the mayoralty of Parnell.

That the committee hereupon reſolved,

1. That the freemen of this port are not obliged to qualify themſelves by receiving the ſacrament, according to the corporation-act.

To prove ill practices to gain votes for the ſitting-members; Cooper ſaid, Aſhdown told him, that he and Giles ſenior, who was then preſent, had 30l. each for their votes at the former election; and the women had half a guinea each: that about 3 or 4 months before the laſt election, they complained they had not received their money; but, about 10 days before the election, Aſhdown owned they had received it.

Reed ſaid, Aſhdown and Giles ſaid, that if Hopper, who voted for the petitioner, made it a void election, then Aſhdown was to have nothing.

Newman ſaid, Sir Francis Daſhwood aſked him his vote; and told him, if he gave it him, he would uſe him as well as the others: that he had 20 l. of Mr. Copeland for his vote, at the former election for Sir Francis Daſhwood and Mr. Briſtow: that he gave his note for the money; but Copeland told him, it ſhould never be called for: that when Sir Francis aſked his vote in the election, he mentioned the note to Sir Francis, and ſaid, he would not have it always over his head; and thereupon Sir Francis ſaid, he could do nothing in it at preſent, but that he ſhould fare as well as any other man: that Marten is a cuſtom-houſe officer, and had a letter to direct his vote from the commiſſioners.

Battle ſaid, Abraham Butler told him, that when he was made a freeman, he was under an obligation to vote for Sir Francis Daſhwood and Mr. Briſtow.

Hooper ſaid, Sir Francis Daſhwood aſked his vote, and he refuſed him; and told him, he was informed his fellow-partners had 30l. each; that Sir Francis told him, he thought he had had his proportion, and he would be as kind to him as the others.

That, to qualify Aſhdown, a certificate was produced, dated the 5th of Sept. 1703, of Aſhdown's receiving the ſacrament on the 8th of Auguſt before; and on the 5th of October following, the ſame was filed.

That Mr. Penn's counſel admitted, that in the years ſubſequent to 1703, Aſhdown did qualify, and Parnell was elected under him; but inſiſted, the certificate in 1703, was not filed in time.

The committee reſolved,

1. That Sir Francis Daſhwood, knight and baronet, is duly elected a baron, to ſerve in this preſent parliament for this port.

2. That Robert Briſtow, eſquire, is duly elected a baron, to ſerve in this preſent parliament for this port.

The ſaid two reſolutions being twice read, were agreed unto by the houſe.

March 17, 1720. Ordered a warrant for a new writ, for electing a baron for this port to ſerve in this preſent parliament, in the room of Robert Briſtow, eſquire, made clerk-comptroller of the houſhold.

WINCHESTER.

THIS is a very ancient city, the capital of the dioceſe of its name, in the county of Hants. B. P. R. 211. It has returned citizens to parliament from the 26th of Edward the firſt: and ſeveral parliaments have been held here. Its ancient method of election I do not meet with, nor any memoirs of it, until 1689; in which year, and ſince, the following are to be found in the journals of the houſe of commons.

March 24, 1689. A petition of Charles Morley, eſquire, was read; ſhewing, that the petitioner was duly elected for this city by a majority of legal voices; yet by indirect practices, William * Lord Pawlet, and Frederick Tilney, eſquire, were returned by the mayor of the ſaid city, in prejudice of the petitioner, and injury of the electors: and praying &c.

* Sic orig.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Oct. 6, 1690. A petition of the ſaid Mr. Morley was read, the ſame in ſubſtance with the former petition;

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

20th. Mr. Grey reported from the ſaid committee, the ſtate of the caſe, as follows; viz.

That the right of election appeared to be in the mayor, recorder, aldermen, bailiffs, and corporation of the ſaid city: and the poll was,

For Mr. Tilney	59.
For Lord William Pawlet	39.
For Mr. Morley	35.

That Mr. Tilney's election was not queſtioned by the petitioner.—But as to the Lord William Pawlet, it appeared to the committee, that, of 39 which voted for him, 2 were peers; which were waved by Lord William Pawlet's counſel, there being a majority for Lord William Pawlet without them: and, as to 10 others who voted for him, it was by Mr. Morley's counſel inſiſted, that they were not reſident within the city, and ſo not qualified to vote.

But it was affirmed, as well by Mr. Morley's witneſſes, as by others, on behalf of Lord William Pawlet, that they conſtantly voted in elections for parliament-men, and were never excepted to.

And thereupon the committee reſolved,

That the Lord William Pawlet is duly elected a citizen, to ſerve in this preſent parliament for this city.

The ſaid reſolution being twice read, was agreed unto by the houſe.

Feb. 13, 1700. A petition of Frederick Tilney, eſquire, was read; ſhewing, that the petitioner was a candidate at the laſt election for this city, and had a majority of ſuch voters, as had a right to poll; yet, by influential and indirect practices, by menaces and threats, and the appearance of 3 Dukes in court, who did vote againſt the petitioner, though he cauſed the vote of the houſe, of the 14th of Dec. 1699, to be read in court; the Lord William Pawlet, and George Rodney Bridges, eſquire, were returned, in prejudice of the petitioner: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

March 26, 1715. A petition of John Popham, eſquire, was read; ſhewing, that at the laſt election for this city, the petitioner, together with the right honourable the Lord William Pawlet, and George Bridges, eſquire, were candidates: that the ſaid Lord William Pawlet and his agents, together with the mayor of the ſaid city, did, by bribery, and other illegal practices, procure divers of the burgeſſes and freemen to vote for the ſaid Lord William Pawlet, who otherwiſe would have voted for the petitioner: that notwithſtanding the petitioner had a majority of legal votes, and ought to have been returned; and demanded the ſame, but was refuſed by the ſaid mayor: and praying &c.

Ordered it be referred to the committee of privileges and elections, to examine and report the ſame, with their opinion.

April 8th. Ordered, that John Popham, eſquire, have leave to withdraw his petition.

Nov. 5th. Ordered a warrant for a new writ, to elect a citizen for this city, to ſerve in this preſent parliament, in the room of Lord William Pawlet, made one of the tellers of the Exchequer.

NEW WINDSOR.

THIS borough is ſituate within the county of Bucks. Doctor Willis writes, it was made ſo in the 5th, and returned burgeſſes to parliament in the 30th of Edward the firſt; and ſo continued to do till the 14th of Edward the third; and then intermitted until the 25th of Henry the ſixth. Mr. Prynne, Willis, 34 1749. 2.

Prynne's 4th Parl. 1156, 1157.
Br. Parl. red. 191.
Br. Parl. red. 291. Brady, 70.

Prynne, in his catalogue, takes the ſame notice of the returns; though in his *Brevia Parliamentaria Rediviva*, he writes, it returned in the 30th of Edward the firſt; but in the 1ſt, 2d, 4th, 5th, 6th, 7th, and 8th of Edward the ſecond, *ballivi libertat. ſeptem hundredorum de Wyndeſore, nullum michi dederunt reſponſum:* and alſo writes, it returned in the 3d, 9th, 10th, 11th, and 13th of Richard the ſecond, and in the 8th of Henry the fourth: alſo to ſeveral parliaments of Henry the fifth; and alſo in the 1ſt, 3d, 5th, and 20th of Henry the ſixth: after which they agree the returns were made by indenture in the 25th, 27th, 29th, and 38th of Henry the ſixth; and by a manuſcript note of Mr. Holmes, he adds the 31ſt of Henry the ſixth. The indenture of the 25th of Henry VI. is ſet forth in the *Brevia Parliamentaria Rediviva*, and in Doctor Brady. I ſhall therefore inſert it in this account.—— *Hæc indentura facta tertio die menſis Feb. anno regni Regis Henrici ſexti, poſt Conqueſtum viceſimo quinto; teſtatur, quod nos major et communitas burgenſium burgi de nova Windeſore, unanimi congregati ordinavimus, elegimus et nominavimus de communi conſilio noſtro, Rogerum Faſnam, et Rogerum Scherman, dicti burgi de nova Windeſore burgenſes ad comparend. coram excellentiſſimo in Chriſto principi et domino noſtro Henrico Dei gratia Regi Angliæ, et domino Hiberniæ illuſtri, in parliamento ſuo in die ſanctæ ſcolaſticæ, viz. decimo die Februar. prox. futur. ad diem apud Weſtm. tenend. et ibidem una cum prælatis proceribus et magnatibus comitatus regni Angliæ, ſuper negotiis in brevi Regis exinde confect. plenius reiteratur et tractatur. Omnibuſque et ſingulis ibidem ordinandis ad Dei laudem conſentiend. ratum et gratum habituri, quicquid dicti Rogerus et Roger ſic per nos electi, nomine noſtro fecerint in præmiſſis. In quorum teſtimonium ſigillum commune omnium et ſingulorum burgenſium et communitat. prædict. habentium electionem intereſſentium præſentibus eſt appenſum. Dat. apud Windeſore, die et anno ſupra dictis, præſentibus Johanne Welin majore burgi prædict. Willielmo Scherman, Willielmo Trowe, Rogero Weyte, Johanne Notewy, ballivis; Johanne Bothewood, Thoma Swan, conſtabulariis; et aliis.*

From this return, the right of election ſeems to appear; the conſtruction whereof, in future times, will appear from the following memoirs in the journals.

Dec. 8, 1640. Mr. Maynard reports, that there was a competition between Sir Thomas Roe and Mr. Waller, who were returned burgeſſes for this borough, and Mr. Holland and Mr. Taylor (who is ſince dead) who pretend they were elected, though not returned.

Queſtion was, whether the inhabitants in general, or the particular choice of the mayor, bailiffs, and ſome few of the town, ſhould have power of election?

This place was incorporated by the name of the mayor, bailiffs, and burgeſſes, by Edward the fourth: that Sir Thomas Roe and Mr. Waller were choſen by the mayor, and ſpecial officers. In Edward the fourth's, and Henry the eighth's time, the return was made by the mayor, bailiffs, and burgeſſes: but, of later times, the return hath been made by the mayor, bailiffs, and commonalty. The charter being an incorporation of inhabitants; the inhabitants of right ought to chooſe, and not the ſpecial men.

Upon this report it was reſolved, that all the inhabitants of this borough have all generally right of election of burgeſſes, to ſerve for this borough in parliament.

Reſolved, that the election of Mr. Holland, for one of the burgeſſes for this borough, is not good: and that a warrant do iſſue out for the electing of two burgeſſes for this borough.

April 27, 1660. Mr. Turner reported from the committee of privileges and elections, touching the double return for this borough: that Alexander Blake, and Roger Palmer, eſquires, are returned by the mayor and burgeſſes, under the hand of the mayor, and common ſeal; and Richard Winwood, eſquire, by the burgeſſes, without the common ſeal or hand of the mayor: and the opinion of the committee, that Alexander Blake, and Roger Palmer, eſquires, ought to ſit in the houſe, until the merits of the cauſe, touching the ſaid double return, be determined: whereto the houſe agreed.

July 6, 1661. Mr. Serjeant Charleton reports from the ſaid committee for elections, the fact touching the return for this borough: that the queſtion being, whether the right of election was in the corporation, conſiſting of the mayor, bailiffs, and burgeſſes, not exceeding the number of 30? or, in the inhabitants at large? that it appeared by the evidence, that the ſaid borough did, before the time of Edward the fourth, ſend burgeſſes to the parliament; who were elected only by the mayor, and a ſelect number, not exceeding the number of 30, being the corporation of the ſaid borough: and it was proved by ſeveral witneſſes, and ſo appeared by divers returns in ſeveral kings reigns, that the election, for above 70 years, had been by a ſelect number, conſiſting of the mayor, bailiffs, and burgeſſes, not exceeding the number of 30; and not by the inhabitants at large, who never choſe till 1640. And that upon the whole matter, the committee was of opinion,

That the mayor, bailiffs, and burgeſſes, not exceeding the number of 30, had only the right of election; and that Sir Richard Braham, knight, and Thomas Higgons, eſquire, who were elected and returned as burgeſſes to ſerve in this parliament for this borough, by the mayor, bailiffs, and burgeſſes, not exceeding the number of 30, were duly elected, and ought to ſit: whereto the houſe agreed.

March 19, 1678. A petition of Richard Winwood, and Samuel Starkey, eſquires, complaining of an undue return of Sir John Ernle, knight, and John Powney, eſquire, to ſerve in the preſent parliament for this borough, in injury of the petitioners, was read.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

April 5, 1679. Sir Thomas Meres reports from the committee, touching the ſaid election; viz.

The queſtion was, whether the mayor, bailiffs, and burgeſſes, not exceeding in number 30, or the inhabitants at large, have right to vote in elections to parliament.

The petitioners produced the ſeveral records following, to prove this borough to be a borough by preſcription; and that the inhabitants at large ought to vote in elections.

A charter, 5 Edw. I. whereby that king grants, *Probis hominibus de Windeſore, quod villa de nova Windſor de cætero ſit liber burgus; et quod probi homines ejuſdem villæ ſint liberi burgenſes, et habeant Gildam mercatoriam.*

Mr. Halſtead, keeper of the records of the Tower, ſaid, the ancienteſt returns of members to ſerve in parliament were thoſe of Edward the firſt.

They alſo produced theſe records of returns out of the Tower and Rolls——30 Ed. I. two burgeſſes returned on this writ.—25 *Hen.* VI. *Major, et communitas burgenſium elegerunt. In cujus teſtimonium ſigillum commune omnium et ſingulorum burgenſium, et communitatis prædict. eſt appenſum.*

27 *Hen.* VI. The ſame exactly.

39 *Hen.* VI. *Major, ballivi, et tota communitas elegerunt. Dat. ſub ſigillo majoritatis.*

7 *Ed.* VI. *Major, ſimul cum ballivis, burgenſibus, et communitate, elegerunt. In cujus teſtimonium ſigillum commune burgi, in Gilda ibidem, appoſuimus.*

1 *et* 2 *Ph. et Mar. Major, ballivi, et burgenſes, ſimul cum communitate ex communi aſſenſu, elegerunt. Dat. ſub ſigillo communi burgi in Gilda Aula.*

2, 3, 4 *et* 5 *Ph. et Mar.* The ſame exactly.

1 *Eliz. Major, ſimul cum ballivis, burgenſibus, et communitate, elegerunt.*

16 *et* 17 *Car.* II. Mayor, bailiffs, burgeſſes, and inhabitants have choſen :—ſealed with the common ſeal, and the inhabitants.

Report of ſerjeant Maynard, 1640, at the committee of elections was read; whereby it was reſolved, that all the inhabitants have right to elect.

Mr. Taylor and Mr. Baker ſaid, that the election 3 *Car.* was at the market-croſs, and by the inhabitants; and in 1640, and 1660: and that in the laſt parliament, the ſaid examinants were elected; but it was adjudged againſt them by the committee of privileges and elections, they wanting records; which were miſlaid by one Starkey, as Starkey ſince owned. And Mr. Taylor ſaid, he was impriſoned five months by the Lord Mordaunt, concerning the election to the laſt parliament.

Moore, and ſeveral others, ſaid, on the 26th of Feb. laſt the mayor and bailiffs of this borough made proclamation at the market-croſs, that there was a precept to elect two burgeſſes for this parliament; and that the election ſhould be the next day, between the hours of 9 and 11: and accordingly the next day, about 200 of the inhabitants met at the market-croſs; and about 11 of the clock, being aſked by Mr. Starkey, who they would have to be their members in parliament, in purſuance of the precept read the day before; they all anſwered, Mr. Winwood and Mr. Starkey: then about 20 of them went to the hall, where the mayor and bailiffs and burgeſſes were, and demanded entrance to give their votes; but the conſtables and tything-men denied to let them come in; ſaying, they had orders to keep them out: that thereupon they came back to the croſs, and ſealed and ſigned an indenture, now produced; and went again to the hall, and demanded entrance, and to have the common ſeal to affix to the ſaid indenture, which was then alſo denied them: that the mayor, being demanded to ſet the common ſeal to the ſaid indenture, anſwered, he would have done it with all his heart; but that he had orders of the corporation to ſecure him, touching returning Sir John Ernle and Mr. Powney; to which the town-clerk is a witneſs.

For Sir John Ernle aud Mr. Powney,

James Smith, and others, ſaid, that the mayor, bailiffs, and chief burgeſſes, made proclamation on the 26th of Feb. that the election ſhould be next day; and next day, they went to the hall about 10 o'clock, and ſhut to the doors while they made freemen; and about 11 o'clock read the precept, the mayor firſt giving orders, that the doors ſhould be opened; but there being a tumult, the conſtables were ordered to keep the peace and the doors; and then the mayor, bailiffs, and burgeſſes, went to the election, and unanimouſly choſe Sir John Ernle and Mr. Powney: and ſeveral of theſe witneſſes ſaid, the doors were open at the ſaid election, and there were no orders to ſhut them.

Brazier ſaid, ſeveral of the inhabitants, and Mr. Winwood and Mr. Starkey, were denied to come in, when they came to demand entrance to have the common ſeal; but he never heard the inhabitants aſk to come in to give a vote.

Lord Stirling, and others, ſaid, that the election in the hall was a little after 11 of the clock; and the election at the croſs was over, before the precept in the hall was read, as they believe by the computation of time.

They then produced ſeveral records and books, to prove the right to be in the mayor, bailiff, and burgeſſes, not exceeding 30 in number; viz.

35 *Hen.* VIII. *Major, ballivi, et burgenſes, elegerunt. Dat. ſub ſigillo communi, in Guilda Aula Regia.*

1 *Ed.* VI. 14, 30, 43 *Eliz.* 1, 7, 18, 21 *Jac.* 1 *Car.* I. *eod. anno.* 3 *Car.* I. two indentures. 15, 16 *Car.* I. 13, 29 *Car.* II.—All which are by the mayor, bailiffs, and burgeſſes, and under the common ſeal; and moſt of them ſealed with the common ſeal in the Guildhall at Windſor.

A report of ſerjeant Charleton, upon the diſpute of the election of Sir Richard Braham and Sir Thomas Higgons in 1661, was read; whereby it was reſolved, that the mayor, bailiffs, and burgeſſes, not above 30 in number, have only right to elect.

The town-book was read; whereby it appears, that three ſeveral elections, in Queen Elizabeth's reign, were by a number not exceeding 30.

Whereupon the committee reſolved,

1. That the mayor, bailiffs, and burgeſſes, of this borough, not exceeding 30, have not the right of electing members to ſerve in parliament for this borough.

2. That this borough has a right to ſend burgeſſes to parliament by preſcription.

3. That all the inhabitants of the ſaid borough have right of electing members, to ſerve in parliament for this borough.

4. That Sir John Ernle and Mr. Powney are not duly elected burgeſſes, to ſerve in this preſent parliament for this borough.

5. That Mr. Winwood and Mr. Starkey are not duly elected burgeſſes, to ſerve in this preſent parliament for this borough.

6. That the late election of burgeſſes, to ſerve in this preſent parliament for this borough, is a void election.

The four firſt reſolutions were twice read; and agreed unto by the houſe.

The fifth reſolution being read a ſecond time, was diſagreed to by the houſe.

Reſolved, that Mr. Winwood and Mr. Starkey are duly elected burgeſſes, to ſerve in this preſent parliament for this borough: and ordered the return to be amended.

Oct. 25, 1680. A petition of Richard Winwood, and Samuel Starkey, eſquires, was read.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Nov. 4th. Mr. Treby reported from the ſaid committee, that the ſaid committee, having conſidered the matter to them referred, had reſolved,

1. That in this borough, thoſe only, who pay ſcot and lot, have right to vote in the election of burgeſſes, to ſerve in parliament for this borough.

2. That Richard Winwood, eſquire, is duly choſen a burgeſs, to ſerve in this parliament for this borough.

3. That Samuel Starkey, eſquire, is duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

Which three reſolutions being twice read, were agreed unto by the houſe: and the return ordered to be amended; and the mayor to attend, and amend the ſame.

A petition having been lodged with the committee of privileges and elections, according to the order of the houſe, by Charles Adderly, eſquire, againſt the right honourable Henry Powle, eſquire, touching the election for this borough; alſo another petition of Sir Algernoon May, againſt the election of Sir Chriſtopher Wren—

May 2, 1689. Colonel Birch reported from the ſaid committee, that upon the requeſt of Sir Algernoon May, the committee did not proceed on his petition, before the right of election was ſettled.

That the queſtion between Mr. Adderly and Mr. Powle appeared to be, whether the right of election was in the mayor, bailiffs, and ſelect number of burgeſſes; or in the inhabitants of the ſaid borough, paying ſcot and lot?

And it was agreed, that if the election was in the former, Mr. Powle was duly elected; and if in the latter, the petitioner.

For the petitioner it was inſiſted, this borough was a borough by preſcription; and produced the returns of burgeſſes, 30 Ed. I. 7, 15 Ed. II. 4 Ed. III. and indenture 29 *Hen.* VI. —*Major, et communitas burgenſium, elegerunt, ſub ſigillo communi omnium et ſingulorum burgenſium et communitatis.*

39 *Hen.* VI. *Major, ballivi, et tota communitas, elegerunt. Dat. ſub ſigillo officii majoratus.*

Q.Ed.VI. 7 *Ed.* IV. *Major, ballivi, et comburgenſes, elegerunt ſub ſigillo communi.*

1 *Mar. Major, burgenſes, et communitas elegerunt, ſub ſigillo communi, in Gilda Aula.*

2 *et* 3 *Ph. et Mar. Major, cum burgenſibus, et communitate, elegerunt, ſub ſigillo communi burgi præd.*

1 *Eliz. Major, ballivi, burgenſes, et communitas, elegerunt, ſub ſigillo communi burgi præd.*

17 *Car.* I. Mayor, bailiff, and inhabitants, choſe under the common ſeal, and ſeal of inhabitants.

Alſo a charter of incorporation, 5 Ed. I.—*Quod villa prædicta de cætero ſit liber burgus.* Alſo

6 Ed. IV. Whereby the mayor, bailiffs, and inhabitants, were incorporated by the name of mayor, bailiffs, and burgeſſes.——And

1 *Jac.* I. Conſtituting a mayor, bailiff, aldermen, and common-council, not exceeding the number of 30; *eligend. ſicut ex antiquo et temporibus retroactis.*

Copy of the journals 1640, (which ſee above.) Extracts of the journals 1679 and 1680, (which ſee likewiſe.) And called

Mr. Taylor; who ſaid, he remembered the election of Hewit, 1 or 3 *Car.* when all the inhabitants came up to the croſs, and choſe him: he was then a boy, and knows not who made the return; but ſaid, none were ſet by, but thoſe who received alms.

Mr. Herring ſaid, he was an inhabitant; and that Mr. Powle declared, he would be choſen by the popularity: that he was excepted to, being an inhabitant.

For Mr. Powle it was inſiſted, that this borough was not a borough by preſcription: and inſiſted, all the records, produced by the petitioner, were evidence for Mr. Powle, they being under the common ſeal, and ſeveral dated in the Guildhall, the place for corporation-acts; and that the former reſolutions of the houſe were upon a miſtaken ground: and inſiſted, the borough was made ſo by 5 Ed. I.

That in that charter were direct words of creating a borough, and making them a corporation; as alſo a grant of ſending burgeſſes to parliament, by relative words, granting them all the rights of burgeſſes of other boroughs.

That the indenture of return, 27 *Hen.* VI. was—*Major, et communitas burgenſium, elegerunt, ſub ſigillo communi omnium et ſingulorum burgenſium, et communitatis*; which could be only meant of the corporation, as all the reſt of the returns, produced by the petitioner, were: and produced other indentures of returns; viz.

1, 2, 3 *Car.* I. Election by the mayor, bailiffs, and burgeſſes, under the common ſeal:——And journal of the houſe, 6th July, 13 *Car.* II. when it was reſolved, that the right of election was in the corporation.

Upon the whole, the commmittee reſolved,

1. That the right of election of burgeſſes, to ſerve in parliament for this borough, is in the mayor, bailiffs, and ſelect number of burgeſſes, only.

2. That Henry Powle, eſquire, is duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

The ſaid two reſolutions being twice read, were agreed unto by the houſe.

14th. Colonel Birch reported from the ſaid committee, upon petition of Sir Algernoon May, the matter touching the election of Sir Chriſtopher Wren—

That the queſtion was, whether the petitioner, or Sir Chriſtopher Wren, were duly elected: and the queſtion was grounded on this fact:

That the right of election being in the ſelect number, it appeared, that Sir Algernoon May had 12 voices, without the mayor; and Sir Chriſtopher Wren had 12, with the mayor;

Whereupon the committee reſolved,

1. That Sir Chriſtopher Wren is not duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

2. That Sir Algernoon May is not duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

3. That the election of Sir Chriſtopher Wren, to be one of the burgeſſes, to ſerve in this preſent parliament for this borough, is a void election.

The ſaid three reſolutions being twice read, were agreed unto by the houſe: and a warrant for a new writ, was ordered to be iſſued.

March 24. A petition of Sir Charles Porter, knight, and William Adderly, eſquire, was read; ſhewing, that they were duly elected burgeſſes for this borough, by the majority of legal electors, and a return demanded from the mayor, of ſuch their election; but that notwithſtanding, the ſaid mayor hath taken upon him unduly to return Baptiſt May, eſquire, and Sir Chriſtopher Wren: and praying &c. Alſo,

A petition of the inhabitants of this borough was read; ſhewing, that a precept being directed to the mayor and borough of this town; and a day being appointed for the election of burgeſſes; the petitioners, being the general burgeſſes and inhabitants, appeared at the market-croſs; and duly elected Sir Charles Porter, and William Adderly, eſquire, for their burgeſſes: that notwithſtanding, the mayor hath taken upon him unduly to return Baptiſt May, eſquire, and Sir Chriſtopher Wren: and praying &c.

Ordered, that the ſaid petitions be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

May 17, 1690. Mr. Grey reported from the ſaid committee, touching the ſaid election, as follows:

The queſtion was, whether the right of election was in the mayor, bailiffs, and ſelect number of burgeſſes; or in the inhabitants, paying ſcot and lot.

That it was agreed, if in the former, the ſitting-members were duly elected; if in the latter, the petitioners.

That for the petitioners it was inſiſted, this borough was a borough by preſcription: and produced returns of burgeſſes — 30 Ed. I. and 7 Ed. II.—— And indentures of return — 25, 27, 29 and 39 Hen. VI. (which ſee before:) alſo 7 Ed. IV. 1 Mar. 2 and 3 Ph. and Mar. 1 Eliz. and 16 Car. (which ſee before:) 17 Car. I. particular burgeſſes and inhabitants named, together with divers other burgeſſes and inhabitants. —— And alſo reſolutions of the houſe 1640, 1679, 1680 (which ſee before.) And called

Mr. Taylor and Mr. Eyre; who ſaid, they had known many elections; and that the commonalty had a right, and conſtantly elected burgeſſes for this borough.

For the ſitting-members, they produced copy of the charter 5 Ed. I. *Quod villa de Nova Windſor de cetero liber burgus ſit.* Alſo returns 17 Ed. IV. 1 Ed. VI. 14, 26, 28 and 30 Eliz. (which ſee before:) and the reſolutions—13 Car. II. 2 May 1689.

Sir Algernoon May's caſe (ſee before.)

Upon the whole, the committee reſolved,

1. That the right of election of burgeſſes, to ſerve in parliament for this borough, is in the mayor, bailiffs, and ſelect number of burgeſſes, only.

2. That Sir Chriſtopher Wren, and Baptiſt May, eſquire, are duly elected burgeſſes, to ſerve in this preſent parliament for this borough.

The ſaid two reſolutions being read twice, were diſagreed to by the houſe.

Reſolved, that Sir Charles Porter, and William Adderly, eſquire, are duly elected burgeſſes, to ſerve in this preſent parliament for this borough: and ordered the return to be amended.

March 26, 1715. A petition of Sir Henry Aſhurſt, baronet, and Samuel Travers, eſquire, was read; ſhewing, that at the election of members for this borough, the petitioners, and Chriſtopher Wren, and Robert Gayer, eſquires, were candidates: that at the ſaid election, the petitioners had a majority of legal votes; but by the illegal practices of the ſaid Mr. Wren and Mr. Gayer, and agents; and by the partiality of Mr. William Davis, the mayor, who admitted perſons to vote for the ſaid Mr. Wren and Mr. Gayer, who had no right; and refuſed others, who had a right, and offered to vote for the petitioners; the ſaid Mr. Wren and Mr. Gayer procured themſelves to be returned, in wrong to the petitioners: and praying &c.

Ordered it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

April 12th. Ordered to be reported on Thurſday next.

14th. Mr. Hampden reported the matter of the ſaid election, as follows:

That the right of election was agreed to be in the inhabitants of the borough, paying ſcot and lot. The poll was,

For Mr. Wren	141.
For Mr. Gayer	137.
For Sir Henry Aſhurſt	136.
For Mr. Travers	135.

The petitioners counſel objected to 23 of the ſitting-members voters; 5 as no inhabitants of the borough, or not rated there; 7 as living there by certificates; 2 receiving charity; and 9 influenced by bribery and indirect practices.

That it appears to the committee, by the evidence of Chriſtopher Clark and James Poole, and by certificates produced by them, that 7 perſons, viz. Charles Sandys, Thomas Frazier, Joſeph Standen, Michael Cook, Thomas Carter, John Wyat, and John Benning, were no inhabitants of the borough, but lived there by certificates only.

That to 5 objected to by the petitioners counſel, as not being inhabitants, were, Peter Stiles, Arnold Allen, Dr. Dawſon, John Bender, and Thomas Elford.

To which the petitioners counſel called

Chriſtopher Clark; who ſaid, Stiles lives at Sydenham, in the pariſh of Burnham; but has a malthouſe in this borough, and a little houſe belonging to it; and is rated to the church and poor.

That Arnold Allen lives at Uxbridge, his dwelling-houſe is there; but has a houſe and ſervants at Windſor, and is rated to church and poor.

That Dr. Davidſon is rated ſince the election, but was not before.

That James Grape ſaid, that Mr. John Bender in 1714, appealed to the juſtices to be diſcharged from paying the rate, becauſe of his poverty; and produced an order of the laſt ſeſſion, "that John Bender and Hercules Hill be diſcharged from paying to the poor, in reſpect of their poverty."——He ſaid, that Bender is charged in the poor-books, but not marked as paid: and ſome time before the election, Bender came to the town-hall, and deſired to be excuſed from paying the window-rate, by reaſon of his poverty.

Thomas Maſon produced the books for the poor-rates for 1713; none of which are paid by Bender, becauſe he pleaded poverty.

That ſince intereſt was making for the election, Bender voluntarily paid the rates made ſince May laſt; but not any arrears for former years.

That it appeared to the committee, by the evidence of Mr. William Sutton, collector of the land-tax, that Mr. Elford declared to him, that he commenced an inhabitant on St. Thomas's day laſt; and refuſed to pay the land-tax due before that time.

That the petitioners counſel proceeded to add to their poll Thomas Winwood; and called

Richard Hope; who ſaid, that Winwood has a tenement within the borough, for which he is rated: that he lies ſometimes there, and ſometimes at his father's, who lives in the borough: that he offered to vote for the petitioners, but was refuſed.

Crockford and Brown were objected to for receiving charity; and Mr. Clark ſaid, that not long before the election, each of them received Mr. Reeves' charity, which is a twelvepenny loaf, diſtributed to poor people.

The petitioners counſel proceeded to prove bribery and indirect practices on the behalf of the ſitting-members.

Mrs. Lyford and others ſaid, that James Brown and Mr. Newton, and ſeveral others, gathered a mob in the town, and inſulted the petitioners as they were making their intereſt; and they apprehended that miſchief would have enſued, had not the conſtables hindered it.

Mrs. Lyford alſo ſaid, that colonel Floyer told her, he would ruin her huſband, if it coſt him 100l. if he did not vote for Mr. Gayer.

William Cock ſaid, that Dr. Brown of the Caſtle, by the Duke of Northumberland's directions, aſked his vote for the ſitting-members; and ſaid, the church was in great danger, if he did not vote for thoſe gentlemen: and four days before the election, Mr. Mildmay and Mr. Faſhion, the Duke's gentleman and ſteward, came to him, and told him, the Duke's ſervants ſhould not come to his houſe, if he would not vote for the ſitting-members:—that he voted for the petitioners: that the Duke's ſervants came conſtantly to his houſe before, but have not been there ſince the election.

Rowland ſaid, that on the day of the King's entry, at which time intereſt was making for this election, an ox was roaſted; and the materials for building a ſhed were the King's, and furniſhed by Mr. James Brown, clerk of the works.

That ſeveral workmen belonging to the works, particularly Arnold Thompſon, joiner, Robert Spences, carpenter, James Holmes, plumber, and ſeveral others, were continued in the call-books, and charged to the King; although allowed to work at the ſame time at Mr. Pieſley's, and ſeveral other places: and that ſince the canvaſſing for the election, Thomas Whitby, though decrepid, and not able to do a day's work, was taken into the King's work: that Daniel Hind has been charged in the call-books for the King's works a twelvemonth, though he did not work there during the time: that the ſeveral workmen thus allowed, voted for the ſitting-members.

The witneſs ſaid, he was foreman to the carpenters, and was turned out for not voting for the ſitting-members; but is ſince made maſter-carpenter by the Duke of Kent.

John Alderidge ſaid, that Ph. Hind had told him, he always deſigned to vote for Sir Henry Aſhurſt; but at Chriſtmas told him, that he believed he could not ſerve him, becauſe the Duke of Northumberland had given him a trumpet in the guards; and if his Grace laid an obligation on him, he could not vote ſo; and he voted for the ſitting-members.

Henry Aſon ſaid, that the Duke of Northumberland is ſteward of Windſor: that at the election, he ſat upon the bench with the mayor, but his Grace did not ſay or do any thing.

That the ſitting-members counſel inſiſted, that certificate-men have always voted at elections in this borough, and have a right ſo to do.

To ſupport the certificate-men objected to, they called

Brownlowe; who ſaid, Sandys rents 10l. yearly of Mr. Topham's eſtate.

Mr. Topham ſaid, this eſtate conſiſts of two ſmall gardens, which are his, and are let at 5l. 10s. yearly to widow Pocock, on a leaſe for one and twenty years.

Thomas Brownlowe ſaid, that Thomas Carter ſerved the office of tythingman in this town laſt year.

That Thomas Winwood has no houſe; is charged for a barn, and pays the rate.

The petitioners counſel admitted, that Crockford and Brown, who received Reeves' charity, paid ſcot and lot; and that John Man and John Deighton, who voted for the petitioners, are certificate-men.

To add John French to the ſitting-members poll;

Burk ſaid, French has a lodging-room over his ſhop, for which he is rated; and he never knew he had a bed there: —— that he offered to vote for the ſitting-members, and was refuſed; that he had been refuſed at former elections.

Mr. Pieſley ſaid, that certificate-men always voted at this borough without objection, and did ſo at this election: that this houſe belongs to the thirteen poor knights of Windſor, of the royal foundation, who have covenanted to repair it: that it has been repaired by the Crown; and being very much out of repair, he applied to the Lords of the Treaſury, who ſeemed to conſent to it, by ordering an eſtimate to be laid before them; and that he has advanced money for the repairs, expecting to be repaid it.

Then the petitioners counſel objected to four of the ſitting-members voters, as not being inhabitants; viz. Joſeph Huddle, Laurence Sexton, Francis Thompſon, and Abraham Jagger; and called

Brownlowe; who ſaid, Mr. Huddle and Mr. Sexton follow the court; have houſes in this borough; are there ſometimes; and are all rated to the poor.

Goldſmith ſaid, Jagger lives in Datchet-lane, within the borough; has an houſe and malthouſe at Windſor, where he lives ſometimes; but is chiefly at his mother's at Eaton, and lets one half of his houſe.

Then the ſitting-members counſel proceeded to give account of bribery and corrupt practices on behalf of the petitioners; and called

William Sherwood; who ſaid, he belongs to Windſor-caſtle; and that captain Potts, the deputy-governor, threatned him that he ſhould be broke, and his wife turned out from being miſtreſs of the charity-ſchool, if he did not vote for the petitioners: and Mr. Brett, the Duke of Kent's ſteward, deſired his vote for the petitioners; and ſaid, he was neither the King's friend, nor the government's, if he did not vote for them; but owned he did vote in the election: that he is not broke; and there are four governors of the charity-ſchool.

George Bryers ſaid, that Mr. Sexton told him, he came down about the election; and ſaid, he believed the petitioners were gentlemen well pleaſing to the King; and that he was ſent down by ſome of the beſt quality to make intereſt for them.

Thomas Joy ſaid, that being aſked the day before the election by Mr. Sexton, Mr. Rutter, and Mr. Curtis, and the Duke of Kent's ſecretary, to vote for the petitioners, he told them, he had promiſed to be for Mr. Wren and Mr. Gayer; upon which they replied, that if he was the King's friend, he ought to vote for the petitioners: that it was the King's deſire they ſhould chooſe the petitioners.

That Mr. Travers told him, if he was the King's friend, he would vote for the petitioners.

Holyday ſaid, one Burrell told him, he came from the Prince, who gave his ſervice to him, and deſired his vote for the petitioners; and ſaid, it might be the means to get him a place at court: — he voted for the ſitting members.

Joſeph Standen ſaid, Mr. Winwood brought him four ſhillings and ſixpence; and ſaid, it was not Mr. Travers' money, but after owned it was: and ſome time after he met Mr. Travers, who told him, he hoped he had received the favour from Mr. Winwood: he voted for the ſitting-members.

That five pounds were offered him by Edward Evans and John Palmer; and Evans ſaid, if that would not do, he ſhould have more.

John Alderidge ſaid, he ſaw Mr. Travers give five guineas to Robert White for his vote; and White voted for Sir Henry Aſhurſt and Mr. Wren.

Robert Burk ſaid the petitioners aſked him his vote; and told him, it would be for his intereſt to ſerve them; and threatned to take away his mother's place of 40 l. yearly, if he did not.

That Herd, the butcher, threatned to arreſt him for a debt of two guineas, if he did not vote for the petitioners; but if he did, he would give him a receipt in full: the morning after the election he was arreſted.

John Buckmaſter ſaid, that he was offered the making of buckſkin breeches for ſeveral families, at one guinea *per* pair, if he voted for the petitioners; but if he did not, the making of the charity-breeches was to be taken from him: and he heard Mr. Sexton ſay, if the petitioners were not choſe, the King would not come to town.

Mr. Peter Floyer ſaid, that Mr. Kent, the Duke of Kent's ſervant, has, by order of the Duke, taken from him the poſſeſſion of five pounds *per annum*, without any notice: and Mr. Brett declared, he came down by the Duke's order, to do all the injury he could to the intereſt of the ſitting-members, right or wrong: and that he heard, that the Duke of Northumberland made as much intereſt as the Duke of Kent; but he ſaid, the poſſeſſion taken from him, was held under a leaſe from the conſtable of the caſtle for the time being, determinable upon the change of that office; and for renewal thereof, there is actually paid two guineas.

William Bowles ſaid, that Mr. Brett declared in the ſtreet, he had orders from the Duke of Kent to do all the injury he could to the ſitting-members.

Abraham Goldſmith ſaid, Sir Henry Aſhurſt's coachman offered him a guinea; and ſaid, he would make it 50 l. in half an hour's time, if he would vote for the petitioners:—he voted for the ſitting-members.

George Sewel ſaid, that about two days before the election, John Sharp told him, he had a promiſe from the petitioners to pay ſome debts he owed; and that they had offered him 10 l. for his vote.

Upon the whole, the committee reſolved,

1. That Chriſtopher Wren, eſquire, is not duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

2. That George Gayer, eſquire, is not duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

3. That Sir Henry Aſhurſt, baronet, is duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

4. That Samuel Travers, eſquire, is duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

The ſaid reſolutions being twice read, were agreed unto by the houſe.

See farther Journ. Comm. [illegible] 14. Apr. 1715. 23. March 1737.

NEW WOODSTOCK.

THIS borough is ſituate within the county of Oxford: and, as Doctor Willis writes, returned burgeſſes to parliament in the 30th and 33d of Edward the firſt; but Mr. Prynne takes no notice of any returns for it; nor do I find the names of any burgeſſes returned for it before the firſt of Queen Mary, when the Doctor writes it returned; and alſo to the two next parliaments, and then intermitted until the 13th of Queen Elizabeth, when its right of returning was enquired into: of which, and other memoirs relating to the election, I find in the journals theſe following.

Willis, 1749. 41.

Ibid.

April 6, 1571. Mr. Treaſurer, Mr. ſerjeant Manwood, and others, were ordered to confer with the Attorney-general and Mr. Solicitor-general, about the return for this and other boroughs.

D'Ewes Journal, p. 156.

9th. Report made of the validity of burgeſſes; and ordered, by Mr. Attorney's conſent, they ſhall remain according to their returns; for that the validity of the charter of the town is to be examined elſewhere, if cauſe be. (See Cirenceſter.)

p. 159.

March 3, 1713. A petition of Sir Thomas Sebright, baronet, and Vincent Oakley, eſquire, was read; ſhewing, that the petitioners, at the election of members to ſerve for this borough, were duly elected by a majority of legal votes: that Sir Thomas Wheate, baronet, and William Cadogan, eſquire, candidates with the petitioners, prevailed with the mayor &c. of this borough, to make divers new freemen, in order to the ſaid election; and by impriſoning, bribing, and other illegal practices, and by refuſing the votes of ſeveral for the petitioners, who had a right to vote, have procured themſelves to be returned; in wrong of the petitioners, and rights and privileges of the houſe: and praying &c.

Ordered, that it be heard at the bar, on Tueſday next come ſevennight.

March 16th. The order of the day being read, for hearing of this election; the counſel on both ſides were called in, and the petition read; and they were heard touching the right of election for this borough.

And the petitioners counſel inſiſting, the right was in the mayor, aldermen, common-council, and freemen, of the ſaid borough, living as well without, as within the ſaid borough.

And the counſel for the ſitting-members inſiſting, it was only in the freemen, reſidents and inhabitants of the ſaid borough,

Several witneſſes were examined on the petitioners part, and alſo on the ſitting-members; and the *inſpeximus* of the charter of King Henry the ſixth was read: whereupon, the counſel on both ſides were heard touching the right of election, and then they withdrew.

Reſolved, that the right of election of members to ſerve in parliament for this borough, is in the mayor, aldermen, and freemen of the ſaid borough.

After which the counſel were called in, and Mr. Speaker acquainted them therewith.

And the counſel on both ſides examined ſeveral witneſſes; and were heard, and withdrew.

Reſolved, that Sir Thomas Wheat, baronet, is not duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

Reſolved, that William Cadogan, eſquire, is not duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

Reſolved, that Vincent Oakley, eſquire, is not duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

Reſolved, that Sir Thomas Sebright is not duly elected a burgeſs, to ſerve in this preſent parliament for this borough.

Reſolved, that the late election for the ſaid borough, is a void election.

March 30, 1717. Ordered a warrant for a new writ, for electing a burgeſs for this borough, in the room of Sir Thomas Wheate, baronet, made ſtorekeeper of the ordnance.

March 21, 1719. Ordered a warrant for a new writ, for electing a burgeſs for this borough, in the room of William Clayton, eſquire, made a Lord of the Treaſury.

Nov. 10, 1721. A petition of Sir Thomas Wheate, baronet, was read; ſhewing, that * * * *

Ordered it be referred to the committee of privileges and elections, to examine and report the ſame, with their opinion.

Dec. 5. Ordered leave be given to withdraw it.

WORCESTER.

THIS is the capital of the county and dioceſe of this name. Doctor Willis writes, it returned burgeſſes to parliament from the 23d of Edward the firſt. In the 29th of Henry the ſixth, the following indenture was returned.

Hæc indentura teſtatur, quod Johannes Omburſey, et Hugo Dropping, ballivi domini Regis, civitatis Wygorne, deliberaverunt die confectioni præſentium Thome Huggeford, vic. com. Wygorne, per manus Jacobi Knollys, deputatus ſui virtute brevis domini Regis parliamenti die in feſto ſancti Leonardi, prox. futur. apud Weſtm. tenend. nomina civium civitatis Wygorne, electorum ad dictum parliamentum in brevi content. obſervand. cum nominibus eorum qui eos eligerunt, et in electione pacifica interfuerunt, qui ſunt magis ſufficientes, et idonei ejuſdem civitatis et nomina eorum civium ad dictum parliamentum comparand. viz. Johannes Newton, Willielmus Clave, cives civitatis Wygorne. Et ſunt ma. eorundem civium ad dictum parliamentum cuſtodiend. nomina eorum qui dictos cives eligerunt; viz. Johannes Frenſh, Johannes Campin, Richardus Michell, Thomas Berd, Willielmus Alcetores, Thomas Hakker, Richardus Witley, Mauritius Sherman, Johannes Newman, Richardus Martin, Thomas Godſon, Richardus Barret, Rogerus Willus, Chriſtoferus Newman. In cujus rei teſtimonium uni parti hujus indenturæ penes dict. vic. remanent, ballivi et electores prædicti, ſigilla ſua alternatim appoſuerunt, et alteri parti ejuſdem prædict. vic. per deputatum ſuum prædictum verſus præfatos ballivos remanent ſigillum ſuum appoſuit. Dat. Wygorne, die Mercurii prox. poſt feſtum ſancti Edwardi Regis, anno regni Regis Henrici ſexti, poſt Conqueſtum viceſimo nono.

By this return it appears, the number of electors was ſmall; but it doth not ſet out who they were; viz. whether members of the corporation, or freemen. But the more modern memoirs in the journals (which here follow) have fixed the right of election in the manner it now is, from which my reader will make his own determinations.

March 24, 1680. A petition of Thomas Harris, eſquire, touching the election for this city, was read.

Ordered, that the merits of the ſaid petition be heard at the bar of the houſe, upon the debate, on Monday fortnight.

But it was never heard, by reaſon of the diſſolution of the parliament four days after.

Dec. 23, 1693. A petition of John Oakley, mayor, John Handy, and other citizens of this city, on behalf of themſelves, * who have right to elect members, to ſerve in parliament for the ſaid city, was read; ſhewing, that Samuel Swift, eſquire, hath, by divers illegal practices, obtained a return from the ſheriff, as if he was duly choſen a member to ſerve for the ſaid city; which in truth, he is not; and therefore the ſaid practices are unjuſt, and contrary to the petitioners right: and praying &c.

* Sic orig.

Ordered, that the examination of the ſaid petition be referred to the committee of privileges and elections, and to report the matter, with their opinion.

A petition of Charles Cocks, eſquire, was read; ſhewing, that upon the 9th day of December inſtant, the petitioner was duly choſen a citizen to ſerve in this preſent parliament for this city; but one Samuel Swift, eſquire, is returned, in prejudice to the petitioner's right: and praying &c.

Ordered, that the examination of the ſaid petition be referred to the committee of privileges and elections, and to report the matter, with their opinion.

Feb. 3. Ordered, that the report be made on Wedneſday next.

7th. Mr. Bowyer reported the caſe, as follows:

It was agreed on both ſides, that the freemen, who did not receive alms, were the electors: the poll was alſo agreed to be,

For Mr. Swift	682.
For the Petitioner	575.

So that Mr. Swift had 107 majority.

For the petitioner was called Mr. Oakley, the mayor; who ſaid, that on Friday three weeks before the election, being the 17th of November, it was agreed by the mayor, aldermen, and candidates, that all who had right of freedom, by birth or ſervice, (which were the two ways of being freemen) ſhould be admitted and ſworn before the election: 20 were then made free, and ſworn accordingly; and proclamation made, that thoſe of the city, who had ſuch right, ſhould come on Monday following to be examined, admitted, and ſworn; and ſo daily, till all ſhould be ſworn; and the Friday following was appointed for thoſe who lived in the country to do the like: but on the Monday, though a great many came accordingly; yet the aldermen (at the inſtigation of alderman Haynes, who was in the intereſt of Mr. Swift) went away, and would not admit or ſwear any of them; by reaſon whereof nothing could be done: but the aldermen promiſed to admit them after the election, and did ſo.

Bearcroft ſaid the ſame; and added, that about 100 came to be ſo admitted and ſworn, but were refuſed: and theſe offered at the election to vote for the petitioner, and were refuſed; and the door ſhut againſt them.

Milward gave in a liſt of ſuch as were denied to poll, being 103, and proved their offering to poll; but the door was ſhut againſt them, and alderman Haynes kept the key.

Collins proved the demand, and that the ſheriff refuſed to poll them; whereupon the petitioner inſiſted, their names might be entered, to ſee who, and how many, they were; but it was not admitted: that the poll ended on the 8th of December at 2 o'clock; and the ſheriff's officers took away all the books, as well thoſe the candidates agents had wrote, as thoſe of his own officers; and did not then let the candidates put their ſeals to them, as they had always done before; and refuſed to adjourn the poll till the next day, as the petitioner deſired: that four Quakers, coming to poll for the petitioner, were refuſed, becauſe they would not ſwear, though they produced the copies of their freedom, and though others of the ſame perſuaſion were admitted, for the ſitting-member.

Tayler ſaid, that James Tayler, his father, coming to poll for the petitioner, being infirm, was forced away by ſome of the ſitting-member's voters, and hindred from polling at all.

Smith, ſaid the ſame.

Pretty ſaid, Heath was thruſt into an houſe, and ill-treated, though afterwards did come and poll for the petitioner.

Smith alſo ſaid, that Drew came to be polled for the petitioner; and after, being told he was polled, he went away, but is not in the poll. —— And ſaid the ſame of two others.

The church-wardens of the ſeveral pariſhes proved, that 26 of the voters for the ſitting-member had been relieved, or had ſome charity, or lived in an alms-houſe.

It was objected, that one of the petitioner's voters had received bread: but it appeared, he was clerk of the pariſh, and had it as a perquiſite to his office; and ſeveral of the voters for the ſitting-member had the ſame, and were not excepted to.

Andrews ſaid, that 9 perſons had coats of the warden of the clothiers company, by order of the ſitting-member, who paid for the ſame, and voted for him; and he never gave coats before.

Pomfrey ſaid, Cuerton had promiſed Mr. Cocks; but having a coat given him, was brought to vote againſt him.

The ſame was proved of John Morgan, by Ickill and Smith.

Woodward ſaid, Mr. Swift's brother offered him 40 ſhillings for himſelf, and the like ſum for any others, who would leave the petitioner, and vote for the ſitting-member; though he did not know of any money given: that he was abuſed, and his windows broken, and his man beaten, and a great tumult in the ſtreet.

Yardner ſaid, he was kept down ſtairs by the conſtable at the polling-place: and alderman Haynes aſking him who he polled for? he anſwered, for the petitioner: Haynes thereupon ſtruck him in the breaſt, and aſked him again the ſame queſtion, to which he giving the ſame anſwer, Haynes ſtruck him again; and when he had polled, ſhook him; and ſaid, he deſired to ſee his face, that he might know him.

Breynton ſaid, that coming to poll for Mr. Cocks, he was thruſt, and knocked down; and after he was polled, Alderman Haynes told him, he was a forſworn rogue; and pulled him by the hair, and dragged him all along the Tolſey, and after kicked him down ſtairs.

Captain Slater, a captain of the trained-bands of the city, coming to aſſiſt the petitioner, was abuſed by the conſtables and mob in the Tolſey and ſtreets; and ſaid, he ſaw 40 freemen denied admittance to the poll one morning, and 20 in the afternoon, who would have voted for Mr. Cocks.

For the ſitting-member was called alderman Haynes; who ſaid, that Mr. Swift was invited to be a candidate to oppoſe Mr. Lechmere, but refuſed it at firſt; and afterwards accepted it, and Mr. Lechmere deſiſted: that then the petitioner promiſed to be for Mr. Swift, but afterwards ſtood himſelf: that the mayor was at firſt for Mr. Swift, but afterwards for the petitioner: that the petitioner had agreed, not to make any freemen, though after made 20; but finding the inconveniency of it, agreed again to make no more till after the election; only the mayor, he ſaid, was for making freemen: that the petitioner agreed, none but freemen ſhould be let into the Tolſey to diſturb the poll; and all freemen ſhould have votes, except thoſe who had weekly or monthly penſions; and they examined the voters to this, on oath, when they polled, which was the ſcrutiny agreed on: and alſo agreed they ſhould poll by twenties, which was done, till the petitioner had but 15; and that after the petitioner polled ſo many, that Mr. Swift had 107 majority; whereupon the petitioner declared, he could not retrieve it, and would put the ſitting-member to no further charge; and three proclamations were made in the hall and in the ſtreet, and the books cloſed, and the ſcrutiny adjourned till Tueſday: that he and the conſtable were abuſed in the ſtreet by ſome young men, who declared for the petitioner, but were no freemen; though he owned they had right to be ſo, and were uſed to be admitted at all other elections: that he carried captain Slater out of the crowd, who declared, he had had his brains knocked out, had it not been for him: that there were more than 103 who had right to their freedom: that they were in all 270 and more; but could not ſay, whether they demanded their freedom before the election: that 150, who were not made free, ſubſcribed for the ſitting-member; but owned, they were not at the election, or demanded a poll.

Hunt ſaid, he took the poll-books, and they were only ſealed by the ſheriff, and he gave them to alderman Haynes: that the petitioner made no other exception, than that the ſitting-member was ſheriff of the county, and ſo could not be returned a citizen: that the candidates agreed, the bread-men ſhould be polled; and thoſe Quakers only, who had been ſworn.

Shewyn proved the agreement to make no freemen; and that the election was fairly carried.

Gibbs ſaid, that 158, who had right of freedom, would have voted for the ſitting-member, and ſome of them demanded it the day the poll was cloſed; but it was agreed on both ſides, they ſhould not be polled.

Burrell ſaid, there were 112 who had right to be free, and would have voted for Mr. Swift; and ſome of them came on the day of election.

Jones ſaid the ſame of 158; but could not ſay, they demanded to poll.

Hart gave in a liſt of them; and ſaid, they were freemen, and would have been for the ſitting-member; but could not ſay, they were at the election.

Matthews ſaid, as to the 9 coats, the ſitting-member ordered him to give them as he pleaſed; and would not have it known to be on his account: that he did not know he ever gave any before, but his father did in his life-time, who died about ſeven years ſince.

Andrews ſaid, he had a coat; but was not to do any thing for it, though he voted for the ſitting-member.

Minſhoe ſaid, he was threatned to have no more work, if he did not vote for the petitioner; and if he did, he was to have 2 ſhillings weekly.

In anſwer to ſome of theſe witneſſes; Collins ſaid, he was at the election; and the petitioner was ſo far from declaring himſelf ſatisfied, that he complained of foul play in it; and never made any agreement, that no more freemen ſhould be admitted; and demanded a ſcrutiny, which was denied him.

Milward ſaid, Gibbs owned, that he had a pack of wool, and money, for acting for Mr. Swift.

Upon the whole, the committee reſolved,

1. That Samuel Swift, eſquire, is not duly elected a citizen, to ſerve in this preſent parliament for this city.

2. That Charles Cocks, eſquire, is duly elected a citizen, to ſerve in this preſent parliament for this city.

The ſaid two reſolutions being twice read, were agreed unto by the houſe: and the return was ordered to be amended.

Dec. 1, 1710. A petition of Benjamin Pearkes, alderman and citizen of this city, was read; ſhewing, that the petitioner, with Samuel Swift, and Thomas Wylde, eſquires, were candidates at the laſt election of members, to ſerve in parliament for this city, which commenced on the 17th of October 1710, and ended on the 21ſt; and after the poll was cloſed, the court, by conſent of all parties, adjourned for three days, in order for a ſcrutiny: that when the court was re-aſſembled, the ſheriff refuſed the ſame; and declared, he would return by the majority, as the poll then was: and that during the time of the poll, the ſheriff ſhewed great partiality, and adjourned the poll againſt the conſent of the petitioner, when he had ſeveral perſons in court ready to poll for him; and that he admitted perſons receiving alms, apprentices, quakers, and others, who refuſed to affirm the abjuration-oath, to vote for Mr. Wylde; by which means, and by bribery, and other indirect practices, Mr. Wylde obtained a majority on the poll, and procured himſelf to be returned: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

April 26, 1711. Ordered, that Mr. Pearkes have leave to withdraw his petition.

March 31, 1715. A petition of Richard Lockwood, eſquire, was read; ſhewing, that at the election for this city, the petitioner, Thomas Wylde, and Emanuel Swift, eſquires, were candidates: that the ſaid Mr. Swift, together with Thomas Yardley, ſheriff of this city, and his agents, by notorious bribery, &c. procured votes for the ſaid Mr. Swift, who would have voted for the petitioner; and the ſaid ſheriff refuſed to poll ſeveral perſons for the petitioner who were duly qualified; and polled ſeveral other perſons for the ſaid Mr. Swift, who had no right: and that the petitioner demanded a ſcrutiny, but he was refuſed the ſame: notwithſtanding theſe practices, the petitioner had a legal majority of the ſaid Mr. Swift, and ought to have been returned; and that the ſaid Mr. Swift is not qualified: and praying &c.

Ordered it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Sept. 16. Ordered a warrant for a new writ, for electing a citizen, to repreſent this city in this preſent parliament, in the room of Thomas Wylde, eſquire, made a commiſſioner of the revenue in Ireland.

WORCESTERSHIRE.

THIS county is upon the extream parts of the kingdom towards Wales. It has, I apprehend, returned knights of the ſhire, from the 22d of Edward the firſt. In the 29th of Henry the ſixth, I find a particular return to the writ for election, as follows:—*Iſtud breve ſic indorſatum et in omnibus executum deliberatum fuit michi Johanni Brem per Thomam Huggeford, predeceſſorem meum.* After this I meet with no other memoirs, until after the Reformation; when theſe following occur in the journals. B. P. R. 174.

Jan. 4, 1640. Ordered, that both the petitions concerning Sir Thomas Littleton, the ſheriff of this county, and Sir William Ruſſell, now with the committee of privileges, be referred to the committee for Sir Lewis Dives his petition.

Jan. 3, 1701. A petition of William Walſh, eſquire, was read; ſhewing, the petitioner was one of the candidates for knights of the ſhire for this county at the late election, where he had a majority of legal voters; but Sir John Packington, by giving money and entertainments to voters, and other undue practices, procured himſelf to be returned, in prejudice of the petitioner: and that the ſheriff was guilty of ſeveral irregular practices; for that on caſting up the poll, the ſaid Sir John appeared to have but a ſmall majority of the petitioner; yet the ſheriff denied a ſcrutiny: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Nov. 2, 1702. A complaint being made to the houſe by Sir John Packington, againſt the Lord biſhop of Worceſter, and Mr. Lloyd, his ſon, relating to the rights and privileges of the houſe of commons;

Reſolved, that a day be appointed to take into conſideration the ſaid complaint.

Ordered, that the ſame be taken into conſideration upon Wedneſday, the 18th of November inſtant.

Nov. 18th. The houſe (according to the order of the day) proceeded to take into conſideration the complaint of Sir John Packington, the 2d inſtant, againſt the Lord biſhop of Worceſter, and Mr. Lloyd, his ſon, relating to the rights and privileges of the houſe of commons. And Sir John Packington in his place acquainted the houſe, that he had reduced the matter of the ſaid complaint into ſeveral heads; which he read in his place, and are as follow.

1. That ſoon after the laſt parliament roſe, the biſhop of Worceſter took upon him to ſend to me, to deſiſt from ſtanding to be elected knight for that county; and to threaten me, that if I would not deſiſt, he ſhould think himſelf obliged to ſpeak againſt me to his clergy.

2. He ſent ſome letters himſelf, and his ſecretary ſent others, to ſeveral of his clergy, with directions to make what intereſt they could againſt me in their ſeveral pariſhes; and where they could not prevail with ſuch who voted ſingly for me in the laſt election, to give a vote for one, or both the other candidates, they ſhould deſire them to ſtay at home; and in order to this, his Lordſhip ſent them copies of the poll of their reſpective pariſhes.

3. He aſperſed me to his clergy, branding me and my anceſtors with ſeveral vices; and at his confirmations and viſitations ſollicited his clergy to vote againſt me, repreſenting me as very unfit to ſerve in parliament; and threatning them with his diſpleaſure, if they did not vote againſt me.

4. He aſperſed me and my anceſtors to ſeveral of the laity, who were his tenants; and threatned

them, that if they would not vote againſt me, they ſhould never renew any eſtate under him; and that he would ſet ſuch marks upon them, that his ſucceſſors ſhould not ſuffer them, nor their children, to renew any more.

5. Mr. Lloyd, the biſhop's ſon, aſperſed me, and gave ſcandalous characters of me to ſeveral freeholders, whom he ſollicited to vote againſt me; and told them, I voted for bringing in a French government.

6. The biſhop's ſecretary aſperſed me to ſeveral freeholders in the like manner; repreſenting me as unfit to ſit in the houſe, threatning them with the biſhop's diſpleaſure; and ſaid, they might as well vote for the Prince of Wales, as for me.

After which, the witneſſes to the reſpective heads were ſeverally called in, and examined at the bar thereunto; viz.

Mr. William Norton being examined, ſaith, that he had a letter from the Lord Biſhop of Worceſter's ſecretary, Mr. Evans, that the Lord biſhop would ſpeak with him; that he went accordingly that night to wait upon his Lordſhip; and upon his attending his Lordſhip, his Lordſhip told him, that he took it unkindly that he had made intereſt for Sir John Packington: that his Lordſhip had ſent his bailiff to engage votes for Mr. Bromley and Mr. Walſh; and he was ſorry that this examinant ſhould be for his enemy Sir John Packington: and that his Lordſhip would ſend to Sir John Packington to deſiſt from ſtanding for knight of the ſhire; and if he would not deſiſt, his Lordſhip was to viſit his clergy, and he would ſet Sir John Packington out in his colours: that the ſaid examinant being aſked, what reaſons his Lordſhip gave, why Sir John Packington was his enemy, ſaid, he did not give him any reaſons, but that his Lordſhip believed he would do any thing in his power to ruin him.

Mr. Charles Stephens, rector of Hampton-Lovet, being examined, ſaith, that on the 30th of June laſt, he received a letter from the Lord biſhop of Worceſter, under his own hand, to attend him at Worceſter before his Lordſhip went his viſitation: this examinant attended his Lordſhip accordingly, who deſired this examinant to deliver a meſſage to Sir John Packington, to deſiſt from ſtanding for one of the knights of the ſhire: this was in the preſence of the chancellor. He ſaid, that Sir John ſhould name any body whom he pleaſed; and that his Lordſhip ſhould take it very ill if any of the clergy voted for Sir John Packington; and if any of his tenants did, they ſhould not renew their leaſes in his time, and he would leave ſuch intimation to his ſucceſſors, as ſhould make them of his mind: and that if Sir John would not deſiſt, he ſhould be obliged to ſpeak againſt him at the viſitation. This examinant being aſked, what reaſons the biſhop gave for his being againſt Sir John Packington, he ſaid, his Lordſhip urged againſt him the pamphlet, written in defence of the bill againſt the tranſlation of biſhops; being aſked, if he knew of any that had diſperſed any of thoſe pamphlets, he ſaid, that the biſhop ſaid, that Sir John Packington's ſervants had diſperſed them; but this examinant ſaith, that he had none given him, but half a dozen which were directed to him he knows not by whom; but believes they came no further than from Worceſter, being brought by one Davies, a carrier, of Wych, as he thinks. Being aſked ſeveral queſtions about divers pamphlets, if he had ſeen them; he ſaid, he had bought one at Worceſter, being A Vindication of the Bill againſt the Tranſlation of Biſhops; and that he had ſeen another, being a pretended anſwer, which was ſent him in a blank caſe from London, he knows not from whom; and that he never diſperſed any, being always cautious in ſuch matters: being aſked, if that cover was franked with Sir John Packington's name, he ſaid, it was not. This examinant ſaith, that after dinner, at the viſitation of Bromſgrove, the Lord biſhop ſaid, every body might expect juſtice from him, but not favour, if they voted for Sir John Packington: being aſked, whether the biſhop charged him upon his canonical obedience, he ſaid, no; but that his Lordſhip told Mr. Bolles of Hagley, who ſaid, he could not vote as the biſhop deſired him, being obliged by his patron to vote for Sir John Packington; the biſhop replied, are you not obliged to me? Have you not lately ſworn canonical obedience? I am ſure you have. This examinant being aſked, if he had any living, he ſaid, that Sir John Packington had preſented him to Hampton-Lovet. He ſaid further, that his Lordſhip charged ſeveral immoralities upon Sir John Packington; and being aſked the particulars, ſaid, he charged him with drunkenneſs, ſwearing, and whoredom. That his Lordſhip inſiſted at his viſitation, very much upon the pamphlets, particularly that paſſage about cutting down wood; and his Lordſhip ſaid, that he could give a very good account of that; and that there were divers paſſages in the pamphlet reflecting upon ſeveral biſhops. That after dinner, at the viſitation at Bromſgrove aforeſaid, his Lordſhip's ſecretary, Mr. Evans, ſtood at the door to endeavour to keep every body in the room, until his Lordſhip had particularly ſpoken to them, and was not willing to let any one go out but the examinant.

Mr. John Cheatle, being examined, ſaith, that he was at the viſitation at Bromſgrove, in July laſt; that he met Mr. Evans, the Lord biſhop's ſecretary, on the ſtairs-head, who preſſed him very much to go in to his Lordſhip, which this examinant was unwilling to do; and being deſirous to know the buſineſs the Lord biſhop would ſpeak to him of, Mr. Evans told him, my Lord expected he ſhould vote for Mr. Bromley and Mr. Walſh: this examinant told him, that he was engaged, for he had promiſed Sir John Packington: that the ſecretary told him in great anger, that then he muſt not expect to come within his Lordſhip's door any more. He ſays, that he is a receiver of ſome of the biſhop's rents, and that he voted only for Sir John Packington.

Being aſked a queſtion which related to the ſaid election; but being diſcourſe that the Lord biſhop had with him alone, the examinant ſaid, he was receiver of the biſhop's rents; and that he deſired the judgment of the houſe, whether it was fit for him to relate that, and then withdrew. And the houſe did not think fit to examine him to that point, but called him in to other matters.

Mr. Thomas Wellens, curate of Alfrick and Lulſly, being called in and examined about a letter ſent to him by Mr. Evans, the biſhop's ſecretary, Mr. Wellens and the aforeſaid Mr. Cheatle proved it to be Mr. Francis Evans, the biſhop's ſecretary's hand. The letter was read, and is as followeth.

ALFRICK.

John Field	P.	John Gillam	P.
Reynold Barber	P.	Richard Kendrick	P.
William Woodcock	P.	Walter Meeks	P.
Samuel Hall	P.	Samuel Meeks	P.
Joſ. Joyner	P.	Thomas Smith	P.

Francis Skinner	P.	Samuel Smith	B. W.
Richard Portman	P. B.	Chriſtopher Gorey	W.
Richard Markham	P. W.		

LULSLEY.

Edmund Kinnerd	P.

“Mr. Wellens, “Worceſter, 30 June, 1702.

“My Lord finds that the freeholders at Alfrick and Lulſley voted as above, the laſt election, 12 of them ſingly for Sir John Packington. His Lordſhip does not think him a fit perſon to repreſent the county in parliament, for many reaſons; and therefore deſires you will uſe all the intereſt you have in the gentlemen above, to vote for Mr. Bromley and Mr. Walſh; and in caſe they are ſtill engaged for Sir John P. if they do vote, deſire them to give a ſecond vote either for Mr. Bromley or for Mr. Walſh, or rather to ſtay at home, and ſo not vote at all: whatever ſervice you can do in this affair, will be very kindly taken by his Lordſhip. If there be any other freeholders that did not vote at the laſt election, his Lordſhip deſires you will endeavour to prevail with them to vote for Mr. Bromley and Mr. Walſh. I am,

“Your friend and ſervant,

“FRA. EVANS.”

To the Rev. Mr. Wellens, Curate of Alfrick and Lulſley. Theſe.

The ſaid Mr. Wellens being farther examined, ſaith, that ſome time after, he met Mr. Evans at Worceſter, and told him he had received his letter; but that it came too late, his neighbours being engaged before.

Mr. Thomas Pountney, rector of Fladbury, being examined, ſaith, that he did receive a letter from the Lord biſhop of Worceſter, by one Taylor, an apparitor; and the letter being ſhewed him, he owned it to be the ſame letter, ſigned by his Lordſhip's own hand. He ſaith, that he ſhewed the letter to Mr. Hodge, as the biſhop deſired him in the ſaid letter. The letter was read, and is as follows; viz.

“SIR, “Hartlebury, July 29, 1702.

“I think I have more reaſon to hope for ſomething of conſideration from you, than from moſt others of the clergy of this dioceſe, and ſomething alſo more from the freeholders in your pariſh, than in moſt other parts of the county; and therefore I thought I had reaſon to take it ill of your neighbours, that they ſhould give their votes as they did, for the chooſing of Sir J. Packington to be knight of the ſhire; when, in order to that very election, he had publiſhed two libels, full of horrible lies, againſt myſelf, and ſeveral others of the biſhops, that had never given him the leaſt provocation. This grieved me much; but yet I had wherewith to comfort myſelf, in believing that thoſe libels might not have come to their knowledge; though as I ſince underſtand, great care was taken by Sir John's agents to publiſh them all over your neighbourhood. But now ſince, I underſtand there is a third libel come abroad, which is written againſt me in particular. The declared cauſe of it is not only my oppoſing Sir J. P.'s election, which, after my coming into the country, and finding his libels publiſhed among my tenants by his ſervants, I ſent him word I thought myſelf obliged to do, unleſs he would be pleaſed to deſiſt from ſtanding, as I earneſtly deſired him to do more than once; but this author hath found, that I was the writer of a printed half ſheet, called, *The Character of a Churchman*; and that this was written againſt Sir J. P. for hindering his election; and for this he ſcourges me moſt unmercifully, with ſuch a tongue as St. James deſcribes. For that *Character of a Churchman*, I do declare to you in the preſence of God, that I neither writ it, nor know the author of it; but I certainly know, that Sir J. P. is not once mentioned in it, nor had I at the time when that was printed, any breach with Sir J. P. nor occaſion to do this with reſpect to the election; for it was printed before I came to London, and that was before the diſſolution of the former parliament, which, if I had foreſeen, I had certainly ſtaid longer in the country. After all this, it is true that I ſent a great number of thoſe half ſheets into the country, as I did of ſuch other ſmall things, upon ſeveral accounts. They were ſent chiefly on account of our unhappy differences in convocation, and for promoting the moſt pious deſigns of reformation. On this laſt account it was, that I ſent this *Character of a Churchman*, without making any reflection upon any particular perſon. I did indeed know, that the devil would be mad at me for it, and now I have found the effects of his wrath: he hath ſet a ſon of his to write againſt me, which I thank God is the worſt he can do. This account I have given you of this third libel, in hopes it may have ſome effect upon you, and your neighbour Mr. Hodge, to whom I deſire you to ſhew what I have written. I hope you will both of you conſider, whether any ſuch promiſe as that you have made to this gentleman, to make him your repreſentative in parliament, can oblige you to any thing elſe, but repentance of your having made ſuch a promiſe, and to bring forth fruits meet for repentance. For my part, I leave this upon your ſouls, deſiring you both to do in this matter, as you think you can beſt anſwer it to God at the great day; which I doubt not you believe, and expect as well as I. I pray God direct you. I am,

“Your faithful friend and dioceſan,

“W. WORCESTER.”

The encloſed is a liſt of the voters from Fladbury at the laſt election. I pray God direct them this time to vote better, or ſtay away.

FLADBURY.

Henry Cocks	P.	John Smith	P.
John Knowles	P.	Arth. Gutteridge	P.
William Cole	P.	John Weaver	P.
Thomas Weſton	P.	William Francis	P.
Richard Hilyard	P.	Cl. Perks	P.
Joſ. Ganderton	P.	John Hopkins	P.
John Bachelor	P.	M. William Weſton	P.
Thomas Day	P.	S. G. Jeffrey Hopkins	P.
H. M. Tho. Woodward	P.	M. Henry Gibbs	P.
James Benſon	P.	H. William Tomlins	P.
H. M. Tho. Sanders	P.	M. John Francis	P.
Edward Marſhal	P.	M. William Gibbs	P.
John Bluck	P.	Richard Tayler	P.

Richard Tandy	P. S. B.	John Sale	P.
H. M. Arthur Charlet	P. B.	William Abry	P.
H. M. Richard Farr	P.	William Buſhell	P.
B. Thomas Barkes	B. W.	A. M. Robert Wright	P.
Thomas Hornblow	P.	Barth. Hopkins	P.
John Hopkins	P. St. B.	John Moor	P.
William Kings	B. W.	Richard Buſhell	P.
William Haywood	B.	John Bluck	P.
H. M. Joſ. Charlet	P. B.	Thomas Francis	P.

To the Rev. Mr. Pountney, Rector of Fladbury.

This examinant being aſked about pamphlets, he ſaith, that *The Character of a Churchman* was brought to him by the church-wardens, who received it with the proclamation from the apparitor.

Sir John Packington produced another letter, directed, *To the Rev. Mr. Mugg, Rector of Inkberrow*; which Mr. Cheatle aforeſaid proves to be the Lord biſhop's hand. The ſaid letter from the biſhop was encloſed in a letter from Mr. Mugg to Sir John Packington, and delivered by Mr. Mugg to Sir John Packington's ſervant, who delivered it to his maſter. The letters are as follow, viz.

"SIR,

"I have here encloſed the biſhop of Worceſter's letter, which deterred me from coming to your laſt election, againſt my own moſt earneſt inclination, to attend and promote it as formerly I did; and refer to Mr. Apletree and other gentlemen to ſay, what influence it had more than my ſingle vote, with reſpect to my age and longer reſidence in the county, than others of the clergy. But this biſhop has been ſo ſevere, in promoting and abetting unjuſt proſecutions againſt me, to my vaſt damage and loſs of eſtate in other place. Sic orig. And ſince his coming into this dioceſe, have I juſt cauſe to complain of that want of diſcipline, which from his conſiſtory-court ſhould have been exerted againſt lewdneſs in my pariſh; which I take worſe than his repeated endeavours to deprive me of my eſtate. I would lay the matters in particular, and give perſonal teſtimony in ſeveral inſtances, if I may be permitted a further day. But Thurſday next muſt attend a commiſſion then held at Nottingham: afterwards, as I have intimation, all excuſes and delays ſet aſide, ſhall be ready to appear, not only to ſerve you in this cauſe, but for neceſſary vindicating the right of the commons, and that property of the ſubject that is infringed by ſuch means and methods, as I know this biſhop has uſed. I am, Sir,

"Your moſt faithful humble ſervant,

Nov. 15, 1702. "HEN. MUGGE,

"Vicar of Inkborough."

To the honourable Sir John Packington, baronet, member of parliament, humbly preſent.

"SIR, July 27, 1702.

"You cannot but have heard, and probably have ſeen, how the biſhops of this church in general, and 5 or 6 of them in particular, have been abuſed with impudent lies in two libels that were publiſhed by Sir John Packington almoſt a year ſince, in order to his laſt election. At that time, I had not given him the leaſt provocation; and for the other abuſed biſhops, few of them knew his face. Since that time, finding at my return from London, where I was all the while he was libelling me in the country, that he had publiſhed theſe libels, ſome of them with his own hands, and the reſt by his agents, I could not but think myſelf obliged by all honeſt ways to oppoſe his election, if he would ſtand; which I ſent to him three times to let him know, and to deſire he would forbear.

"Hereupon there comes out a third libel againſt me, which I have only ſeen, but could not get a copy of it. I never ſaw any thing wrote with ſuch a furious rage of railing, and ſcoffing, and lying; which, I thank God, can do me no hurt; nor will it do him ſervice, if I may ſo call it, in promoting his election, which, I think, would be the greateſt hurt that could happen to him.

"It is for the preventing of this that I write to my friends, earneſtly to deſire them to get what votes they can for Mr. Bromley and Mr. Walſh; and to keep away as many as they can of them that will vote for Sir John Packington.

"Your diligence in this matter will lay a very great obligation upon, Sir,

"Your faithful friend, and dioceſan,

"W. WORCESTER."

I have ſent you the encloſed, to ſhew you how the votes at your pariſh went at the laſt election.

To the Rev. Mr. Mugg, Rector of Inkberrow.

INKBERROW.

John Philips	B.	Thomas Marſhall	P. B.
John Bennet	P.	George Court	B.
John Gore	W.	Henry Dyſon	B.
Job Watts	P.	Robert Boney	B.
William Walford	P.	William Wren	B.
George Darby	P.	Robert Willis	P.
Richard Eaton	P.	Thomas Briſtow	P.
William Barber	B. W.	Richard Dewce	P.
Henry Hunt	P.	Henry Glover	P.
Thomas Huntles	P.	Thomas Tomkins	P. B.
Henry Smith	P.	Thomas Ganderton	P.
Edward Millard	P.	Walter Steward	P.
Edward Griffin	P.	John Harbage	P.
Edward Harriot	P.	James Hemmings	P.
Samuel Tandy	P.	William Harvey	B. W.
Robert Biddle	P.	Humphry Eaton	P.
Nicholas Hoblins	P.	William Mallard	P.
Thomas Hopkins	P.	Thomas Lucas	P. B.
George Gore	P. W.	William Soley	P.
John Churchly	P.	Robert Willis	P.
John Appletree	P. B.	Michael Jones	P. B.
John Sheldon	P.	William Hunt	P. B.
Thomas Walford	P. B.		

Mr. Thomas Hodge, clerk, being examined, ſaith, that the Lord biſhop of Worceſter ſollicited him to vote againſt Sir John Packington; and then would have perſuaded him to ſtay at home: but he ſaid, he had given his promiſe to Sir John. His Lordſhip told him, that if he voted for Sir John Packington, he ſhould think him led by wicked and carnal principles. His Lordſhip ſaid, that Sir John had aſperſed him: This examinant ſaid, he hoped not. His Lordſhip told him of a book, and ſaid, he believed he had it; which this examinant denied. His Lordſhip proceeded then to give ſome account of the book, and to vindicate himſelf; and ſaid, that Sir John Packington was a whoremonger, drunkard, and ſwearer; and that no ſuch were fit to be law-makers. This examinant told his Lordſhip,

ſhip, he was engaged to go to give his vote: the biſhop ſaid, that Sir John Packington had aſperſed him and other biſhops: and in concluſion his Lordſhip ſaid, whoever voted for Sir John Packington, he ſhould not think him fit to be a clergyman. And when his Lordſhip renewed the diſcourſe another time, this examinant told him of his promiſe: his Lordſhip ſaid, it was an ill thing, and that this examinant could not think himſelf obliged to do an ill thing. Being aſked, if the biſhop did urge any thing of canonical obedience; he anſwered, that he ſaid nothing of it.

Mr. William Bolles of Hagley, being examined, ſaith, that at the viſitation at Bromſgrove, the Lord biſhop of Worceſter told this examinant, that being now come into his Lordſhip's dioceſe, he expected he ſhould not give his vote for Sir John Packington; and if he did, he muſt expect no favour from his Lordſhip. This examinant told his Lordſhip, that he had great obligations to his patron, to whom he had promiſed to vote for Sir John Packington. The biſhop told him, that he had obligations to him, and that he had lately ſworn canonical obedience to him. This examinant ſaid to the biſhop, that Sir John Packington's family had been always of great repute; and aſked the biſhop his opinion of the Lady Packington, who was ſaid to be the author of *The whole Duty of Man*; his Lordſhip replied, that lady was a very excellent woman; but that Sir John had inherited the vices of the males of his family, but none of the virtues of the females. Being aſked, whether the biſhop had given him any preferment; he ſaid, his Lordſhip had given him a ſmall prebend in the church of Litchfield.

Mr. Thomas Gibſon of Perſhore, being examined, ſaith, that the Lord biſhop of Worceſter firſt ſpoke to him at the confirmation at Perſhore, about three days before the viſitation at Eveſham, concerning voting againſt Sir John Packington; and ſollicited him much to vote againſt him. The biſhop told him, that Sir John was a very ill man, and very unfit to repreſent the county. He told his Lordſhip, he was under an obligation, having given his word. The biſhop ſaid, that if this examinant gave his vote for Sir John Packington, he ſhould think that this examinant thought his Lordſhip not fit to be his biſhop. After this, at the viſitation at Eveſham, the Lord biſhop called this examinant before the whole clergy, and aſked him, if he had conſidered of what he had ſpoke to him at Perſhore: he told his Lordſhip, that he hoped he had been ſatisfied with his anſwer: his Lordſhip ſaid, he was not; and added, that if this examinant voted for Sir John Packington, he ſhould look upon him to be the pooreſt, wretchedeſt, vileſt, deluded hypocrite in the world: and that they may know Sir John Packington's party, for the papiſts and quakers were for him: this examinant replied, the papiſts have no votes, and the diſſenters and fanaticks are of your Lordſhip's ſide.

Mr. William Thomas, clerk, being examined, ſaith, that he did receive a letter from Mr. Evans, the Lord biſhop's ſecretary, to vote for Mr. Bromley and Mr. Walſh; and that Mr. Evans ſaid, that if this examinant voted for Sir John Packington, it would be taken to be in oppoſition to the Lord biſhop. This examinant did alſo receive a letter from Mr. Lloyd, the biſhop's ſon, to the ſame purpoſe; adding further, that Sir John Packington was no friend to the church.

Mr. William Norton was again called in; and being examined, ſaith, that the Lord biſhop of Worceſter ſent for him, and preſſed him to give his vote and uſe his intereſt for Mr. Bromley and Mr. Walſh: this examinant told his Lordſhip, he had given his word to vote for Sir John Packington: his Lordſhip ſaid, Sir John was not a man fit to ſit in the houſe of commons: that he was a man that ſtrikes at the government: that he was debauched and lewd, and ſo was his father and grandfather: that his father had filled him ſo full of jacobitiſm, that it could not be rooted out: this examinant ſaid, that he thought Sir John Packington was a true church of England man, as by law eſtabliſhed: his Lordſhip replied, that he was of the Prince of Wales' church. At another time, his Lordſhip called this examinant to him, and aſked him, if he had conſidered of what he had ſaid? this examinant ſaid, he had; but he could not depart from his word, which he had given. His Lordſhip ſaid, have not I ſhewed you kindneſs in renewing your leaſe? he replied, it was a very hard fine he had paid. The biſhop ſaid, hard or eaſy, he ſhould never renew again as long as he lived; and that he would put ſuch a mark upon him, that he ſhould never renew it in his ſucceſſor's time. A few days after, Mr. Evans, the biſhop's ſecretary, ſollicited this examinant to vote againſt Sir John Packington, or if not, to ſtay at home, and not vote at all; or elſe he ſhould diſoblige the Lord biſhop; and added, if you do vote as his Lordſhip would have you, it will be ſomething in your way, for his Lordſhip would bear the charge of a law-ſuit this examinant was engaged in.

Mr. Robert Fidkin being examined, ſaith, that ſome time before the laſt election, the Lord biſhop of Worceſter ſent for him on a Sunday in the evening, and told him, he was reſolved to make all the oppoſition he could to Sir John Packington in this election; and if any of his tenants voted for Sir John Packington, they ſhould never renew their eſtates any more as long as he lived. He told his Lordſhip, he could not vote againſt Sir John Packington, becauſe he had promiſed his vote for Sir John Packington; but to oblige his Lordſhip, he was willing to ſtay at home: his Lordſhip anſwered, he had as lieve he ſhould run a ſword againſt him, as offer him that affront: ſtaying at home would not ſerve his turn: that unleſs this examinant would vote againſt Sir John Packington, he ſhould never renew any thing with him; and he would ſet ſuch a mark upon him to ſhew his ſucceſſors, that neither this examinant, nor any of his, ſhould ever renew their eſtates any more. This examinant anſwered, My Lord, you have often told me, that I and my anceſtors have held our eſtate under the biſhoprick for many hundred years, as appears by your books; and I hope your Lordſhip will not do ſo ill a thing, as to ruin me and my children: his Lordſhip replied, it is your own fault, and you may thank yourſelf for it. Being aſked, who he voted for? he ſaid, for Sir John Packington only.

Mr. Robert Wilmot being examined, ſaith, that preſently after Mr. Lloyd, the Lord biſhop's ſon, came from London, before the laſt election, he ſent for this examinant, and preſſed him to give his vote for Mr. Bromley and Mr. Walſh: this examinant told him, that he had promiſed Sir John Packington already. Mr. Lloyd told him, he was ſorry; but he muſt not give him his vote, for he was unfit to be a parliament-man, for he was a whoremonger and a drunkard: he told this examinant then he muſt engage to ſtay at home, and not vote; and bid him conſider of it, and come to him again.

Accordingly, this examinant went to Mr. Lloyd on Monday, who aſked him, if he altered his reſolution of voting for Sir John Packington? this examinant inſiſted, that he had given his promiſe: Mr. Lloyd told him, he was acquitted from that promiſe; for Sir John was a very unfit perſon: that he inherited his father's and grandfather's vices, and not his grandmother's virtues: that he would have him to ſtay at home, and pretend buſineſs; and then he would have perſuaded him to pretend to be ſick: but this examinant ſtill inſiſted, that he had given his promiſe to Mr. Winnington to vote for Sir John Packington. Mr. Lloyd then told this examinant, that Sir John Packington voted for bringing in a French government, and ſo did Mr. Winnington, and all that party: and that if this examinant did not pleaſe the ſaid Lloyd in his voting, this examinant muſt never come near him more.

At the time of the election, Mr. Lloyd came to this examinant, at the booth where the election was, and told him, he was better than his word, for he had not only voted for Sir John Packington, but made intereſt for him; and further told this examinant, he would be even with him. And accordingly, when this examinant was hunting with him after the election, he ſent his ſervants and broke open this examinant's ſtable-door, and took away his ſetting-dog, and his gun and nets, which this examinant had leave from him to keep in the Lord biſhop's manor; and the ſaid Mr. Lloyd had often made uſe of for his own diverſion: and when he complained to Mr. Lloyd about it, he reproached this examinant for having voted, and made intereſt for Sir John Packington; and reminded him of his promiſe at the election, that he would be even with him. This examinant further ſaid, that he had been, before the dog was taken, to wait upon the ſaid Mr. Lloyd, and offered him to put away his dog, gun and nets, if they gave him any offence; and that Mr. Lloyd ſaid, he need not do that, that thoſe were trifles; and therefore this examinant thought he would not have ſeized his dog: Mr. Lloyd replied, if I had told you what I intended, you would have ſent your dog away. This examinant being aſked, whether there was any warrant for breaking open his ſtable, ſaid, he underſtood that Mr. Soley had granted a warrant to take his dog and nets; but there was no conſtable with him when they broke open the door.

Mr. Richard Griffin being examined, ſaith, that Mr. Lloyd, the firſt Sunday after he came home, aſked this examinant, whether he had promiſed his vote for any one, and for whom? he replied, he had promiſed Sir John Packington. Mr. Lloyd told this examinant, he did very ill to promiſe before the Lord biſhop came down; and that he ſhould have my Lord's ill will if he voted for Sir John Packington, for he was not a fit man to ſit in parliament, for he aims to bring in a French government. Four or five days before the election, Mr. Lloyd ſent to this examinant again, and deſired him to vote for Mr. Bromley and Mr. Walſh. This examinant replied, that he ought to be as good as his word, having promiſed Sir John Packington. Mr. Lloyd then told him, he ſhould have the Lord biſhop's ill will, and would have him ſtay at home. This examinant then ſaid, he would go, becauſe he had promiſed. Upon that, Mr. Lloyd replied, if you do go, I wiſh you may lie lame a month after it. At another time, Mr. Evans, the Lord biſhop's ſecretary, deſired this examinant to ſtay at home, and not appear for Sir John Packington, for the biſhop would be angry with him, if he ſhould. This examinant further ſaith, that he had taken in a piece of land, and that Mr. Evans told this examinant, that ſince he would not pleaſe my Lord biſhop in voting againſt Sir John Packington, he would throw open his encloſure; and accordingly, the ſaid encloſure was twice thrown open, and his quick-hedge taken away: and that one Gregſon, a ſervant of the biſhop's, told this examinant, that he did it by Mr. Evans' order.

John Harwood being examined, ſaith, that ſome few days before the laſt election, there was a meeting of ſome neighbours, where Mr. Evans, the biſhop's ſecretary, was preſent. Mr. Evans told the company, they were all honeſt men, of one mind, except Harwood, pointing to this examinant; for, ſays he, he is the only man that will vote for Sir John Packington, who is not fit to be a parliament-man; for he is a drunkard, and a lover of women: which put this examinant into a paſſion, and cauſed him to ſwear; and the ſaid Mr. Evans pretended to number the oaths by his buttons. Afterwards, the ſaid Mr. Evans ſent the biſhop's keeper, in Mr. Evans' name, to fetch this examinant to him, who told him, he muſt pay five pounds for ſwearing; but if he would vote for Mr. Bromley and Mr. Walſh, he would remit it. This examinant told him, he would conſider of it. Mr. Evans told him, he had as good vote for the Prince of Wales, as for Sir John Packington. Being aſked, who told him he would remit the five pounds; he anſwered, Mr. Evans.

Thomas Twitty, gent. being examined, ſaith, that the day before the laſt election, being in the College-church at Worceſter, juſt as his Lordſhip went out of the church, Mr. Evans, the biſhop's ſecretary, came to this examinant from his Lordſhip, and told him, that his Lordſhip hoped this examinant would not vote for Sir John Packington; for that Sir John was a very ill man, and voted ill in the houſe of commons. This examinant replied, if he voted at all, he ſhould vote ſingly for Sir John Packington. And this examinant aſked Mr. Evans, what was the reaſon his Lordſhip made ſuch intereſt againſt Sir John Packington? he told him, that Sir John Packington had abuſed his Lordſhip; and aſked this examinant, if he had ſeen *The Character of a Churchman*, and *of a Low Churchman?* this examinant aſked him, if the Lord biſhop had wrote *The Character of a Churchman?* he ſaid, he could not tell, but that his Lordſhip had ſeen and approved it; and that his Lordſhip did not think Sir John Packington a fit perſon to repreſent the county. And then he was ordered to withdraw.

Sir John Packington informed the houſe, that he had ſeveral other perſons to ſpeak to the ſame particulars, that the witneſſes had already given their evidence to: but that having detained the houſe ſo long already, he would ſubmit what his witneſſes had ſaid, to the judgment of the houſe; and ſo withdrew.

Whereupon the houſe, after mature conſideration, came to the following reſolutions:

Reſolved, *nemine contradicente*, that Sir John Packington has, by evidence, fully made out the charge, which he exhibited againſt the Lord biſhop of Worceſter.

Reſolved, *nemine contradicente*, that Sir John Packington has, by evidence, fully made out the charge againſt Mr. Lloyd, the ſaid Lord biſhop's ſon.

Reſolved, that it appears to this houſe, that the proceedings of William Lord biſhop of Worceſter, his ſon, and his agents, in order to the hindering the election of a member for the county of Worceſter, has been malicious, unchriſtian, and arbitrary, in high violation of the liberties and privileges of the commons of England.

Reſolved, that an humble addreſs be preſented to her Majeſty, that ſhe will be graciouſly pleaſed to remove William Lord biſhop of Worceſter, from being Lord Almoner to her Majeſty.

Ordered, that the ſaid reſolution and addreſs be preſented to her Majeſty, by ſuch members of this houſe, as are of her Majeſty's moſt honourable privy-council.

Ordered, that the further conſideration of the matter, relating to the Lord biſhop of Worceſter, be adjourned till this day ſevennight.

Ordered, that Mr. Attorney-general do proſecute Mr. Lloyd, the Lord biſhop of Worceſter's ſon, for his ſaid offences, after his privilege as a member of the lower houſe of convocation is out.

Nov. 20. Mr. Comptroller reported to the houſe, that their reſolution and addreſs to her Majeſty, for removing William Lord Biſhop of Worceſter, from being Lord Almoner to her Majeſty, had been preſented to her Majeſty; and that her Majeſty was pleaſed to give this moſt gracious anſwer.

I am very ſorry that there is occaſion for this addreſs againſt the biſhop of Worceſter: I ſhall order and direct, that he ſhall no longer continue to ſupply the place of Almoner, but I will put another in his room to perform that office.

Reſolved, that the moſt humble thanks of this houſe be returned to her Majeſty, for her Majeſty's moſt gracious anſwer to their addreſs, relating to William Lord biſhop of Worceſter.

Ordered, that Mr. Comptroller of her Majeſty's houſhold, do return the ſaid moſt humble thanks of this houſe to her Majeſty.

Nov. 25. The order of the day for taking into further conſideration the matter, relating to the Lord biſhop of Worceſter, being read;

Ordered, that the evidence, given at the bar of this houſe, upon the charge of Sir John Packington againſt William Lord biſhop of Worceſter, and Mr. Lloyd, his ſon, be printed; together with the proceedings of this houſe thereupon.

Ordered, that the clerk's books, in relation to the ſaid evidence, be examined: and that Mr. Speaker do take care of the printing of the ſaid evidence and proceedings.

Ordered, that the further conſideration of the matter, relating to the Lord biſhop of Worceſter, be adjourned till this day ſevennight.

May 12, 1727. Ordered a warrant for a new writ, for electing a knight to ſerve in parliament for this county, in the room of Sir Thomas Littleton, baronet, made a lord of the admiralty.

WOTTON-BASSET.

Willis, 1749. 64. 4th Reg. 1158. THIS borough is ſituate within the county of Wilts. Doctor Willis writes, it firſt returned burgeſſes to parliament in the 25th of Henry the ſixth; and Mr. Prynne's liſt then begins: from which time, I apprehend, it has continued ſo to do. I meet with no traces concerning the right of election, until ſince the Revolution, when the following occur in the journals of the houſe of commons.

June 1, 1685. A petition of William Huſſey, eſquire, touching the election for this borough, was read;

Ordered, that the ſaid petition be referred to the conſideration of the committee for elections and privileges; to examine the matter thereof, and report the ſame, with their opinion therein, to the houſe.

March 24, 1689. A petition of Thomas Webb, eſquire, was read; ſhewing, that the petitioner, notwithſtanding the indirect practices of Arthur Brinſden, mayor of this borough, and John Wilkins, town-clerk, was duly elected there; but notwithſtanding, the ſaid mayor hath returned John Wildmann, and Henry St. John, eſquires, though the ſaid Henry St. John was not duly elected: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

Oct. 6, 1690. The ſaid Mr. Webb again preſented a petition (the ſame in ſubſtance with the former) which was read, and referred in the like manner.

Dec. 19th. Ordered, that the report be made on Monday next.

22d. Mr. Gray reported from the ſaid committee, the matter upon the ſaid petition, as followeth:

That for the petitioner, was called Charles Brinſden; who ſaid, that he took the poll at the requeſt of the petitioner: and that it appeared, the numbers were for each, 90. — And it being ſuggeſted to the committee, that many of the petitioner's voters were obtained by bribery, the committee were of opinion, that if any bribing of votes could be proved, the counſel of both ſides ſhould firſt go upon that point. That thereupon for the ſitting-member, was called

John Wilkins; who ſaid, that Mr. Knighton, who was an agent, with two others, for the petitioner, had told him, that he was much engaged for the petitioner; and deſired him, the ſaid Mr. Wilkins, to make a bond to indemnify him and the two others: and accordingly he did make a bond, wherein young Mr. Webb and his father were bound to indemnify them: that he did not ſee it ſealed; but Mr. Knighton told him afterwards, it was ſealed, and that he had paid 1 l. 12 s. 6 d. to all the petitioner's voters, except eight: that Weſton, the petitioner's man, carried a bag of money through the town, with a pair of bagpipes playing before him.

That Thomas Parſons, and two others, ſaid, that they were promiſed 1 l. 12 s. 6 d. to vote for the petitioner; and accordingly voted; and had it paid them at Knighton's.

For the petitioner, a paper was produced, as ſigned by Parſons, importing a receipt for 1 l. 12 s. 6 d. for meat and drink for the voters: but Parſons himſelf ſaid, he could neither write nor read; and denied that he ever put his mark to that paper, or expended any meat or drink for the voters. Another Sic orig. paper was alſo produced, as ſigned by Parſons, whereby he had declared, that the mayor had offered him, and two others, 30 s. each not to vote for the petitioner. That Parſons denied he ever put his hand to the paper: but it was proved by Mr. Brinſden,

That Weſton ſaid, that the night before the witneſſes were to go to London, Parſons ſaid, ſome of Mr. St. John's agents would give 10 l. to go to London to ſwear bribery: but the ſaid Parſons did not name them.

That upon the whole, the committee were of opinion, That Henry St. John, eſquire, is duly elected a burgeſs, to ſerve in parliament for this borough.

The ſaid reſolution being twice read, was agreed unto by the houſe.

Ordered, that John Knighton, one of the aldermen of the borough of Wotton-Baſſet in the county of Wilts, be taken into the cuſtody of the ſerjeant at arms attending this houſe; for his diſtributing of bribes to the electors of the ſaid borough, at the election of burgeſſes to ſerve in this preſent parliament for the ſaid borough.

Nov. 2, 1691. A complaint being made to the houſe, againſt one John Knighton, one of the aldermen of this borough, that he had diſtributed bribes to the electors of the ſaid borough, at the election of burgeſſes to ſerve in this preſent parliament for the ſaid borough;

Ordered, that it be referred to the committee of privileges and elections to conſider, and report the matter thereof, with their opinion therein to the houſe.

Feb. 13, 1700. The houſe being informed, that Samuel Shepherd, eſquire, a member of this houſe, hath been guilty of bribery at ſeveral corporations, in order to procure members to be elected into this parliament; to which Mr. Shepherd being heard in his place, and inſiſting on his innocency;

Reſolved, that the matter of the ſaid charge be heard at the bar of the houſe on Tueſday next come three weeks; and that the names of the places, where the ſaid Mr. Shepherd is charged to be guilty of the ſaid bribery, be delivered to him in writing.

15th. Mr. Shepherd was charged, that he, by himſelf and his agents, had endeavoured to corrupt the electors of this borough, and others. (See Andover, Newport in the Iſle of Wight, &c.)

18th. See the petition of Mr. Wickes for Malmſbury.

March 14th. The houſe proceeded, according to order, to the hearing of the matter of the charge againſt Samuel Shepherd ſenior, eſquire.

And the counſel for making good the charge againſt him, and the counſel for him, were called in, and heard; and divers witneſſes were examined, both againſt and for him, touching the election for this borough; and then withdrew.

And one Mr. Lawrence being, in the evidence given at the bar, accuſed; and the houſe being informed, the ſaid Mr. Lawrence was without, and deſired to be called in, and heard;

He was called in, and heard at the bar accordingly, and then he withdrew; and Mr. Shepherd was heard in his place, and withdrew.

Reſolved, that it appears to this houſe, that Samuel Shepherd ſenior, eſquire, is guilty of endeavouring, by bribery and corrupt practices, to procure an election of a burgeſs, to ſerve in this parliament for this borough.

Reſolved, that it appears to this houſe, that Mr. Lawrence, agent for Samuel Shepherd ſenior, eſquire, is guilty of endeavouring, by bribery and corrupt practices, to procure an election of a burgeſs to ſerve in this parliament for this borough.

Ordered, that the ſaid Mr. Lawrence be, for his ſaid offence, committed priſoner to his Majeſty's priſon of Newgate. (See Malmſbury, Newport in the Iſle of Wight, &c.)

YARMOUTH in the Iſle of Wight.

THIS borough is in the Iſle of Wight, part of the county of Hants or Southampton. Doctor Willis writes, it ſent burgeſſes to parliament in the 23d year of King Edward the firſt. Mr. Prynne hath not taken notice of it; and Doctor Willis only mentions that one return; and that it was ſummoned again in the ſame reign, but made no return; nor from that time to the 27th of Queen Elizabeth, when it was reſtored. The journals do not afford many memoirs of matters relating to its elections or repreſentatives in that reſpect; thoſe which are therein contained, here follow.

Willis, 1749 47.

In the year 1694. The houſe of commons entered into an enquiry concerning ſeveral corporations, and amongſt others,

March 7, 1694. Ordered, that a committee be appointed to inſpect the books of the Eaſt India company immediately.

And it is referred to Mr. Pelham, Mr. Comptroller, Sir John Thompſon, Mr. Paul Foley, Mr. Gwyn, Mr. Pollexfen, Sir Richard Onſlow, Mr. Foot Onſlow, Sir Samuel Barnardiſton: and they to have power to ſend for perſons and papers.

Ordered, that the ſame committee have power to inſpect the chamberlain of London's books; and that they have power to ſend for perſons and papers.

12th. Mr. Foley reported from the ſaid committee, the ſeveral matters as they appeared to them; an extract whereof here follows.

As to the orphans:

That the committee found an order of the common-council for the city of London, dated the 24th of Jan. 1693, which nominated and appointed Sir Thomas Stamp, Sir Francis Child, Sir James Houblon, and Sir William Hedges, knights and aldermen; Sir Henry Furneſe, knight, Mr. Deputy Ayres, Mr. Gilbert Heathcot, Mr. John Johnſon, Colonel Thomas Cuthbert, Mr. Thomas Cudden, Mr. John Harvey, Mr. Daniel Dorville, commoners; or any two of the ſaid aldermen, and four of the ſaid commoners to be a committee, to conſider of ways and means to ſatiſfy the debts due to the orphans of this city; and to ſollicit the parliament for a bill for that purpoſe: in which it is ordered, that Mr. Chamberlain do from time to time, iſſue out and pay all ſuch ſums of money as are required by, and neceſſary for, the ſaid committee for promoting the ſaid ſervice: and the members who ſerve for this city in parliament, are deſired to be aſſiſting to the ſaid committee, as there ſhall be occaſion: and Mr. Borret, the city-ſollicitor, is to attend the ſaid committee.

That the committee found an order, made by the ſaid committee, dated the 12th day of Feb. 1693, reciting the ſaid order of common-council; and ordering, that Mr. Chamberlain do pay to the honourable Sir John Trevor, knight, Speaker of the honourable houſe of commons, the ſum of one thouſand guineas, ſo ſoon as a bill be paſſed into an act of parliament, for ſatiſfying the debts of the orphans and other creditors of the ſaid city; which order was ſubſcribed by all the committee appointed by the common-council, except Sir James Houblon, and Mr. deputy Ayres: and on the back of this order were theſe indorſements; viz.

The within-mentioned one thouſand guineas were delivered and paid unto the honourable Sir John Trevor, this 22d day of June 1694, in the preſence of Sir Robert Clayton and Sir John Houblon; which, at 22s. exchange, comes to 1,100 l.

In the chamberlain's account of caſh, the entry is thus; viz. Paid the 22d of January 1694, by order of the committee appointed by order of common-council, to conſider of ways and means for ſatisfying the debts due to the orphans and other creditors of the city; and to ſollicit the parliament for a bill for that purpoſe; dated the 12th of Jan. laſt; one thouſand guineas; being paid to the honourable Sir John Trevor, knight, Speaker of the honourable houſe of commons, purſuant to the ſaid order; which, at 22 s. exchange, is 1,100 l.

That the committee underſtood Sir Robert Clayton was ill and out of town. They ſent for and examined Sir James Houblon, who ſaid, he refuſed to ſign the order of the committee of the 12th of Feb. not approving thereof: and being offered a ſecond time, he refuſed it again, and abhorred it: but that Sir Robert Clayton did, on the 22d of June 1694, ſend for him, to come to him; who accordingly imagining it was only to meet ſome aldermen, went to him; where he ſound the chamberlain: and at Sir Robert's deſire, they went together to the Speaker to give him thanks for his pains about the orphans bill; and as ſoon as he and Sir Robert had paſſed a compliment upon the Speaker, the chamberlain pulled out a note or bill, which he delivered to the Speaker, which the Speaker took; and preſently they all took their leave of him, and came away.

Sir James Houblon ſaid, he did not know the contents of the bill; but the chamberlain ſaid, it was for eleven hundred pounds; and that within two or three days afterwards the Speaker ſent for the money, and had it accordingly; but he placed it to account, according to the day he delivered the bill, which was the 22d of June.

That the committee obſerved, that the order of the committee of common-council, which now ſtands dated the 12th of Feb. was at firſt dated the 13th of Feb. and that the perſon named therein, was put in by a different hand: and examining who firſt wrote the warrant, Mr. Borret owned it was his hand-writing: and at firſt ſaid, that he believed the blank left firſt therein, was filled up with the Speaker's name before the committee ſigned it; becauſe he believed they would not ſet their hands to a blank: but all the committee who ſigned it, who appearing upon ſummons, declaring moſt of them poſitively, that there was a blank for the perſon's name when they ſigned it, and the reſt being doubtful; Mr. Borret afterwards ſaid, the blank might be filled up afterwards; but he could not tell the time: Mr. Borret owned he filled up the blank with another pen.

Sir Thomas Stamp was out of town, and Sir Henry Furnace was ſick; the reſt appeared before the committee.

Sir Thomas Child, on his examination owned, he had ſubſcribed the paper of the 12th of Feb. as one of the committee; but ſaith, he did not attend the committee, nor Sir Robert Clayton, when he attended the Speaker; and could give little account of this matter.

Sir William Hedges owned his hand to the order of the committee; and that he was at the committee, who agreed this matter: he ſaith, Mr. Borret, as he thinks, was the perſon who told the committee, the bill could not paſs without giving that ſum: and though the order was drawn with a blank, yet the diſcourſe at the committee was, that the Speaker was the perſon to whom the ſum was to be given: he knew nothing of the Speaker's being acquainted therewith.

Mr. Daniel Dorville owned he had ſubſcribed the order of the committee: he ſaith, that he attending in the lobby at the houſe of commons, upon account of the orphans, Mr. George Finch, merchant, told him, that if there were not ſome guineas given, that bill would not go on; and ſaid, two thouſand guineas were neceſſary to give him, meaning the Speaker, as he underſtood. And that Mr. Borret declared his opinion, that money muſt be given; and, he believeth, was the firſt that moved it in the committee, and named the ſum: but after the committee had agreed thereunto, the bill going on, Mr. Finch aſked, what they had given, which Mr. Dorville refuſed to tell him; but he believes, and underſtood, that before the bill paſſed, or any thing material was done in it, the Speaker ha dnotice of the ſaid order of the committee, and approved thereof; but knows not whether by Mr. Borret's means, or by what other hand.

Mr. Thomas Cuddon owned his ſigning of the order of committee: he ſaith, the firſt riſe of this matter was, that having proſecuted a bill for this purpoſe in former ſeſſions for a long time without effect, the committee thought it proper to give this ſum to the Speaker, for leave for the bill to be brought in; and it was ſigned by the committee before the bill was carried into the houſe; and believes, that the purport of this order was imparted to the Speaker before the bill was carried into the houſe: and farther ſaith, that Mr. Dowſe and Mr. Shepherd, and he thinks Mr. George Finch, perſons ſolliciting for the orphans, told him, it would coſt them as much as it would coſt the city.

Mr. John Harvey owned the ſigning of the order; and that in the committee there was a diſcourſe of ſeveral ſums to be given to procure the bill to paſs; ſome naming 500, others 1000, and others 2000 guineas; but he doth not remember any perſon to be named to receive the ſame.

Mr. John Johnſon gave the like teſtimony.

Mr. Gilbert Heathcot ſaid, he was not preſent at any meeting of the committee; but that he was the laſt perſon that ſubſcribed the order, which he did by the example of thoſe that had ſubſcribed before him.

Colonel Thomas Cuthbert owned his ſubſcribing the order; and that he was preſent at the committee, where it was agreed to give 1,000 guineas; but knoweth not the uſe or occaſion of it, other than the clamour of the orphans, that the city were cloſe-handed, and thereby had done them no good; which he believes was the reaſon why the city did conſent to give 1,000 guineas.

Mr. Borret being examined, owned he had in the committee given his opinion, that 1,000 guineas ſhould be given to the Speaker: he ſaid, that after the order was ſigned, it was kept in his hands for a month or ſix weeks, and then delivered back by him to the committee.

Being aſked of his belief, whether the Speaker knew of this order before the bill paſſed? he ſaith, he doth believe he did not know of it; for he, to ſatisfy the clamour of the orphans, had told their agent, who he believes had eaſy acceſs to the Speaker:

but that from the time of ſigning, to the time of his examination, he had not been with the Speaker, nor ſent to him.

That the committee found another order of the committee, nominated by the common council, dated the 26th of April 1694, reciting the order of common-council, and ordering the chamberlain to pay to Paul Jodrell, eſquire, the ſum of one hundred guineas, for his pains and ſervice in aſſiſting to paſs the bill in parliament, for ſatisfying the debts of the orphans and other creditors of the ſaid city; which was ſubſcribed by moſt of the members of the ſaid committee, together with Sir James Houblon, and deputy Ayres, who refuſed to ſign the other order of the 12th of Feb. on the back of which was the like indorſement, that the 100 guineas were paid to Paul Jodrell, eſquire, the 22d of June 1694, in the preſence of Sir Robert Clayton and Sir James Houblon; and the payment thereof was entered in the chamberlain's book the 22d of June 1694, at 22 s. being 110 l.

The members who ſubſcribed that order owned their hands; and ſaid, it was after the bill was paſſed.

That the committee found in the chamberlain's books the ſeveral payments following, to Mr. Borret, the city-ſollicitor; viz.

		l.	s.	d.
1693.	January 5th	50	0	0
	February 26th	100	0	0
	March 12th	50	0	0
1694.	April 4th	39	14	0
	May 5th	127	16	0

Theſe ſums were applied to defray the charge of drawing the bill; making copies thereof; and of petitions and orders with relation to the ſaid bill: amongſt which payments they find;

Feb. 19. Paid Mr. Sollicitor-general for his advice therein, 5 guineas.

21ſt. Paid Mr. Harcourt, by order, 5 guineas.

March 23d. Paid Mr. Hungerford, chairman of the grand committee, for his pains and ſervice, 20 guineas. Paid Mr. Jodrell as by his bill, 60 l. 9 s. 6 d.

Which accounts were allowed by the ſaid committee: that the commitee underſtood, that the orphans, for the procuring this bill, had given bond to Mr. Smith and Mr. Charles Nowis, to allow them twelve-pence in the pound, when the bill was paſſed, for their pains and charges in that matter; which contract being made void in that bill, the court of aldermen were impowered to ſatisfy them their real expences; upon which they applied to the court of aldermen, and got a petition to be ſigned by many of the orphans. That they were willing, notwithſtanding the act of parliament, they ſhould be allowed twelve-pence in the pound. And the ſaid Nowis and Smith brought in a bill to the ſaid committee of their charges, amounting to 3,456 l. 16 s. but, as was alledged, they pretended to be a great deal more out of purſe; by which argument they got ſubſcriptions to the ſaid petition: in which bill there is charged to Mr. George Finch, for carrying on the act, 1,650 l. And

Mr. Dowſe ſaid, that Mr. Smith told him, they were out of pocket great ſums of money, upon account of the orphans bill: and when he was ſollicited to ſubſcribe the petition, for their having twelve-pence in the pound, he would have had them take ſix-pence; to which they replied, it would not anſwer their expectation, for they had been out in this matter more than 10,000 l.

Mr. Nowis and Mr. Smith being examined here, did utterly deny, that they had given any money to any member of parliament on the account of the ſaid bill, or knew of any to be given: but they were willing to get what they could; having taken a great deal of pains in long ſolliciting the ſame. ——They did ſay, that notwithſtanding they charged 1,650 l. to be paid Mr. George Finch, yet they had not paid him any money; but having delivered up his bond for the twelve-pence in the pound, they valued his ſhare of the orphans debt to amount to that ſum.

Mr. George Finch being examined, did deny to have received any thing from Mr. Nowis or Mr. Smith, or by their order: but ſaith, that he did apply himſelf to ſeveral of the orphans for money, upon ſuggeſtion that there were obſtructions to the bill which muſt be removed by money; and that he did receive 100 l. from John Chadwick; 100 l. of Mrs. Harvey; 100 l. from Mr. Scot; 50 l. of Mr. Herne; and had a promiſe of 100 l. from Sir Robert Smith, which is not yet paid.

The obſtructions he meant were, to take off thoſe who petitioned againſt the duty laid in the ſaid act upon wines: and finding the parties concerned to be very many, he did not treat with them; but kept the money to his own uſe, becauſe he had been at charges in this matter.

He did deny his paying any money to any member of parliament; but wavering in his diſcourſe, and being again aſked, if he ever did diſtribute, or knew of any money diſtributed on account of the orphans bill, ſaid, it was a hard thing to be aſked thoſe queſtions; which was all the committee could get from him.

Mr. John Chadwick and Mr. Hern proved the payment of money to Mr. George Finch; but could give no account what he had done therewith.

Mr. George Finch denying he received any more money than that from Mr. Chadwick &c. amounting to 350 l. which, or part thereof, was paid in for his uſe to Mr. Hornbys; and yet being charged by Mr. Nowis and Mr. Smith with 1,650 l. in their bills, though on their examination by the committee, they denied they had paid them any; they thought Mr. Hornbys' books might clear this matter, they keeping Mr. Finch's account, and therefore ſent for them.

Which report being read, and candles ordered to be brought in;

Reſolved, that Sir John Trevor, Speaker of this houſe, receiving a gratuity of one thouſand guineas from the city of London, after paſſing of the orphans bill, is guilty of an high crime and miſdemeanor.

Ordered the report to be farther conſidered the next morning.

13th. The members being met between eleven and twelve o'clock, Mr. Serjeant came without the mace; and delivered to the clerk at the table a letter from Sir John Trevor, Speaker, directed thus:

To Mr. Jodrell, clerk to the honourable houſe
of commons.

" Mr. Jodrell,

" I deſire you will preſent the incloſed to the " houſe; and in that, you will oblige, Sir,

" Your humble ſervant,

March 13, 1694. " J. Trevor, ſpeaker."

Incloſed was another letter, which alſo was read, as followeth; viz.

"Gentlemen,

"I did intend to have waited upon you this "morning; but, after I was up, I was taken ſuddenly "ill with a violent cholic: I hope to be in a "condition of attending you to-morrow morning: "in the mean time, I deſire you will be pleaſed "to excuſe my attendance. I am, with all duty,

"Gentlemen,

"Your moſt obedient

March 13, 1694. "humble ſervant,

"J. TREVOR, Speaker."

After the reading of the ſaid letters, many members ſpoke; and ſome propoſed to proceed to the choice of a Speaker immediately.

Whereupon former precedents were called for, and read out of the journals.

But it being objected that there could be no debate until the mace be brought, and laid under the table; and that no queſtion could be put till that be done: others being of opinion, that was not eſſential, notwithſtanding the former precedent, it was not inſiſted upon.

But the clerk, about one o'clock (to whom all that ſpoke directed themſelves, according to former practice) by order of the houſe, put the queſtion for adjourning until ten o'clock the next morning.

14th. Prayers.

Mr. Serjeant came and brought the mace, and laid it under the table: —— then delivered to the clerk a letter from Sir John Trevor, Speaker, directed to Mr. Jodrell, clerk of the honourable houſe of commons, which was opened; and incloſed in the cover was another letter, which was read, as followeth; viz.

"Mr. Jodrell,

"My illneſs ſtill continues, which makes me unable "to come abroad; wherewith I deſire you to "acquaint the houſe; and that I humbly pray they "will pleaſe to excuſe me, for not attending them.

"I am,

"Your friend and ſervant,

March 14, 1694. "J. TREVOR, Speaker."

After the reading whereof, Mr. Comptroller of his Majeſty's houſhold ſtood up and ſpoke, as followeth:

"I am commanded by the King to inform this "houſe, that the late Speaker, Sir John Trevor, "hath ſent him word, that his indiſpoſition doth ſo "continue upon him, that he cannot farther attend "the ſervice of the houſe as Speaker. And farther "commanded me to ſay, that there may be no "delay in the publick proceedings, he does give "leave to this houſe to proceed to the choice of "a new Speaker.

"Sir, the filling of that chair is the higheſt "ſtation any commoner of England can be called "to; but, however honourable it is, the toil and "difficulties of it are ſo great, that I believe there "is no reaſonable man that hears me, but would "be rather glad to have it ſupplied with any man "than himſelf: and therefore, I ſhall, without fear "of diſpleaſing any perſon, out of ſo many who "are qualified to ſerve you, nominate"—

Upon this, he was interrupted by a great noiſe in the houſe, crying No, no, no:

And ſeveral gentlemen ſtood up, to ſpeak to order.

Exceptions were taken by ſeveral members, that it was contrary to the undoubted right of the houſe, of chuſing their own Speaker, to have any perſon, who brought a meſſage from the King, to nominate one to them.

Notwithſtanding, the Comptroller ſtood up again, and named Sir Thomas Littleton; which was ſeconded by Sir Henry Goodrick.

Whereupon aroſe a debate.

And another perſon, viz. Paul Foley, eſquire, was propoſed by Sir Chriſtopher Muſgrave, and ſeconded by the Lord Digby.

And after a long debate, in relation to both the perſons, the queſtion was put by the clerk, that Sir Thomas Littleton take the chair of this houſe as Speaker.

The clerk declared the yeas had it.

The houſe was divided.

The yeas on the right hand.——The noes on the left.

The tellers were appointed by the clerk; viz

For the yeas: James Chadwick, eſquire, 146.

The teller for the noes: Colonel Granville, 179.

Then the ſecond queſtion being about to be put, Mr. Foley ſtood up to ſpeak; but the houſe would not hear him; but ordered the clerk to put the queſtion. —— That Paul Foley, eſquire, do take the chair of this houſe as Speaker.

It was reſolved, *nemine contradicente*.

Upon which Mr. Foley made his excuſe in his place; which was not admitted by the houſe.

He was conducted to the chair by the honourable colonel Granville, and the honourable Henry Boyle, eſquire.

And upon the firſt ſtep of the chair, after ſome pauſe, he made a ſpeech to the houſe again, to excuſe himſelf.

Which not being allowed, he ſat down.

And then the mace was laid upon the table.

Afterwards, Mr. Comptroller ſpoke as followeth:

"Mr. Speaker,

"His Majeſty hath commanded me to inform "this houſe, that after they had choſen a Speaker, "they ſhould preſent him to his Majeſty to-morrow "morning at eleven o'clock in the houſe of Lords."

Then the Speaker deſired the direction of the houſe, whether he ought to make the uſual petitions for freedom of ſpeech, &c. —— The houſe cried No, no:

And ſome members ſaid, that thoſe petitions were demands of right, and ought not to be made but once at the beginning of a parliament; and former precedents were cited in the caſe.

Then the Speaker put the queſtion for adjourning the houſe until the morrow morning at nine o'clock; and ſo went away without the mace before him.

15th. Reſolved, that the report from the committee, appointed to inſpect the books of the Eaſt India company, and of the chamberlain of the city of London, be proceeded on to-morrow at eleven o'clock.

16th. The houſe, according to order, proceeded upon the ſaid report.

Reſolved, that Sir John Trevor, late Speaker of this houſe, being guilty of a high crime and miſdemeanor, by receiving a gratuity of one thouſand guineas from the city of London after paſſing the orphans bill, be expelled this houſe.

19th. Ordered, that the Speaker do iſſue his warrant to the clerk of the Crown, to make out a new writ, for electing a burgeſs to ſerve in this preſent parliament for this borough, in the room of Sir John Trevor, knight, expelled this houſe.

Nov. 30, 1695. A petition of John Acton, eſquire, was read; ſhewing, that at the election of members to ſerve in this preſent parliament, the petitioner was duly elected by the majority of legal votes, as a member to ſerve for this borough; but the preſent mayor hath falſely returned Anthony Morgan, eſquire, to the petitioner's great damage: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine and report the ſame, with their opinion.

March 17. Ordered, that the matter touching this election for this borough, be heard before the ſaid committee as ſoon as they can, in courſe, notwithſtanding any order to the contrary.

March 28, 1696. Colonel Granville reported from the committee, the matter upon the ſaid petition, as follows; viz.

That the right of election was agreed to be in the mayor and burgeſſes.

That on the poll there were,

For Mr. Morgan — 33.
For the Petitioner — 32.

But it was inſiſted for the petitioner, that one Mr. Urry, who was for Mr. Morgan, had ſurrendered his burgageſhip; and five others were unduly admitted to be burgeſſes.

To prove the ſurrender of Mr. Urry, an entry was read in the town-book; whereby it appeared, Mr. Urry deſired the corporation to excuſe his attendance, and chuſe another burgeſs in his place; and Mr. Vally was choſen in his room accordingly.

As to making free the other five burgeſſes, they called

Mr. Barker; who ſaid, he had been mayor of this borough, and had looked into the records of the town, and found it cuſtomary for the majority of the capital burgeſſes to conſent to make a freeman; but believes that ſome have been made, where only three or four have been preſent; but others have conſented.—Alſo produced a by-law, made 21ſt of Sept. 22 Car. II. by which it is agreed, that no chief or free burgeſs ſhall be made, unleſs the mayor and five of the capital burgeſſes be preſent, and conſent.

Mr. Dore ſaid, that Cowper, Stephens, Lee, Chiverton, and Dickenſon; whereof the firſt was ſervant to Mr. Holmes; and the others his tenants, were made free without the conſent of him, or Mr. Cotton or Mr. Hook; ſo that although ſeven were preſent, not more than four, with the mayor, conſented to their being made free; yet could not ſay, that any diſſent was then made publickly; though he told Mr. Morgan after they were made free, it was not fairly done.

Dyer and others ſaid, they were excepted to at the poll.

For Mr. Morgan,

It was inſiſted, though Mr. Urry had ſurrendered his chief burgageſhip, he continued a free burgeſs, and had right to vote.

And a by-law was produced, dated 21ſt of Sept. 1680; by which it was agreed, that no chief or free burgeſs ſhould be elected, unleſs the mayor and major part of the chief burgeſſes were preſent, on penalty of ten pounds: and this was inſiſted to be a repeal of the former law; and theſe five were elected according to this by-law.

It alſo appeared, that Vally, who voted for the petitioner, had been diſburgeſſed.

And a witneſs ſaid, he could not find Mr. Conyers, another of the petitioner's voters, in the book of the free burgeſſes.

Whereupon the committee reſolved,

That Anthony Morgan, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for this borough.

The ſaid reſolution, being twice read, was agreed unto by the houſe.

March 30, 1715. A petition of Sir Theodore Janſſen, and colonel Anthony Morgan, was read; ſhewing, that at the election for this borough, the petitioners, Sir Robert Raymond, and colonel Henry Holmes, were candidates: that ſeveral perſons, who were illegally made free, were admitted to poll for the ſaid Sir Robert Raymond and colonel Henry Holmes; and by that means, and ſeveral undue and indirect practices, were procured to be returned, in wrong to the petitioners, who had a majority of legal votes; and in violation of the rights of the ſaid borough: and praying &c.

Ordered it be referred to the committee of privileges and elections, to examine and report the matter thereof, with their opinion.

Feb. 21, 1716. A petition of the ſaid Sir Theodore Janſſen and colonel Anthony Morgan, in ſubſtance the ſame with the former petition, was read.

Ordered it be referred to the committee of privileges and elections, to examine and report the ſame, with their opinion.

March 4th. Ordered it be an inſtruction to the committee, to hear it on the 25th day of March inſtant.

April 9, 1717. Ordered to be reported on Thurſday next.

11th. Mr. Hampden reported the matter upon the ſaid petition, as follows:

That the committee have examined the merits of the election.

That it was agreed, that this borough is a borough by preſcription; has, time out of mind, ſent members to parliament; and that the right of election is in the mayor and burgeſſes.

The poll was,	For Mr. Holmes	39.
	For Sir Robert Raymond	38.
	For colonel Morgan	20.
	For Sir Theodore Janſſen	18.

For the petitioners, objection was taken to 27 of the ſitting-members votes, as not qualified; three of them, as chief burgeſſes; the reſt, as free burgeſſes: and they produced,— teſte 18 Sept. 7 Jac. I. the charter; which recites this to be an ancient borough; and that the mayor and burgeſſes had, time out of mind, divers privileges and cuſtoms by preſcription, which had been confirmed to them by ſeveral former kings.

The charter incorporates them by the name of mayor and burgeſſes; and appoints a common-council, which is to conſiſt of twelve chief burgeſſes; and conſtitutes and requires, *quod major, et undecim capitales burgenſes, burgi, pro tempore exiſtentes, vel major pars eorum,* whereof the mayor to be one, ſhall have the power of making by-laws: and the mayor, *et undecim capitales burgenſes, burgi, pro tempore exiſtentes, vel major pars eorum,* (whereof the mayor to be one) are annually upon St. Matthew's-day to aſſemble in the Guild-hall; and they, or the major part of them, there then aſſembled, are to elect *unum de ſeipſis* to be mayor, to continue in office for one year next enſuing, and until another is duly elected and ſworn mayor:

Which ſwearing of the mayor is required to be upon the Monday after the election, *coram ultimo majori prædeceſſori ſuo ad tunc pro tempore exiſtente*; *aut, in abſentia ejuſdem majoris, coram* the burgeſſes who ſhall be then preſent, or the major part of them, for the time being.

And upon the death, or amoval, of any of the chief burgeſſes, the mayor, and the reſt of the chief burgeſſes, *qui ad tunc ſupervixerint, vel remanſerint*, or the major part of them, are to elect other chief burgeſſes *de burgenſibus burgi*, in convenient time after ſuch death or amoval; and the chief burgeſſes, ſo elected, are to be ſworn *coram major, burgi prædicti pro tempore exiſtente, et major par. capitalium burgenſium burgi.*

It was inſiſted by the petitioners counſel, that the election of free burgeſſes, or burgeſſes at large, was intirely governed by the by-laws made purſuant to the charter; the charter being ſilent as to ſuch free burgeſſes.

The petitioners counſel, in order to diſqualify upon their objections, produced,

Dat. 21 Sept. 1680, a by-law, ſigned by the mayor, and eight chief burgeſſes, aſſembled in common-council, That no chief or free burgeſs ſhould be elected or ſworn, without the mayor, and major part, were then preſent, of the chief burgeſſes; that is to ſay, ſix chief burgeſſes, beſides the mayor; under a penalty of 10 l. upon the mayor:—and

Dat. 21 Sept. 1698, another by-law, ſigned by the mayor, and ten chief burgeſſes, aſſembled in common-council, That no chief or free burgeſs ſhall be choſen, without the mayor and ſix chief burgeſſes be preſent, and conſenting; and if any be choſen by a leſs number, ſuch election ſhall be *ipſo facto* void; and the mayor to forfeit 50 l. for every ſuch offence.

Which by-laws were vacated, and declared void, at a common-council, holden on the 5th day of Nov. 1706, by the mayor, and ſix chief burgeſſes preſent: but

The petitioners counſel inſiſted, that until they were ſo repealed, theſe by-laws governed the election of the burgeſſes: and on this head they excepted to Colonel Henry Holmes, and William Bowreman, eſquire, that during the time that theſe by-laws were in force, they were elected chief burgeſſes by a leſs number than ſuch by-laws made requiſite.

It appeared by the town-book, that Colonel Holmes, and Mr. Bowreman were elected chief burgeſſes as follows; viz.

17 May 1687. Colonel Holmes elected and ſworn in the place of Sir Robert Dillington, deceaſed, by a mayor, and five chief burgeſſes:—and

30 March 1697. Mr. Bowreman ſworn by a mayor, and four chief burgeſſes, whereof Colonel Holmes, before objected to, was one, in the room of Captain William Cotton, then amoved by them: and,

Colonel William Stephens, another chief burgeſs, was alſo objected to, for want of a ſufficient number at his election.

It appeared by the town-book, that October 6, 1711, he was elected and ſworn a chief burgeſs, in the room of Captain William Urry, by a mayor and five chief burgeſſes; whereof Colonel Holmes and Mr. Bowreman, before objected againſt, were two.

It was alſo inſiſted by the petitioners counſel, that twenty-three others were unduly elected free burgeſſes, for want of a ſufficient number of chief burgeſſes at their elections: and

Dat. 21 Sept. 1670, another by-law was produced, made by a mayor and five chief burgeſſes, aſſembled in common-council, That for the time to come, no chief burgeſs or burgeſſes at large, ſhould be made, unleſs the mayor and five chief burgeſſes be preſent, and give their conſent at the election; upon pain of forfeiting of ten pounds for every burgeſs that ſhall be made contrary to this law.

The ſitting-members counſel inſiſted, that according to the clauſe in the charter, before ſtated, it is requiſite, that in all events, there ſhould be preſent at the making any by-law a mayor, and ſix chief burgeſſes, being a majority of the conſtituent number of the common-council; and that ſix chief burgeſſes not being preſent, this by-law was void.

To which the petitioners counſel replied, that only a mayor, and majority of the chief burgeſſes in being, were neceſſary to the making of by-laws: that one of the chief burgeſſes having ſurrendered his office, and another being dead, at this time, this by-law, made by the mayor and major part of the chief burgeſſes then in being, was well warranted by the power in the charter.

The committee came to this reſolution,

1. That the by-law, made the 21ſt of Sept. 1670, by the mayor and five chief burgeſſes of this borough, being the major part of the chief burgeſſes then exiſting, for electing free burgeſſes by the mayor and five chief burgeſſes, was a good by-law.

The twenty-three free burgeſſes, objected to by the petitioners counſel, for want of a ſufficient number of chief burgeſſes at their elections, appear by the town-books, to have been elected and ſworn free burgeſſes by the mayor and chief burgeſſes at ſeveral aſſemblies, as follows; viz.

1 Feb. $167\frac{8}{9}$, Benjamin Williams, by a mayor, and four chief burgeſſes.

21 Oct. 1684, Timothy Heath, by a mayor, and five chief burgeſſes.

19 Sept. 1694, Sir Robert Smith, by a mayor, and ſix chief burgeſſes; whereof Colonel Holmes, before objected to, was one.

30 March 1697, Thomas Urry junior, by a mayor, and four chief burgeſſes; whereof Colonel Holmes was one.

25 Sept. 1710, Captain John Wood, Robert Schickler, Rori Morriſon, Benjamin Miller, John Beere, Robert Martell, John Birket, and Jonathan Warr, by a mayor, and five chief burgeſſes; whereof Colonel Holmes and Mr. Bowreman, before objected againſt, were two.

9 Oct. 1710, David Urry of Afton, and James Goodman, by a mayor, and ſix chief burgeſſes; whereof Colonel Holmes and Mr. Bowreman were two.

6 Oct. 1711, John Croſby, by a mayor, and five chief burgeſſes; whereof Colonel Holmes and Mr. Bowreman were two.

27 Sept. 1714, John Scot clerk, Nicholas Clegg, Edward Kebblewhite, David Worſely, Milburn Bloom, Stephen Sheckler, William Coleman, and

Henry Woodford, by a mayor, and ſix chief burgeſſes; whereof Colonel Holmes, Colonel Bowreman, and Colonel William Stephens, before objected to, were three.

Nicholas D'Pine was objected to, as receiving publick charity; but it was admitted by the petitioners counſel, that one of their voters was in the ſame caſe.

And they farther alledged,

That Colonel Thomas Urry for the petitioners, and Colonel David Urry for the ſitting-members, were equally bad votes; both their elections being void.

All the twenty-ſix perſons before objected to, voted for the ſitting-members; except Benjamin Williams, who gave one vote for Colonel Holmes, and the other for Colonel Morgan.

That in anſwer to what had been offered, the ſitting-members counſel inſiſted,

That the objections made to the chief burgeſſes and free burgeſſes before-named, were not ſufficient to make void either the offices of ſuch chief burgeſſes, or their votes, or the votes of the free burgeſſes elected under them.

And they argued, that the common-council could not, as they had done by the by-laws of 1670, 1680 and 1698, appoint the power of election of chief burgeſſes to be executed by a greater number than the charter required, which is a mayor, and the reſt of the ſurviving chief burgeſſes, or the major part of them.

That Colonel Holmes was elected a chief burgeſs when Sir Robert Dillington and Captain Roche, two of the chief burgeſſes, were dead; and that he, being elected by a mayor, and five chief burgeſſes, was elected according to charter.

That Colonel Holmes and the other two chief burgeſſes objected to, had many years continued in office; and all along acted and voted without interruption or objection: that Colonel Bowreman, another of the three, was, in 1698, unanimouſly elected mayor by a mayor, and ten chief burgeſſes, the whole number then in being; who by this choice took him to be a good chief burgeſs, by chuſing him mayor, as the charter requires him to be *unum de ſeipſis*: that Colonel Holmes had been alſo mayor; and both acted in their ſeveral mayoralties without any objection; which facts were admitted by the petitioners counſel.

That if the offices of the three chief burgeſſes objected to ſhould be avoided; yet, as free burgeſſes, they had a right of voting.

That ſuppoſing they were not originally well elected chief burgeſſes; yet, having ſo many years acted as ſuch without interruption, they were at leaſt to be looked upon as chief burgeſſes *de facto*; and, as ſuch, their acts would be good till their offices ſhould be avoided; conſequently, that the free burgeſſes, who were elected by the mayor and chief burgeſſes, when theſe chief burgeſſes made the *quorum*, were well elected: and farther, as to the free burgeſſes, that the by-laws of 1670 and 1680, did not declare the elections of free burgeſſes, made contrary thereto, to be void; but only laid a penalty upon the mayor in caſes of ſuch elections.

They alſo inſiſted, and it was admitted by the petitioners counſel, that formerly, before the making of theſe by-laws, the election of free burgeſſes were by a leſs number than by any of thoſe by-laws make requiſite; and that ſeveral of the chief burgeſſes, who voted for the petitioners, joined, in 1706, in the repeal of the by-laws in 1680 and 1698.

And the ſitting-members counſel produced inſtances in the years 1672, 1673, and 1674, of elections, both of chief and free burgeſſes, contrary to the by-laws then in being: one inſtance, by a mayor and two chief burgeſſes; another, by a mayor, and one chief burgeſs; and another, by a mayor, and four chief burgeſſes.

From whence they inferred, that the by-laws did not, in the opinion of the burgeſſes, vitiate any election; and that the ancient uſage in the borough, to which theſe inſtances were agreeable, juſtified the elections of the burgeſſes objected to.

They alſo ſhewed, by the town-books, that five of the petitioners voters were elected, when Colonel Holmes, who was objected to, made up the *quorum* of chief burgeſſes; and that, in 1671, a deputy-mayor, with only four chief burgeſſes, elected the ſucceeding mayor; whereas there is no power in the charter to appoint a deputy-mayor: which facts were admitted by the counſel for the petitioners, and were offered by the ſitting-members counſel, not to avoid ſuch elections of burgeſſes, but to ſhew, that if the petitioners objections prevailed, all the acts done in this corporation for many years paſt, would be void; and the corporation might be found to be diſſolved, for want of a due ſucceſſion of mayors and burgeſſes.

And they ſhewed, by the town-book, that eight of the free burgeſſes, before objected to by the petitioners counſel; viz. Captain John Wood, and the ſeven others elected with him the 25th of Sept. 1710; were confirmed and allowed the 9th of Oct. following, at a common-council holden by a mayor and ſix chief burgeſſes; whereof Colonel Holmes, before objected to, was one.

And that Thomas Sanders and Jonathan Combes, two of the petitioners voters, were, on the 16th of October 1693, elected chief burgeſſes by a mayor and ſix chief burgeſſes, whereof Colonel Holmes was one; and if he was not good, as urged for the petitioners, there was not a *quorum*, according to the by-law of 1680, which was then in being; and required ſix chief burgeſſes beſides the mayor, to be preſent.

The petitioners counſel urged what they had before inſiſted on, againſt the qualifications of the ſitting-members voters, as elected contrary to the charter, and by-laws; and added by way of reply, that although the corporation could not enlarge the power given them by charter, relating to their election of burgeſſes, yet they might abridge ſuch power, and reſtrain it to a leſs number than the charter had appointed; and therefore the by-laws relating to the elections of ſuch burgeſſes, were well grounded.

And as to their being officers *de facto*, that, notwithſtanding their long poſſeſſion, their titles to ſuch offices were yet queſtionable, and could not be ſupported by poſſeſſion, if void in the original, as in this caſe: and that, although ſome corporate acts done by common-council-men *de facto*, ſuch as making leaſes or ſales for valuable conſiderations, would be always good; yet, if the election of ſuch common-council-men were void, all elections depending thereon were ſo too.

Upon the whole, the committee reſolved,

1. That Henry Holmes, eſquire, is not duly elected a burgeſs to ſerve in this preſent parliament for this borough.

2. That Sir Robert Raymond, knight, is not duly elected a burgeſs to ſerve in this preſent parliament for this borough.

3. That Anthony Morgan, eſquire, is duly elected a burgeſs to ſerve in this preſent parliament for this borough.

4. That Sir Theodore Janſſen, knight, is duly elected a burgeſs to ſerve in this preſent parliament for this borough.

Theſe four ſeveral reſolutions being read twice, were agreed to by the houſe; and the return ordered to be amended.

In the year 17$\frac{20}{21}$,

Upon enquiry into the conduct of the directors of the South-ſea company, Sir Theodore Janſſen, a member for this borough, being one of the ſaid directors;

Jan. 23, 1720. Ordered, that Sir Theodore Janſſen do attend in his place immediately.

Sir Theodore Janſſen being come into the houſe;

A motion being made and the queſtion propoſed, That the ſaid Sir Theodore Janſſen, a member of this houſe, is guilty of a notorious breach of truſt, as a director of the South-ſea company; and thereby occaſioned a very great loſs to great numbers of his Majeſty's ſubjects, and has highly prejudiced the public credit:

Sir Theodore Janſſen being heard in his place, and withdrawn;

Reſolved, *nem. con.* that Sir Theodore Janſſen, knight and baronet, a member of this houſe, and one of the directors of the South-ſea company, is guilty of a notorious breach of truſt, as a director of the ſaid company; and has thereby occaſioned very great loſs to great numbers of his Majeſty's ſubjects, and has highly prejudiced the public credit.

Reſolved, *nem. con.* that Sir Theodore Janſſen be, for his ſaid offence, expelled this houſe.

Ordered, that the ſaid Sir Theodore Janſſen be taken into the cuſtody of the ſerjeant at arms attending this houſe.

31ſt. Ordered, a warrant for a new writ for electing a burgeſs for this borough, in the room of Sir Theodore Janſſen, knight and baronet, expelled this houſe.

YARMOUTH, or GREAT YARMOUTH.

THIS borough is ſituate in the county of Norfolk; was a royal borough at the time of the general ſurvey, as appears by the following memorandum; viz.

In Bib. Cotton. Claudius E. 8. f. 5. A. Col. 1 N. 1. A. Brady Appendix I.

Memorandum quod villa magnæ Jernemu non modico tempore ante conqueſtum extitit ſituata per progenitores Regis Angliæ ſuper portum magnæ Jernemu, occaſione proficui provenientes de eodem portu, ad meliorationem ejus villæ percipiendi, et factus fuit burgus regis. Unde in libro qui vocatur Domeſday reperiuntur verba quæ ſequuntur.

Nordfulc. Ibid. Little Domeſday Book, f. 118. a.

Gernemu tenuit Rex Edwardus ſemper ſeptuaginta burgenſes tunc valuit cum duabus partibus ſoche de tribus hundredis 18 l. *ad numerum et pars comitis* 9 l. *ad numerum, modo duæ partes Regis* 17 l. 16 s. *et quatuor denarios blancas, pars comitis* 10 l. *blancas, et vicecomes habet quatuor libras et unum ancipitem terræ de Gerſuma, has quatuor libras dant burgenſes gratis et amicitia. In eadem habuit tempore Regis Edwardi Ailmerus Epiſcopus quandam eccleſiam Sancti Benedicti, eandem modo habet W. Epiſcopus de epiſcopatu et valet* 20 s. *totum reddit* 12 d. *de Gelto.*

Sudfulc. Ibid. f. 283. a.

Dimidium hundredi de Luthinglond Gorleſton tenuit Guertus tempore Regis Edwardi quinque carucas terræ pro uno manerio, tunc viginti villani modo duodecim, ſemper quinque Bordmanni, tunc quinque ſervi, modo quatuor, tunc in Dominico duæ carucæ modo una, tunc boves 5. caruc. modo 3. Silvæ quinque porcorum decem acræ prati, tres ſalinæ tunc 2. Runcini modo duo ſemper trecentæ oves, in Gernemu viginti quatuor piſcatores pertinent huic manerio.

It was afterwards confirmed a borough by charter of King John. (See Appendix.)

Dr. Willis writes, it ſent burgeſſes to parliament in the reign of King Edward I. And Mr. Prynn writes 26. 28. 31 Ed. I, *Ballivi libertatis villæ qui habent retorna omnium brevium nihil michi inde reſponderunt.* Willis, 1749. 35. B. P. R. 205.

In 31 Edw. III. *Ballivi et communitas elegi fecerunt*; (See Appendix.) And 2 Hen. V. the indenture was as follows. Ibidem 274.

Jernemuth An. 2 H. V.

Hæc indentura teſtatur, quod nos Bartus Ellys, Richardus Cleye, Petrus Savage, et Johannes Fenn, ballivi libertatis villæ magnæ Jernemuth, virtute cujuſdam MANDATI *Domini Regis per vic. Norf. nobis directi facta proclamatione de parliamento Domino Regis tenend. apud Weſtm. die Lunæ prox. poſt Octab. Sancti Martini prox. futur. eligi fecimus libere et indifferenter Galfrum Pampyng, et Robertum Elys junior, noſtros com-burgenſes eſſend. pro villa prædicta ad parliamentum prædictum; et eos ad dictos diem et locum venire facias prout dictum mandatum exigit et requirit. Quæ quidem electio facta fuit in præſentia Johannis Hugheſſon, Edwardi Wych, Radi Leſſyn, et Johannis Spitlyng, qui uni parti iſtius indenturæ ſigilla ſua appoſuerunt, et nos alteri parti, ſigillum officii noſtri duximus apponend' quarto die menſis Novemb. anno Regis Henrici quinti, poſt conqueſtum ſecundo.*

In the 7th of Edw. IV. *Ballivi & communitas villæ magnæ Jernemuthe eligerunt Johan. Ruſs & Johan. Tymperley ad eſſend. ad parlementum &c.* Brady, 71.

In the 12th of the ſame King, *Ballivi de communi aſſenſu villæ eligerunt, &c.* Ibid.

In the 17th of the ſame reign, *Ballivi et communitas unanimi aſſenſu eligerunt &c.* Ibid.

As to more modern memoirs, I find only the following.

May 18, 1660. Mr. Turner reported from the committee of privileges and elections the caſe upon the double return for this borough;—that upon examination of the fact, the queſtion being, whether a ſelect number of burgeſſes, or the burgeſſes at large, ought to elect:

The committee are of opinion, that the burgeſſes at large ought to elect, and that of them Sir John Potts, knight and baronet, and Sir William Doyley, having the greateſt number of voices, are duly elected and ought to ſit in the houſe.——Whereto the houſe agreed.

City of YORK.

THIS is the capital of the county of this name. It is a very ancient city, but had its incorporation as a mayor town, with the addition of title of Lord to that of mayor, in the—— of King Richard II. It hath returned members to parliament from the 26th of Edward I. and parliaments have frequently been held here. In the 2d of King Henry V. the return was as follows; viz. Prynn's 4th Reg. p. 972.

2 Hen. V. B. P. R. 268.

Hæc indentura facta in pleno com. civitatis Ebor. tent. ibidem die Lunæ prox. ante feſtum omnium ſanctorum, anno regni Regis Henrici quinti, poſt conqueſtum Angliæ ſecundo. Inter Willielmum Ormeſhened, et Ricardum Spencer, vic. civitatis Eborum, ex una parte,

Thomam de Stanton, majorem civitatis prædict. Nichum Blackburn, Willielmum Veſſy, Johannem Mathwayt, Johannem de Bolton, Johannem de Cravon, Willielmum de Aſhue, Willielmum Bowes, Johannem de Moreton, Willielmum de Birkened, Thom. Da-

naſtre, Thom. Snawdon, Johannem Vulthorp, Willum Both, concives civitatis prædict. ex parte altera; teſtatur quod proclamatione facta per dictos vic. virtute cujuſdam brevis de parliamento Domini Regis apud Weſtm. tenend. in Octabis Sancti Martini, prox. futur. poſt dat. præſent. eiſdem vicecomitibus inde direct. prædicti major et concives in com. prædicto tunc exiſtentes, et plenam poteſtatem de tota communitate civitatis prædict. habentes, unanimi aſſenſu et voluntate libere et indifferenter eligerunt duos cives idoneos et diſcretos de com. civitatis prædictæ, viz. Robertum Howen, et Johannem Northeby, ad eſſend. ad parliamentum prædictum die et loco prædictis pro communitate com. prædict. ad faciendum quod dictum breve in ſe requirit ſecundum formam ejuſdem. In cujus rei teſtimonium partes prædictæ ſigilla ſua partibus hujus indenturæ alternatim appoſuerunt. Dat. apud Ebor. die, loco et anno ſupradictis.

As to the more modern accounts relating to its elections, the following are in the Journals.

April 4, 1628. Mr. Hackwill reporteth from the committee of privileges the caſe for this city.—No queſtion, but Sir A. Ingram well elected. The queſtion between Sir Thomas Savyle and alderman Hoyle. The determination thereof forborn by the committee, till further hearing. But divers miſdemeanors in ſeveral perſons; viz. in the two ſheriffs, and two aldermen, viz. Hemſworth and Cooper; concerning the election—

In the ſheriffs; in precipitating their giving the declaration of the election; in refuſing the poll with unfitting ſpeeches; in returning Sir Thomas Savyle, where alderman Hoyle duly elected . . . .

Upon queſtion, alderman Cooper and Hemſworth to be ſent for as delinquents for an undue preparation of the election, and to bring with them Sir John Savyle's letter.

Upon queſtion, the two ſheriffs, Henry Thomſon and Thomas Atkinſon, to be likewiſe ſent for as delinquents.

John Vaux, the ſheriff's clerk, to be ſent for as a witneſs: ſo alderman Dickenſon.

Tueſday next after Eaſter-week, to be the time of their appearance.

23d. Mr. Hackwyll reporteth from the committee of privileges &c. the caſe concerning the election of the citizens for this city, to ſerve in this parliament.—

The only queſtion, whether Sir Thomas Savyle or Mr. Hoyle duly elected for the 2d place? for of Sir A. Ingram's no queſtion at all.

The committee of opinion 1. That Sir Thomas Savyle not duly elected: 2. That in regard it evidently appeared, that Mr. Hoyle had the greater number of voices; the committee of opinion (all but one or two) that Mr. Hoyle duly elected; and that the name of Sir Thomas Savyle be put out, and Mr. Hoyle's name inſerted,

Upon queſtion, no queſtion to be put of Sir A. Ingram's election.

2. Upon queſtion, Sir Thomas Savyle was not duly elected.

3. Upon queſtion, Alderman . . . Hoyle is duly elected.

4. The indenture to be brought in by the clerk of the Crown, and the name of Sir Thomas Savyle to be put out by the ſheriff, and the name of alderman Hoyle to be by them put in, inſtead thereof.

29th. Mr. Hackwyll reporteth, from the committee of privileges, the caſe concerning the ſheriffs and aldermen ſent for from this city.—Four in number. Sheriff Thompſon cenſured: 1. Precipitating to ſentence for Sir Thomas Savyle's election, purpoſely to put out Mr. Hoyle: 2. His refuſal of the poll demanded by Mr. Hoyle. He acquainted not his fellow-ſheriff with it: pronounced it within one quarter of an hour after nine: was admoniſhed not to do it, while doing it: anſwered, he would do it, and juſtify it: his excuſes holden idle: his behaviour at committee full of offence: a meſſage to him that he ſhould be ſaved harmleſs.

Alderman Hemſworth, charged with undue preparation concerning ſeveral companies to this end, as if it had been for the buſineſs of the city; there read Sir John Savyle's letter to them: ſollicitations for Sir Thomas Savyle both publickly and privately; ſaying, he was perſuaded the parliament would not hold, and then they knew Sir John Savyle's power: aſſuring them, they ſhould be ſaved harmleſs in chuſing Sir Thomas Savyle: perſuaded Atkinſon to conceal he had given aſſurance to ſave the electors of Sir Thomas Savyle harmleſs: unduly procured hands to confirm Sir Thomas Savyle's election, and reviled honeſt men for not ſubſcribing it.

Alderman Cooper and ſheriff Atkinſon to be diſcharged paying their fees, by the opinion of the committee.

Upon queſtion, . . Cooper to be diſcharged upon paying his fees, without further cenſure.

Upon queſtion, ſheriff Atkinſon to be diſcharged, upon paying his fees, without further cenſure.

Upon queſtion Thompſon and Hemſworth to be committed to the ſerjeant, during the pleaſure of the houſe; and not to be diſcharged till they have made ſubmiſſion and acknowledgment, at the bar, of their offences upon their knees.

Upon queſtion to pay their fees before they be diſcharged.

Upon queſtion Mr. Thompſon and Mr. Hemſworth, now cenſured for their miſdemeanor about the election, to pay the charges of the witneſſes which came up about the election; and not to be diſcharged out of the ſerjeant's cuſtody, till they have paid it.

Upon queſtion Sir Francis Barrington, Mr. Attorney of the wards, Sir P. Heyman, and Sir Thomas Grantham, to tax the charges, and return the ſame to the houſe.

30th. Sir P. Hayman reporteth from the committee, of the charges of the witneſſes from this city, that they have abated the bill of 40 and odd pounds, to 20 l.

Upon queſtion, 20l. to be allowed, and to be divided among the witneſſes.

Sheriff Thompſon and alderman Hemſworth called in, and kneeling at the bar, their judgment, as ordered upon the queſtion, pronounced unto them by Mr. Speaker.

May 2. Mr. Hemſworth and Mr. Thompſon to pay the 20 l. to Mr. Hoyle, to be diſtributed to the witneſſes according to the former order.

To pay the clerk and the ſerjeant their fees, and then their ſubmiſſion to be accepted.

Alderman Hemſworth and ſheriff Thompſon, having paid their fees to the clerk and ſerjeant, and the 20l. to Mr. Hoyle, called in, and kneeling, acknowledged their offence in undue preparing and returning Sir Thomas Savyle, a citizen for this city, to ſerve in this parliament.

Jan. 7, 1673. A petition of Sir John Hewly, knight, being delivered in at the clerk's table; complaining of an undue return of Sir Henry Thompſon, knight, to ſerve for this city, in prejudice of the right of the petitioner, who was duly elected for the ſaid city and ought to have been returned;

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion. This petition continued with the committee until

March 15, 1676. Sir Thomas Meres reported, from the ſaid committee, the matter upon the ſaid petition, that the committee had reſolved,

That Sir Henry Thompſon is duly elected to ſerve in this parliament for this city. — Whereto the houſe agreed.

May 23, 1685. A petition of James Moyſer, eſquire, complaining of the undue election and return of Sir Metcalf Robinſon to ſerve in this parliament for this city, in injury of the petitioner, who was duly elected, and ought to have been returned, was read.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

June 1. A petition of Tobey Jenkins, eſquire, touching the election for this city, was read.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

May 7, 1690. Ordered, that the report upon the double return and election for this city be on Saturday next.

10. Ordered, that the ſaid report be made on Thurſday next.

15th. Ordered, that it be made on Saturday next.

17th. Mr. Grey reported, from the committee of privileges and elections, the caſe touching the ſaid return. — That the queſtion was, whether Edward Thompſon, or Henry Thompſon, eſquires, were duly elected: —— That upon the poll they had each, 841.

That for Mr. Edward Thompſon, was called William Lun; who ſaid, Wharton, Ayſcough, Hardy, and Mackpiece, polled for Mr. Edward Thompſon, but were not ſet down in the poll; and produced a liſt of fifty-four names, that voted for Mr. Henry Thompſon, who the counſel inſiſted had no right to poll; and one Chamley, who was dead before the poll; and of four, viz. Batterſby, Thomas Day, Clark, and Nathanael Day, who polled twice for him. But all the 54, except 24, were juſtified, and theſe were allowed not to be free. Chamley was proved not to be alive at the poll: and as to Bradley and Wood, the witneſſes denied they voted for Mr. Henry Thompſon: and as to Brewhouſe and Day, it was only a miſtake of their Chriſtian names.

That for Mr. Henry Thompſon, the counſel called a witneſs: who ſaid, that 22 had voted for Mr. Edward Thompſon, who were made free ſince the teſte of the writ for the election. But it appeared, 14 of theſe voted alſo for Mr. Henry Thompſon; and alſo produced a liſt of 49, that voted for Mr. Edward Thompſon, who he inſiſted were not qualified; but all were juſtified, except 16, who were admitted to be no freemen. And as to Boſs, Thompſon, Griffin, Maſon, Johnſon, and Marſhall, they did not poll for Mr. Edward Thompſon: and as to Charles Potter, it was a miſtake for Chriſtopher: and as to Tindale, it was a miſtake for Hindle.

Alſo a witneſs ſaid, as to three perſons, they are wrote twice; and Thomas Swayle of Bolton, and Thomas Swayle tanner, they were the ſame perſon: and that Hen. Hutchinſon, who voted for Mr. Hen. Thompſon, his name was not in the book. — That the committee reſolved,

That Henry Thompſon, eſquire, is duly returned a citizen, to ſerve in this preſent parliament for this city: — Which, being twice read, was agreed unto by the houſe: and the return ordered to be amended.

Dec. 16, 1698. A petition of Edward Thompſon, eſquire, was read; ſhewing, that at the election for citizens to ſerve in this preſent parliament for this city, the petitioner, Sir William Robinſon, and Tobias Jenkins, eſquire, were candidates; and many indirect practices were uſed to gain votes againſt the petitioner, by giving money to purchaſe their freedoms, ſince the diſſolution of the laſt parliament, and after the order for calling the preſent parliament: that the mayor of this city denied the petitioner a ſight of thoſe that were ſo made free; and threatened ſeveral, who ſaid they would vote for the petitioner, to quarter dragoons upon them; and did ſo contrary to law; and turned others out of their places for ſaying, they were obliged to vote for the petitioner: and that he was denied the ſcrutiny of the poll, though he demanded it before the books were cloſed; and, by many other indirect practices, Mr. Jenkins procured himſelf to be returned, in wrong of the petitioner, who upon a fair election would have had a majority of legal votes: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

June 7, 1711. Ordered, a warrant for a new writ for electing a citizen, to ſerve in parliament for this city, in the room of Robert Benſon, eſquire, made Chancellor and Under-treaſurer of the Exchequer.

March 5, 1713. A petition of Tobias Jenkins, eſquire, was read; ſhewing, that the petitioner, Sir William Robinſon, and Tho. Fairfax, eſq; were candidates for this city: that by the * impartial proceedings of the mayor and officers, ſeveral of the petitioner's voters were refuſed, and ſeveral entered for Mr. Fairfax, who are not to be found; and ſome who voted for the petitioner, by the illegal proceedings aforeſaid, were entered for Mr. Fairfax, with many others not qualified: by which undue means, the ſaid Mr. Fairfax is returned, in wrong of the petitioner, for this city: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

A petition of ſeveral citizens and freemen of this city, whoſe names are hereunto ſubſcribed, was read; ſhewing, that at the election for this city, Sir William Robinſon, Tobias Jenkins, and Robert Fairfax, eſquires, were candidates: that by the illegal proceedings of the ſheriff, ſeveral, who had a right to vote, were refuſed to vote for Mr. Jenkins, but entered for Mr. Fairfax; and others, who had no right, were admitted for Mr. Fairfax; and ſeveral who polled for Mr. Jenkins, were beat and abuſed by Mr. Fairfax's agents; and by which the ſaid Mr. Fairfax has procured himſelf to be unduly returned, in wrong of the petitioner, who ought to have been returned: and praying &c.

Ordered, that it be referred to the committee of privileges and elections, to examine the matter, and report the ſame, with their opinion.

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* Sic Orig.

May 31, 1725. Ordered a warrant for a new writ, for electing a citizen to ſerve in parliament for this city, in the room of Edward Thompſon, eſquire, made one of the commiſſioners of the revenue in Ireland.

YORK County.

THIS is the largeſt county in England; is divided into three ridings; viz. Eaſt, North, and Weſt riding; and hath been repreſented in parliament from the time of the firſt returns.

B. P. R. 153. The election is made by all the three riderys; and the indentures, in the reigns of Henry the fourth and Henry the fifth, are very remarkable; of which I cannot omit taking notice, as they ſet out the manner of election to be by attornies of the great perſons of the county. I ſhall therefore ſet them forth, as follows.

13 H. IV. *Hæc indentura facta in pleno com. Eborum tent. ibidem die lunæ in feſto ſancti Wilfridi epiſcopi anno regni Henrici quarti, poſt Conqueſtum tertiodecimo. Inter Edmundum Samford, vic. Ebor. ex una parte, et Willielmum Holgate, attornatum radi comitis Weſtmerland, Willielmum de Kyllington, attornatum lucie comit. Kanc. Willielmum Heſham, attornatum Petri domini de malo lacu, Willielmum de Barton, attornatum domini de Roos, Robertum Euedale, attornatum radi baronis de Grayſtock, Willielmum de Feſton, attornatum Alexandri de Metham Chivaler, et Henry de Preſton, attornatum Henry de Percy Chivaler, ſectatorum communium annuatim ad com. Ebor. de ſex ſeptimanis in ſex ſeptimanas, ex parte altera teſtatur, quod facta proclamatione per dict. vic. in com. prædict. virtute cujuſdam brevis pro parliamento Domini Regis apud Weſtm. tenendo in craſtino animarum prox. futur. poſt dat. præſentium, eidem vic. inde direct. prædicti attornati unanimi aſſenſu et voluntate in prædict. com. tunc exiſtentes, et plenariam poteſtatem de ſectatoribus prædictis ſeparatim habentes, libere et indifferenter eligerunt duos milites idoneos et diſcretos de com. Ebor. viz. Johannem de Eton Chivaler, et Robertum de Plumpton Chivaler, ad eſſend. ad parliamentum prædict. die et loco prædictis pro communitate com. præd. ad faciend. quod dictum breve in ſe requirit ſecundum formam ejuſdem brevis. In cujus rei teſtimonium partes præd. ſigilla ſua partibus indenturæ alternatim appoſuerunt. Dat. die, loco et anno ſupradictis.*

2 H. V. *Hæc indentura facta in pleno com. Ebor. tent. ibidem die lunæ prox. ante feſtum ſancti Wilfridi epiſcopi anno 2 Hen. V. poſt Conqueſtum Angliæ ſecundo, inter Willielmum Harington, vicomitem Ebor. ex una parte, et Robertum Mauleverer, attorn. Henrici archiepiſcopi Ebor. Willielmum Fentotes attornat. radi comitis Weſtmerland, Willielmum Archer attornat. Johannis comitis Mareſhalli, Willielmum Rillington attorn. Henry Leſtrop chlr. domini de Maſham, Willielmum Heſhum attornat. Petri de malo lacu, Willielmum Foſton attornat. Alexandri de Metham chlr. Willielmum Houſon attornat. Roberti Roos, Robertum Barry attorn. Margaretæ quæ fuit uxor Henrici Vavaſour chlr. Robertum Daviſon attornat. Henrici Percy ſectatorum communium ad com. Ebor. de ſex ſeptimanas in ſex ſeptimanas, ex parte altera teſtatur; quod proclamatione facta per dictum vic. in com. prædict. virtute cujuſdam brevis pro parliamento Domini Regis apud Weſtm. tenend. die lunæ prox. poſt Octabis ſancti Martini prox. futur. dat præſentium, eidem vic. inde direct. prædicti attornati unanimi aſſenſu et voluntate in prædicto com. tunc exiſtentes et plenariam poteſtatem de ſectatoribus prædictis ſeparatim habentes, libere et indifferenter eligerunt duos milites idoneos et diſcretos de com. Ebor. viz. Richardum Redeman chlr. et Johannem de Eton chlr. ad eſſend. ad parliamentum prædictum die et loco prædictis, pro communitate com. prædicti; ad faciendum quod dictum breve Domini Regis in ſe requirit, ſecundum formam ejuſdem brevis. In cujus rei teſtimonium partes prædictæ ſigilla ſua partibus hujus indenturæ ſigilla ſua appoſuerunt. Dat. die, loco et anno ſupradictis.*

But in the next reign, the method was altered; as it appears by the indenture, which here follows.

25 H. VI. *Hæc indentura facta in pleno com. Eborum tent. ibidem die lunæ prox. poſt feſtum converſionis ſancti Pauli, anno regni Henrici ſexti poſt Conqueſtum Angliæ viceſimo quinto, inter Robertum Ughtred, vic. Eborum ex una parte, et Chriſtopherum Conyers armigerum, Johannem Stapilton armigerum, Willielmum Scargyll armigerum, Willielmum Fairfax armigerum, Robertum Conſtable armigerum, Chriſtopherum Spencer, armigerum, Thomam Witham, Willielmum Norton, Thomam Gower, Bryan Daytell, Walterum del Thweng, Willielmum Thwaite, Johannem Paſſelew, Willielmum Middleton, Johannem Wicliffe, Walter Calverly, Radum Fitz-Randolph, Thomam Clapham, Richardum Uel Bank, Willielmum Huddleſwell, Johannem Laſingby, Willielmum Nevill, Richardum Aldburgh, Willielmum Wakefield, Briam Beeſton, Robertum Bard, Thomam Elys, Johannem Manſton, Thomam Sampoul, Thomam Box, Robertum Layton, Thomam Ledys, Willielmum Nalſon, Willielmum Heſelverton, Willielmum Lutton, Thomam Talboys, Radum Rukeſby, Alexandrum Lound, Thomam Saltmerſh, Robertum Studbewe, Robertum Ellis, et Johannem Acclom, electores militum ad parliamentum Domini Regis pro communitate com. prædict. ex altera parte teſtatur; quod facta proclamatione per prædict. vic. in com. prædict. prætextu brevis Domini Regis pro parliamento prædicto apud Cantebr. in die ſanctæ ſcolaſticæ, viz. decimo die Februarii prox. futur. poſt dat. præſentium tenend. eidem vic. directi et huic indenturæ annex. Qui quidem electores, in com. prædict. ad tunc exiſtentes, unanimi aſſenſu et conſenſu libere et indifferenter eligerunt, duos milites magis idoneos et diſcretos ejuſdem com. viz. Jocobum Pykering, militem, et Willielmum Normanvile, militem, ad eſſend. ad parliamentum Domini Regis prædictum ad diem et locum prædictos, pro civitate prædicta, ad faciend. et conſentiend. iis quæ tunc ibidem de comi conſilio Domini Regis, favente domino, contigerit ordinari juxta tenorem prædicti brevis. In cujus rei teſtimonium partes prædictæ partibus hujus indenturæ ſigilla ſua appoſuerunt die et loco ſupradictis.*

I meet with no other memoirs neceſſary to be inſerted here, until after the Reformation; ſince which time the Journals of the houſe of commons afford theſe.

April 9, 1614. A petition for this county reſpited till Sir John Savyle's coming up.

March 16, 1620. Sir George Moore reporteth from the committee for privileges. Firſt for the conſtables of this county: that one Alleyne and Middlethwaite examined: that Alleyne denied the warrant to be his hand; but made by his fellow-conſtable, by his conſent: that Sir Thomas Wentworth wiſhed them to intreat the freeholders to give their voices, &c.---That the warrants were, "will and require;" and when from the King, they did then in his Majeſty's name, "will and command."—That the taking the names, was to let Sir Thomas know, who would be for him;— and ſet down the names of thoſe, which would not conſent.—— That Stanhope, another high-conſtable, confeſſed a letter from Sir Thomas Wentworth of thanks for their pains, with promiſe to be mindful of it. —— That theſe things were mentioned in churches: that 3 teſtified at the election about 1000 perſons cried, “ A Savyle!” and theſe, preſſing to the town-hall, were refuſed, the door being kept with halberts; and one of their heads (offering to break in) broken.

On the other part, teſtified by Sir Richard Cholmley, that it appeared to him, as he paſſed with the ſheriff, he taking a view of thoſe of both parts, the number far above the other.

Sir Thomas Wentworth cleared, for the preparation; and, by all the committee, the election cleared. The high-conſtables to be left to the cenſure of the houſe.

Upon queſtion, the election of Mr. Secretary and Sir Thomas Wentworth, good.

Sir Edward Coke: — To have only admonition to the conſtables.

Mr. Mallory:——Not to have the conſtables put unto too much charge: —— an eye and ear-witneſs of the diſcontent of the gentlemen at the conſtables doings: a very ill precedent to all the counties of England: that thouſands in the town which were for a Savyle, and excluded.

Sir Thomas Wentworth: — That Mr. Mallory hath incurred the cenſure of the houſe, by ſaying, he would ſpeak freely, that it might be known, there were ſome in the houſe, that durſt, and would, ſpeak for their country. But the houſe cried, No.

Sir William Herbert: —— That the place was ſo poſſeſſed with thoſe not of the committee, that they of the committee could not hear.— That the high-conſtables deſerve great puniſhment for the preparation of the buſineſs; for the high-conſtables have nothing to do in it. —— The words, “ will and require,” not ſufferable. — To have the warrant read, and proceedings upon it.

Mr. Secretary:—That the conſtables have committed a fault; but mercy, as honourable for the houſe, as juſtice.—To have them acknowledge their fault, and be diſmiſſed.

Sir H. Withrington: — Againſt Sir Edward Coke's taxing Mr. Alford's ſpeech:—could himſelf have no place at the committee, being one of them. — Deſireth the opinion of the houſe, whether they of a committee, are not to have place before others of it. For the high-conſtables; they have committed a great offence, in practiſing to chuſe who they would.—Not too many precedents of mercy; ſome of juſtice. —To have them made an example.— Cleareth Mr. Mallory.

Maſter of the Rolls: — Never obſerved better carriage in a parliament, nor with more ſucceſs.— That theſe conſtables are of ſmall ability: great charge in coming up.—Juſtified at the committee to have been the uſe there, in thoſe terms: — though commendeth it not.—That Sir Thomas Savyle may be queſtioned, for wronging Sir H. Savyle, his ſon-in-law:—not to catch flies.—Doubteth, our authority will not extend farther.

Sir George Manners:—That the ſcrutiny, never demanded.—Not for the honour of the houſe to diſmiſs the conſtables, without ſevere puniſhment:— never the like in that country before.

Sir Samuel Sands:—Commendeth not the courſe of this parliament:—If the members may not ſpeak freely:——No man here to think himſelf ſo great, as to oppreſs any member of the houſe with his greatneſs:——That theſe men thruſt themſelves into that, belonged not to them; and combined together: ——to have them make ſatisfaction in the country, where they have given the offence.

Mr. Wandesford: —— That the offence of the conſtable “ to will and require,” but of one:— the puniſhment already ſufficient.

21ſt. The conſtables of the county to be heard this afternoon:—yet did not come on.

23d, Sir Thomas Bellaſyſe: — Moveth for the conſtables of this county:— but reſolved to ſtay till the houſe fuller.

Sir Henry Withrington: — moveth a publick puniſhment, for example to all others; becauſe no conſtable is to intermeddle in that buſineſs.

Mr. Carvyle, *contra:* — Puniſhment enough already:—the uſe there to write by the high-conſtables, “ will and require.”

Sir George Moor: — That Sir Thomas Wentworth ſent to the high-conſtables, to deſire the freeholders to be at York, to give their voices for Sir G—— Y——, and Sir Thomas Wentworth, if they thought fit: — that the conſtables did write, “ will and require,” and left out the clauſe, “ if “ they thought fit;” and wiſhed them to preſent the names of thoſe who would not: —— adviſeth, that if they confeſs not——

Mr. Noye:—That elections ought to be free:— if they have done ill, and go unpuniſhed, it will encourage them; and the country will think, the parliament (they being queſtioned, and cleared) approveth it:—that a baron (Lord Bruce of Bremberghe) of the realm, told Roger, a baron of the Exchequer, “ *reminiſcar,*”— adjudged, to go up and down Weſtminſter-Hall, in his hoſe and doublet, without his hat: to go to all the courts; and then to go to the Tower:—fit, theſe men, for foreſtalling freedom of election, and terrifying men with as much as “ *reminiſcar,*” ſhould go to the Tower.

Sir Edward Giles:—That an admonition here of them, as delinquents, ſufficient.

Sir George Manners:—That Sir Thomas Parry, laſt convention in parliament, put out of the houſe for it:— to have them ſentenced, and fined, and then impriſoned in the Tower; and make ſubmiſſion in the country.

Mr. Brook: — To make this exemplary to all other high-conſtables: —— that this done by the conſtables without ground, without example: — that by the ſtatute Hen. IV. the notice to be given in *pleno comitatu:* ſo the writ: —— the high-conſtables nothing to do in it: — that all one, ſtanding for knight of the ſhire, can do, no more than one who is to have a trial; viz. to deſire a juror to appear, but not to give his vote for him: — to have them committed to the ſerjeant, till they go down to the quarter-ſeſſions; and there openly to acknowledge their fault.

Sir Henry Pool: — excuſeth one of the conſtables (Stanhope) againſt whom nothing appeared; and therefore is, by the former order, to have his charges: —that the other two conſtables have erred; yet poor, and under the command of the juſtices of the peace, and ignorant.

Mr. Nevyll:—Remembreth “ *reminiſcar:*” — to have them ſubmit here:—Tower: — ſubmiſſion in the country.

Mr. Mallet:—Agreeth with Sir Henry Pool, for the firſt; condemneth the two laſt:—differenceth between “ *reminiſcar*” and this caſe:— to have the two called to the bar, cenſured as delinquents, and ſubmiſſion at the ſeſſions.

Mr. Treaſurer:—That this buſineſs much ill will between the gentlemen of the county: — rather to appeaſe this, than increaſe it:—excuſeth them not:—

fit, at firſt, to have committed them to the Tower; not now, they having ſtaid five weeks at charge.

Mr. Mallory: — That there are freeholders in Yorkſhire, to be valued more than Mr. Mallet hath done: —— their offence great to the houſe, and to the ſheriff, upon whom they have encroached: —— Tower, though but a night: — ſubmiſſion in the country.

Mr. Wandesford: —— That one clear from exception; viz. Stanhope, who ſent for but as a witneſs: —— to mix juſtice and mercy together: —— remembreth Oxford and Rocheſter caſe: — poor: — charge great.

Sir William Spencer: —— To acknowledge their offence here, and in the country; and to be fined.

Sir William Herbert aggravateth the offences: —— theſe undue preparations will procure unjuſt elections: — this carried with a ſtrong hand: —— that impunity will give encouragement: —— holdeth Stanhope an offender: — an exemplary puniſhment: — that Sir John Savyle thinketh not of any particular wrong, but as a general freeholder: —— Tower: —— ſubmiſſion in the country.

Mr. Chancellor of the Exchequer: — To end this by queſtion.

Sir Francis Seymour: —— With the juſtice and mercy of this houſe to puniſh them exemplarily: —— Tower, till our next acceſs; then only a ſubmiſſion here.

Mr. Sollicitor: —— Offence and puniſhment agreed. —— Not to have them committed to the Tower; but, if they acknowledge not their error at the next ſeſſions, to be called here again, and puniſhed here: —— to have their acknowledgment in the country ſet down here *in verbis conceptis*, to avoid differences between the gentlemen.

Sir John Strangeways: —— Remembreth the mayor of Oxenford's offence: —— that this offence uſual among the Weſtern conſtables: —— only a ſubmiſſion here.

Sir Dudley Diggs cleareth Stanhope: —— that the more frequent in other parts, the more cauſe of ſevere puniſhment: — to have them cenſured at the bar, and then acknowledgment in the country, as Mr. Sollicitor propounded.

Sir Robert Phillips: —— This a wrong to the houſe, therefore an acknowledgment here; and to the country, ſo a confeſſion there.

Mr. Hutton extenuateth their offence: — remembreth the mercy to the ſheriff of Leiceſterſhire: — not to have the members, choſen, blemiſhed by the puniſhment of theſe offences.

Sir Thomas Jermyn: — for the puniſhment of the two conſtables: —— that the puniſhment here by cenſure at the bar, and by acknowledgment in the country: — to diſmiſs Stanhope as no delinquent, with 5 l. charges; to be paid by Sir Thomas Savyle. Ordered,

. . . . . and Mickelthwayte to acknowledge their offence kneeling at the bar. — Ordered. — And to make an acknowledgment of their offence in writing, to be penned by Sir George Moore, Mr. Sollicitor, and Mr. Noye. This to be done at the next quarter-ſeſſions for the Weſt-Riding; and if they did not then do it, then to be ſent for again, and further puniſhed.

That, which ſhall be penned by the committee, to be read, and allowed by the houſe before the receſs.

Bartyn Allott and Richard Mickelthwayte called to the bar; and kneeling, charged by Mr. Speaker with their offences; for meddling with that, belonged not to them: with undue preparation: with warrants to petty-conſtables, of command: menaces, by requiring the names to be delivered, of the refuſers. They acknowledge their offence: and are further charged by Mr. Speaker, to make their acknowledgment, *ut ſupra*.

June 21, 1625. Sir Edward Giles tendereth a petition from Yorkſhire, about the election of Sir John Savyle.

Referred to the committee of privileges, and to be the firſt this afternoon.

22d. Sir George Moore reporteth from the committee of privileges, the caſe of the election of the knights for this county: — that the ſheriff having read the writ, pronounced Sir Thomas Wentworth, and Sir Thomas Fairfax, knights; where, Sir John Savyle — that the poll required in time; and the ſheriff, granting it, and polling about 35, left the polling: — that this the ſubſtance of the petition, ſubſcribed by 1050 freeholders: — that the petition alſo fortified by ſeven witneſſes, *viva voce*; viz. that Sir John Savyle had the greater number of freeholders; and the poll was in due time demanded, granted, begun, and broken off, as contained in the petition: — that Sir Thomas Wentworth agreed not to any of theſe things alledged: — that his witneſſes in the country far off: — deſired to be heard by his counſel; and time, to ſend for his witneſſes. —

Agreed by a general conſent of the committee, that the ſheriff ſhould be forthwith ſent for; and that Sir Thomas Wentworth and Sir Thomas Fairfax may be heard by their counſel, upon Tueſday come ſevennight; which now Sir Thomas Wentworth and Sir Thomas Fairfax alſo deſired.

Upon queſtion, reſolved, the ſheriff of this county ſhall be heard to-morrow at 2 o'clock before the committee for privileges: and to reſpite the reſolution, for giving time for hearing Sir Thomas Wentworth and Sir Thomas Fairfax, with their counſel and witneſſes, till they report from the committee.

July 4th. Sir George Moore reporteth from the committee for privileges, the caſe of knights for this county: — that the ſheriff charged: — 1. That, upon his view without poll, he gave his judgment for Sir Thomas Wentworth and Sir Thomas Fairfax, to be knights; where Sir Jo. Savyle moſt voices; — 2dly. That when the poll was required, he ſaid, it was only of courteſy to grant it. — 3dly. That he began the poll, but, having polled about 35, brake it off: — that nothing objected againſt Sir Thomas Wentworth or Sir Thomas Fairfax: — that the ſheriff being heard, he, upon Saturday was ſevennight, was required to anſwer the matter in fact; but he required to do it by counſel; yet acknowledged the poll was demanded; but that it was granted e'er demanded. Being demanded, whether he began not the poll, and brake it off; he acknowledged it; but deſired, by his counſel, to anſwer to the breaking it off.

That upon Tueſday laſt, he, by his counſel, alledged, that the day of election, after 8 of the clock, he made proclamation, and read the writ at the uſual place. That the writ being read, he cauſed the gates being ſhut; he took a view of the freeholders, and, returning, ſaid, he thought Sir Thomas Wentworth and Sir Thomas Fairfax had double the voices to Sir John Savyle. That he choſe to take the poll at the poſtern-gate; and having polled about 35, heard the fore-gate was broken open, and many freeholders gone out upon Sir John Savyle's perſuaſion, that the taking of the poll would laſt many days; that hereupon he broke off the poll:—Deſired time for his witneſſes:—Some of the committee againſt the time, becauſe would be but a delay: others that they believed his allegation, and therefore no cauſe for his witneſſes: others, that in juſtice his witneſſes ought to be heard; who could better prove than himſelf, who was at the polling further off: 42 committees; whereof 17 for time, the reſidue againſt it.

Sir Thomas Wentworth: — That he has never ſought to delay this cauſe, only deſirous to have it heard in a legal manner:—1. For the number; it will be proved fully, that without all queſtion, that the far greater number for him and Sir Thomas Fairfax: 2dly, for the quality; the return by the greateſt number of men of quality, that to any return theſe twenty years: That on Sir John Savyle's ſide, divers out of an houſe, where the maſter himſelf no freeholder; but ſaid, they wree freeholders:—That his caſe for the poll, thus; The poll demanded by Sir John Savyle with a cavil, but with no intention it ſhould proceed: That this demand of the poll after eleven o'clock: That the ſheriff ſhut up the Fore-gate, went to the Poſtern-gate; and being without, the poll, by the unlawful act of Sir John Savyle himſelf, interrupted:— Deſireth this caſe may either be granted him or denied him; if granted; that his counſel to-morrow at the bar, may maintain the law to be for him: If denied; that he may be admitted to prove this caſe by his witneſſes, which was never denied to any: That his caſe not like that of Cambridgeſhire, where the ſheriff was there demanded the poll, and granted it not. 2dly, For Pomfret; the poll broken off by the parties returned.

Sir Chriſtopher Hildyard: — That about ten of the clock, he, for Sir John Savyle demanded the poll; the ſheriff ſaid, it was not then time, but ſhould have it:—— That Sir John Savyle's company ſtaid.

Chancellor duchy: either Sir Thomas Wentworth's anſwer muſt be acknowledged true, or witneſſes muſt be heard.

Mr. Solicitor, *accordant.*

Sir Edward Coke:—two things conſiderable:—Liketh not the ſheriff's anſwer, that he needed not grant the poll: For bound to grant it: but not to ſtrike theſe gentlemen through the ſheriff's ſide: 1. Whether the demand of the poll in due time:—the poll the true trial. Neither view nor voice can judge it: 2dly, Whether he that demanded the poll brake it off, or was the means of it.—*Impotentia excuſat legem.* —That we cannot in juſtice deny them proof of the matter in fact.

Mr. Glanvyle:— If the poll was demanded before eleven, but not granted before, then the poll was not granted at all; becauſe the time for the election paſt: and is like the caſe of Cambridgeſhire; wherein the houſe reſolved, that the not polling when demanded, a miſdemeanor in the ſheriff. 2dly, that in this caſe alſo, the election and return void, by reaſon of the not granting of the poll:—In the caſe of Pomfret, the election not holden good of Sir John Jackſon, though his adverſary, Sir .... Beaumont, interrupted the poll.

Sir Francis Seymour:—That the poll demanded and granted before eleven. The ſhutting of the gate fit, to exclude other freeholders, who might come in and give their voices now, when the time for the election was paſt.

Serjeant Towſe:— To hear witneſſes to prove the matter in fact.

Sir Edward Gyles:— That Sir John Savyle cauſed the gates to be opened; but that this was—

A petition from Sir John Savyle, read. Another petition from the ſheriff of York, read.

Sir Thomas Hobby:—That witneſſes muſt needs be heard.

Mr. Wandesford:—The queſtion to be about the granting time for witneſſes for the gentlemen returned, or for the ſheriff.

Sir Francis Goodwyn moveth, That Sir Thomas Wentworth, Sir Thomas Fairfax, and the ſheriff, may ſet down the particulars of Sir John Savyle's diſturbance; that the houſe may judge of it.

Sir Cl. Throgmorton: That the ſheriff may have time for his witneſſes.

Mr. Lowther: If the houſe ſhould now judge the ſheriff, whether it be with him, or againſt him, this may be afterwards croſſed upon an action brought by Sir John Savyle, for a falſe return.

Sir Edward Coke: —That the poll being broke off, it may be ſet down by the ſheriff, in particular, what diſturbance was made by Sir John Savyle. To deliver the ſheriff's petition to Sir John Savyle: if he grant the caſe in it, to judge it; if he deny it, then to give the ſheriff time to prove it.

Sir Robert Phillipps: That the ſheriff, and Sir Thomas Wentworth and Sir Thomas Fairfax, are ſo joined together, as the one cannot ſtand, and the other fall.

Upon queſtion reſolved, that the caſe in the ſheriff's petition, and Sir T. Wentworth's, as he hath delivered it in the houſe, with the particulars of the interruption and diſturbance, ſhall be ſet down in writing by them, and delivered to Sir John Savyle; and upon his anſwer, the houſe to give further direction. This to be to Sir John Savyle this afternoon, and his anſwer to the houſe to-morrow morning.

5th. Sir George Moore:——That Sir John Savyle, though he received the caſe yeſterday very late, ſo as he could not peruſe it till this morning, yet his anſwer ready; and deſireth to be heard a few words in the houſe, upon the delivery thereof.

Diſpute, whether Sir John Savyle being called in, the bar ſhould be put down.

Reſolved, the bar ſhall not be put down.

Sir John ſheweth, the caſe was not delivered till this morning; yet hath he given an anſwer to put an end to this buſineſs.

Moveth, Sir Thomas Wentworth, Sir Thomas Fairfax, and the ſheriff, may ſubſcribe the caſe delivered Sir John Savyle; that they may, upon their reputations, avow ſo much as concerneth their own knowledge to be true; and that they believe the reſt to be true: which they accordingly did.

Sir John Savyle delivereth his anſwer; and, required by the houſe, ſubſcribeth it in the ſame manner.

Sir Thomas Wentworth: — That it exceedingly importeth him, to make good what he hath ſet down upon his own knowledge:—which being denied; deſireth liberty for his defence by counſel, and witneſſes.

Mr. Whiſtler:—Admitting the caſe, as Sir Thomas Wentworth &c. have ſet down, yet the election not good:—Is againſt the ſhutting of the gate:—— The freeholders intereſted, as well as Sir John Savyle; ſo as he, being *Particeps criminis*, cannot wrong the country.

Sir George More:—That the ſheriff hath miſdemeaned himſelf: yet doubteth, the election not void.

Mr. Solicitor:——That, admitting the caſe, Sir John Savyle in the wrong: For the ſheriff having adjudged the election of Sir Thomas Wentworth and Sir Thomas Fairfax, and returned them; this ſtandeth good, till avoided by plain and good matter. If he denied the poll, good cauſe to avoid the election; or if he do any thing unfitting in it; but if Sir John Savyle diſturbed the election, and ſo made it impoſſible for the ſheriff to go rightly on with the poll, then no default in the ſheriff.

Mr. Rolles, *contra*:—That the not purſuing the poll, and denying the poll, all one: Sir John Savyle could not wave his election, being elected; therefore, his interruption made not the election and return of the other good.

Motion for Sir Thomas Wentworth to have counſel, denied. Motion to hear Sir Thomas Wentworth, debated: But ordered to be called in.

Sir Thomas Wentworth openeth his own caſe in the particulars:——That the ſheriff had no power, when new men were let in, to give them oath, whether they were preſent at the election, or not; for a *premunire*, if he had, having no power by the ſtatute to miniſter that oath, and ſo impoſſible:——Moveth, for the ſtay of the reſolution of this buſineſs, being matter of law, may be referred to a full houſe.

Sir H——— Anderſon moveth, to have it deferred till to-morrow.

Sir H— Mildmay, *contra*.

Upon queſtion, this buſineſs to be now determined.

Mr. Glanvyle: Adjudged in the caſe of Arundel, that ſo many as came in during the poll had right of voices; ſo in the caſe of Glouceſter.

Upon queſtion, Reſolved, that the caſe concerning the knights for this county being admitted, the election of the ſaid knights, is not duly made; and a new warrant for a new election.

Reſolved, upon queſtion, that the ſheriff be no farther queſtioned concerning the election and return of the knights for this county.

April 17, 1628. Mr. Hackwell reporteth from the committee of privileges for this county.— Sir Henry Bellaſis, and Sir Thomas Wentworth returned: The queſtion whether theſe men that refuſed to declare their names, were not diſabled to be electors:—Appeared, that they anſwered to three queſtions: 1. They had forty ſhillings freehold: 2dly. That they were reſiants within the county the day of the date of the writ: 3dly. That they were not before polled:—the opinion of the committee, that not neceſſary to inſert the names of the freeholders in the indenture: Held it inconvenient to have them ſet down their names, becauſe notice might be taken of them to their prejudice.

The opinion of the committee, theſe two gentlemen well elected.

Reſolved, upon queſtion, That if an elector, or freeholder, being by the ſheriff, upon the poll, demanded his name, ſhall refuſe it, he is not diſabled to be an elector.

Reſolved, upon the 2d queſtion, that * Mr. Henry Bellaſis and Sir Thomas Wentworth are well and duly elected knights of the ſhire for this county.

Nov. 10, 1707. Ordered, a warrant for a new writ for electing of a knight of the ſhire for this county, in the room of Thomas Lord Fairfax, now become a Peer of Great-Britain.

* Sic orig.

FINIS.

ERRATA.

Fol.	Col.	Line.	
2	1	5	*For* Matthews, *read* Mathers. *c.* 2. *l.* 69. *for* 5. *r.* 25.
3	1	62	*For* Caleb *r.* Charles.
4	1	50	*To* ſcot and lot, *add*, not receiving alms or charity. *c.* 2. *l.* 69. *for* nobis, *r.* vobis.
5	1	3	*For* 21ſt *r.* 19th. *And l.* 67. *To* bar, *add*, and being upon his knees. *c.* 2. *l.* 13. *to* Sidney, *add*, eſquire.
6	2	3,4,7,40	*For* Thomas, *r.* Samuel.
7	1	6, 14th	*The ſame.*
8	1	50	*To* was, *add* the
10	1	54	*For* certification, *r.* certificate.
11	2	39	*Dele* 6. *And l.* 59. *for* 8. *r.* 9.
12	1	29	*Dele* their.
13	1	14	*To* Baſſe, *add*, Dan. Horne. *c.* 2. *l.* 46. *to* Page, *add*, Mr. Lechmere.
14	2	33	*To* commitments, *add*, by any authority.
15	1	34	*For* ſame, *r.* time.
16	1	28	*To* poll, *add*, ſeveral. *c.* 2. *l.* 11. *dele* at. *l.* 33. *to* Turner, *add*, who was duly elected.
17	1	53	*To* borough, *add*, to which the houſe agreed.
18	1	13	*Dele*, and are fined for non-appearance. *l.* 37. *for* Robinſon, *r.* Johnſon. *l.* 39. *for* Kavel *r.* Kavet. *and for* Michael *r.* Nicholas. *l.* 56. *to* four, *add*, firſt.
19	1	70	*To* that, *add* all.
22	1	7	*To* election, *add*, for this borough. *l.* 53. *for* of, *r.* and. *l.* 67. *To* Number, *add*, of burgeſſes only. *l.* 68. *To* Pollen, *add*, eſquire.
23	2	52	*For* 41, *r.* 49.
24	1	34	*For* Bellew, *r.* Bulkeley. *l.* 34. *for* Llamden, *r.* Llanidan. *l.* 54. *for* Oaths, *r.* Oath. *l.* 66. *for* 23 *r.* 26 Ed. I.
26	2	62	*For* Guineas, *r.* Guns.
27	2	28	*For* Mallcot, *r.* Mallock.
28	2	59	*For* Denis, *r.* Vening.
29	1	6	*For* Forbrian, *r.* Torbrian.
30	1	laſt line	*To* freemen, *add*, burgeſſes. *Dele* whole, *in the ſame line.*
34	1	33	*Inſert* January 16th.
35	2	63	*For* 1724, *r.* 1723.
41	1	5	*For* Gage, *r.* Gape.
53	2	42	*For* poctets, *r.* pockets.
57	2	24	*For* turner's, *r.* tanner's.
87	1	47	*For* aggerentium, *r.* ſuggerentium. *l.* 48. *for* tenent, *r.* teneant.
92	1	44	*For* Puddifat Rogers, *r.* * Puddifat. * Rogers
111	1	46	*After* Opinion *r.* 22 Nov. Mr. Gray reported from the committee as follows, *viz.*

That the right of election was agreed to be in the mayor, recorder, aldermen, and common-council-men of this city.

That the caſe was thus, upon the poll;

Mr. Pitt had ——— 25. } voices.
Mr. Windham, 23. }

That 5 of Mr. Pitt's voices were excepted to, as being ſworn after the publiſhing the precept for the election; which was upon the 27th of February: But it appeared to the committee, that they had been elected in September before; and that many others had ſtood out as long after the election before they came to be ſworn: and that, when they were ſworn, no objection was made to them.—That thereupon they reſolved,

"That Thomas Pitt, eſquire, is duly elected a citizen to ſerve "in this preſent parliament for this city:" which reſolution, being twice read, was agreed to by the houſe.

FB
MVSEVM
BRITANNICVM